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November 16, 2012

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Honorable Jaclyn A. Brillling  
Secretary  
New York State Board on Electric Generation Siting  
and the Environment  
3 Empire State Plaza  
Albany, NY 12223

**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 Secretary Brillling:

On September 17, 2012, Cape Vincent Wind Power, LLC ("CVWP"), a subsidiary of BP Wind Energy North America Inc., submitted its Public Involvement Program plan ("PIP") for review pursuant to Section 1000.4 of the rules of the New York State Board on Electric Generation Siting and the Environment ("Siting Board"). CVWP seeks a certificate of environmental compatibility and public need under Article X of the Public Service Law to construct an approximately 200-285 megawatt wind electric generating facility in the Town of Cape Vincent, Jefferson County, New York (the "Project").

Department of Public Service ("DPS") professionals reviewed CVWP's proposed PIP and, on October 17, 2012, provided CVWP a number of recommended additions to the PIP to satisfy relevant requirements in the new Article 10 regulations. CVWP hereby submits its revised PIP which addresses and incorporates all of the DPS recommendations. CVWP's revised program provides the framework for effective dissemination of information about the Project, events, Article 10 procedure and opportunities for public participation and comment. This revised framework allows for a robust public involvement program anticipated to foster meaningful and educated participation by stakeholders and other interested parties.

CVWP looks forward to working with the Siting Board, DPS, stakeholders and other interested parties to certify a project which will further New York's renewable energy goals as well as deliver much needed revenue to the region, local landowners, and the residents of the greater Cape Vincent community.

Respectfully submitted,

/s/  
John S. Harris

cc: Michael Rigo, Esq.  
Richard Chandler

STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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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.

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Case 12-F-0410

**PUBLIC INVOLVEMENT PROGRAM**

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STATE OF NEW YORK  
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Case 12-F-0410

**PUBLIC INVOLVEMENT PROGRAM**

**I. INTRODUCTION**

According to the rules of the New York State Board on Electric Generation Siting and the Environment (“Siting Board”), applicants proposing to submit an application to construct a major electric generating facility under Article 10 of the Public Service Law (“PSL”) must submit a Public Involvement Program plan for Department of Public Service (“DPS”) review at least 150 days prior to filing a Preliminary Scoping Statement (16 NYCRR § 1000.4). The Public Involvement Program (“PIP” or the “Plan”) must include:

- (1) consultation with the affected agencies and other stakeholders;
- (2) pre-application activities to encourage stakeholders to participate at the earliest opportunity;
- (3) activities designed to educate the public as to the specific proposal and the Article 10 review process, including the availability of funding for municipal and local parties;
- (4) the establishment of a website to disseminate information to the public;
- (5) notifications; and
- (6) activities designed to encourage participation by stakeholders in the certification and compliance process (16 NYCRR § 1000.4).

Cape Vincent Wind Power, LLC (“CVWP” or “Cape Vincent Wind Power”), a subsidiary of BP Wind Energy North America Inc. (“BP Wind Energy”), hereby submits its proposed Public Involvement Program plan to DPS for review. CVWP proposes to construct a wind electric generating facility in the Town of Cape Vincent, Jefferson County, New York that is approximately 200-285 megawatts (“MW”) in size (the “Project”). As discussed in greater detail in the following sections, the Project is actually the product of combining two adjacent proposed wind farms. Since 2007, BP Wind Energy has been seeking approval to construct the Cape Vincent Wind Farm (“CVWF”) under the State Environmental Quality Review Act (“SEQRA”). Contemporaneously, Acciona Wind Energy was seeking approval, also under SEQRA, to construct the St. Lawrence Wind Farm (“SLWF”). BP Wind Energy acquired Acciona’s rights to the SLWF project in February 2012. Accordingly, for approximately five years, both CVWF and SLWF have been subject to extensive public review and participation. In fact, the SLWF completed the SEQRA process with a favorable Findings Statement issued by the Town of Cape Vincent in September 2010, while the CVWF completed a substantial portion of the SEQRA process having submitted both a Draft Environmental Impact Statement (“DEIS”) and Supplemental Draft Environmental Impact Statement (“SDEIS”).

CVWP has decided to submit an Article 10 application for a number of reasons. The Article 10 process affords CVWP a “one stop” application process as opposed to the traditional SEQRA approach which requires an applicant to deal with a panoply of state and local permitting requirements. Additionally, the Article 10 process contains a 12 month time period for review of a complete application as well as the ability to pre-empt unreasonable local laws and regulations. The Article 10 process also allows the transmission line review to be included in one permitting review.

Before Article 10 was enacted, local siting of electric generating facilities was conducted under SEQRA. Under SEQRA, local agencies or governments generally assume the role of lead agency for the purpose of evaluating the environmental compatibility a proposed generating project. Now, however, by law SEQRA does not apply to major electric generating facilities over 25 MW.

Article 10 incorporates and expands upon the SEQRA process. For example, under SEQRA, before filing a DEIS applicants go through a scoping phase. Similarly, applicants under Article 10 must prepare a preliminary scoping statement (“Preliminary Scoping Statement” or “PSS”), conduct studies and then prepare and file an application. Article 10 then provides for hearings and a recommended decision by the presiding examiner, all open for comment by stakeholders, before the Siting Board renders a decision. Article 10 also involves the same federal, state, and local agencies that participate in the SEQRA process. Unlike SEQRA, however, from the outset Article 10 requires comprehensive public outreach and involvement which continues throughout the entire process. To foster public involvement, Article 10 requires that applicants submit to DPS for comment, a Public Involvement Program plan that the applicant will follow throughout the Article 10 process. In addition, during both the Preliminary Scoping Statement phase, as well as the application phase of Article 10, the applicant is required to provide intervenor funding for use by intervenors and other parties to retain experts and legal counsel. SEQRA does not require intervenor funding and has a much more limited public involvement program. The SEQRA process also has no provision for pre-empting local or state law provisions that are deemed to be unreasonably restrictive.

As necessitated by Article 10, CVWP submits this Public Involvement Program plan to build upon extensive public outreach already conducted in the CVWF and SLWF SEQRA proceedings.

## **II. THE PROJECT**

### **A. Company Information**

BP is a global leader in energy. In the U.S. alone, BP has invested more than any other oil and gas company in the past five years. In fact, with more than \$52 billion in capital spending between 2007 and 2011, BP invests more in the U.S. than in any other country. The company is the nation’s second largest producer of oil and gas, a major oil refiner and a leader in alternative energy sources including wind power and biofuels.

By the end of 2012, BP’s wind energy business will have built and will be operating around \$5 billion worth of wind farms across the U.S. The company has interests in 16 wind farms in California, Colorado, Idaho, Hawaii, Indiana, Kansas, Pennsylvania, South Dakota and Texas. BP Wind Energy has three wind farms in construction and in 2012 BP Wind Energy’s wind business ranks among the top three developers in U.S. By year end, the

company will have a gross generating capacity of over 2,500 MW – enough affordable, renewable electricity to power over 775,000 average American homes.

At BP Wind Energy, throughout the planning stage of each new wind farm, we conduct a thorough assessment of the potential social, environmental and conservation impacts of our projects and take steps to reduce impacts through engagement with the community, engineering, design, and technology.

**B. Project Summary of the proposed Cape Vincent Wind Farm, Jefferson County, New York**

Since 2005, there have been two wind projects proposed for the Cape Vincent area: Acciona's 79.5 MW St. Lawrence Wind Farm (SLWF) and BP Wind Energy's 210 MW Cape Vincent Wind Farm. Since the acquisition of the SLWF in February 2012, the Project team has worked diligently to optimize the footprint of the revised Cape Vincent Wind Farm. The combined Project, the Cape Vincent Wind Farm (CVWF), will yield a project that delivers greater economic and environmental benefits over the prior two stand-alone projects for those who live in Cape Vincent and the greater Jefferson County area. The SLWF design had consisted of 51 turbines while the original Cape Vincent Wind Farm had envisioned 84 turbines, making the total number of turbines between the two projects equal to 135 turbines. After an extensive review to optimize the layout of the combined project, CVWF has removed 11 turbines, reducing the size to 124 turbines. Many of the eliminated turbine locations had been sited close to the St. Lawrence River, an area the Town of Cape Vincent and the community indicated was sensitive. By incorporating community feedback into the latest design, the project removed the turbines closest to the St. Lawrence River and now generally maintains a setback of one mile from the St. Lawrence River.

By removing the turbines closest to the St. Lawrence River, the Project will avoid the impacts that would have been associated with these turbines. This includes potential visual, noise, wetland, and cultural impacts. A preliminary Project turbine array is attached as Exhibit 1.

The SLWF had contemplated using turbines that ranged in output from 1.5 to 3.0 MW per turbine, while the range for turbines under consideration for the CVWF was from 1.5 to 2.5 MW per turbine. The maximum blade-tip height was estimated to be approximately 430' and the rotor width (diameter) to be approximately 300' to 328'. The latest turbine options under consideration would have the maximum blade-tip height increasing to 499' and the rotor width to approximately 390'. The increased turbine height allows the Project to take advantage of improved technology while reducing the total number of turbine locations for construction.

By increasing the height of the turbines, the potential visual, noise, wetland, and cultural impacts will change. Studies are in process to determine the relative impacts associated with a taller turbine. Setbacks for the combined CVWF have been increased in some areas or have been maintained; no setbacks have been decreased. The table below provides a summary of key setbacks and illustrates how the combined Project utilizes setbacks that match or exceed previous thresholds:

Key setback distances

Setback	CVWF – Feb. 2012	SLWF – Feb. 2012	Revised CVWF – Oct. 2012
Residences	1,320' (non-participating) 1,000' (participating)	1,250' (non-participating) 750' (participating)	1,320' (all)
Non-participating lands	1,000'	1,000'	1,000'
St. Lawrence River			4,300'
Village of Cape Vincent		1,500'	1,500'
Lake Ontario			2,500'
Route 12E			1,500'
Route 6			1,000'
Roads	650'	615'	650'

CVWF is owned and will be operated 100 percent by BP Wind Energy. The Project is proposed on some 26,000 acres of private land that is primarily agricultural, with wind turbines to be sited in the Town of Cape Vincent and the associated transmission line and related equipment sited in the Towns of Cape Vincent and Lyme. The Project does not include any wind turbines in the Town of Lyme. Once built, the footprint of the wind farm would cover a small amount of the total leased acreage enabling farmers to continue with their regular farming activities and remain as stewards of their land. For purposes of this Public Involvement Program, the Preliminary Study Area for the CVWF has been identified as an area within a five mile radius of the proposed Project infrastructure and interconnection facilities. It is expected that the Preliminary Scoping Statement will further define the areas to be studied for potential impacts.

Once in operation the Cape Vincent Wind Farm will add significant renewable power generation to the New York State power system. At approximately 200-285 MW in size, the CVWF could generate enough renewable energy to power a city the size of Syracuse, helping the State of New York to meet the renewable energy goals of its Renewable Portfolio Standard of 30 percent by 2015. The CVWF is also closely aligned with the state energy plan and supportive of Governor Andrew Cuomo's Energy Highway Blueprint issued by the New York State Energy Highway Task Force. The renewable power that the CVWF will generate will avoid significant emissions of air pollutants and greenhouse gases generated by conventional power plants such as coal and gas fired plants. Wind farms can help mitigate the harmful impacts these pollutants have on human health, wildlife and the ecosystem.

**C. Economic Benefits of the Cape Vincent Wind Farm**

The Cape Vincent Wind Farm will generate significant additional and predictable annual revenue for landowners, residents of the greater Cape Vincent community, and Jefferson County. Development of the wind farm will mean an investment by BP Wind Energy of approximately \$300 million.

Based on a previously approved tax structure by the Jefferson County Industrial Development Agency for a proposed wind farm within the County, and assuming that the

CVWF generates approximately 200 MW, the CVWF would make an annual tax payment of \$1.7 million in year one of the wind farm's operation (escalating to over \$2.4 million in year 15), benefitting the School Districts, the Town of Cape Vincent and Jefferson County. This money flows through the local communities to improve schools, roads, and other local infrastructure, and is important to help stimulate economic recovery at a time when communities have been hard hit by the recent economic downturn. This is particularly timely, as the Cape Vincent Elementary School budget, which is in the Thousand Island School District, has been struggling to the point of possible closure. Additionally, annual royalty payments to landowners participating in the Project will be in excess of \$1 million per year once the wind farm is operational. The economic benefits of the Cape Vincent Wind Farm will play a critical role in providing a sustainable community that will ensure growth and economic strength for future generations.

### **III. PRIOR PUBLIC INVOLVEMENT**

To place the Public Involvement Program plan in context, it is necessary to understand the significant amount of public participation and outreach already conducted in the SEQRA proceedings for the individual projects.<sup>1</sup> Since 2007 an extensive amount of outreach has been carried out in the course of developing the St. Lawrence Wind Farm and Cape Vincent Wind Farm projects. Both of these projects have been the subject of significant and extensive SEQRA review which has included the local community, members of the public, and stakeholders, all of which have been very actively engaged and have been kept well informed about wind power generally and, more specifically, about the proposed wind projects for the area. In fact, the SLWF completed the SEQRA process with a favorable Findings Statement issued by the Town of Cape Vincent Board in September 2010. A detailed chronology of the public outreach efforts that have been conducted to date is included in Exhibit 2.

### **IV. PROPOSED PUBLIC INVOLVEMENT PROGRAM**

Throughout the Article 10 application process, CVWP will continue its strong track record of close community engagement and outreach. CVWP commits to take the following steps to inform, engage, and solicit additional input from statutory parties, the local community, general public, and other stakeholders:

#### **A. Identification Of Specific Stakeholders**

CVWP in consultation with its attorneys, technical consultants and community relations professionals, has developed a list of stakeholders using the following criteria (a preliminary specific list of stakeholders is attached as Exhibit 3):

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<sup>1</sup> Prior public outreach and education will also ultimately be included in the Application as required under the Siting Board's rules. Section 1001.2 (c) requires:

*(e) A brief description of the public involvement program conducted by the applicant prior to submission of the application and an identification of significant issues raised by the public and affected agencies during such program and the response of the applicant to those issues including a summary of changes made to the proposal as a result of the public involvement program.*

1. The proposed Project location;
2. The point of interconnection;
3. Interested and involved agencies to the individual SEQRA proceedings that would have had permitting authority in the absence of Article 10;
4. Parties as that term is defined under Article 10;
5. Affected Agencies as that term is used in Article 10;
6. Host municipalities – the Town of Cape Vincent, the Town of Lyme, and Jefferson County, New York where turbines or transmission infrastructure will be located;
7. Adjacent municipalities within a 5 mile radius of Project infrastructure (e.g., the Town of Clayton and Wolfe Island);
8. Public interest groups (e.g., Voters for Wind, Wind Power Ethics Group, Lions Club, Chambers of Commerce, American Legion, and the Improvement League);
9. Host landowners who have a land agreement with CVWP;
10. Adjacent landowners who are within 500 feet of a collection line or 2,500 feet of a turbine; and
11. State and federal elected officials representing the host municipalities.

Additionally, CVWP has identified a potential environmental justice area that may be affected by the Project. CVWP has used the New York State Department of Environmental Conservation (“DEC”) current county maps showing potential environmental justice areas. These maps were generated using the 2000 U.S. Census block groups of 250 to 500 households each to identify census block groups that had populations that met or exceeded at least one of the following thresholds:

1. At least 33.8 percent of the population in a rural area reported themselves to be members of minority groups; or
2. At least 23.59 percent of the population in an urban or rural area had household incomes below the federal poverty level.

CVWP will use the above criteria and the 2010 U.S. Census data to reflect any changes in the percentage minority populations and income threshold populations within the Census block group. For purposes of determining disproportionate impacts on environmental justice communities, the impact study area for the Project will be defined as a one-half mile radius around the location of the turbines or transmission infrastructure located within or adjacent to the portion of the Project within or near the potential environmental justice areas (the “Impact Study Area”). The “adjacent communities” will be defined by the next one-half mile radius around the Impact Study Area.

Based on the 2000 Census Data, CVWP has identified the presence of a potential environmental justice area in the northeast corner of the Town of Cape Vincent. This environmental justice community is depicted on the attached map in Exhibit 4. The northeastern portion of the Project containing approximately 11 turbines, is located within the census block group that overlays this area. The area associated with these turbines is defined as rural. Ninety-three percent of the population in this census block group has an annual income that is less than the poverty threshold and 45 percent of the population is defined as a 'Minority population' as identified or recognized by the U.S. Census Bureau as Hispanic, African-American or Black, Asian and Pacific Islander, or American Indian. This population includes a prison population which contributes to the minority designation of the potential environmental justice area but not the poverty designation. The Project is not anticipated to have a potentially significant adverse environmental impact resulting from its construction and/or operation that is different in type, scope, or magnitude compared to the population located in the broader geographic area surrounding the proposed wind farm.

While the Project is not anticipated to have a potentially significant adverse environmental impact resulting from its construction and/or operation that is different in type, scope, or magnitude compared to the population located in the broader geographic area surrounding the proposed wind farm, CVWP plans to implement the following targeted outreach measures to address the potential environmental justice area:

- Working with DEC, CVWP will identify stakeholders located in the Impact Study Area, including residents, local elected officials such as the Town Supervisor, and community-based organizations. Cape Vincent Wind Power will confer with DEC and community leaders initially to identify the specific methods of communication that would be most successful for the stakeholders within the environmental justice area. For instance, CVWP will work with community leaders to determine if additional public meetings, located within the environmental justice area are needed to solicit input from stakeholders in the community and to provide an opportunity to engage in a dialogue with members of the Project team. Alternatively, CVWP will also consider if it may be necessary to provide transportation to and from scheduled events in Cape Vincent to accommodate participation of the community located within the environmental justice area. Following discussions with the local community leaders, other communications mechanisms may be identified and considered for implementation by CVWP.
- Cape Vincent Wind Power will also assemble a primary contact list of individuals and organizations with a direct stake in the environmental justice community. This may include reaching out to:
  - residents/neighborhood groups who are near or adjacent to the proposed Project;
  - community boards, community leaders, local community, civic and recreational organizations, environmental and business groups;
  - people who have expressed an interest in the proposed Project by attending public meetings, writing or calling;
  - people who have expressed an interest in similar projects or in projects affecting the same neighborhood or community;
  - neighborhood religious establishments; and
  - elected officials who live in and/or represent the community of concern.
- Establish easily accessible document repositories in or near the potential environmental justice area to make available paper copies of pertinent Project

information, including but not limited to: application material, studies, reports, meeting presentation materials and media releases. CVWP will also establish a repository for such materials on the project website <http://www.capevincentwindfarm.com>.

## **B. Language Access**

All newsletters, fact sheets, advertisements, websites and other informational materials will be provided in English as that is the language spoken very well by over 97 percent of the population of the Town of Cape Vincent, Town of Lyme and Jefferson County. There is no language other than English spoken by 5,000 or more persons in any 5 digit zip code postal zone in which any portion of the CVWF study area is located. Additionally, there is no language other than English spoken by a significant population of persons residing in close proximity to the CVWF.<sup>2</sup>

## **C. Identification of Goals & Methods for Specific Stakeholder Consultations**

### **(1) Consultation Plan and Goals**

The Public Involvement Program plan will include consultation with affected agencies and other stakeholders. The chart below will be used to track consultations with affected agencies or stakeholders, the initial schedule for outreach, the goal of such consultations, the identification of the environmental setting that may be affected and any potentially significant adverse environmental and health impact involved.<sup>3</sup> The method of outreach for each affected agency or stakeholder will include phone calls, and where necessary letters. In addition, the outreach will involve face to face meetings, as well as invitations to Open House Events and Workshops. The outreach will be conducted by Richard Chandler, BP Wind Energy North America, 700 Louisiana Street, Floor 33, Houston, TX 77002, phone: (713) 354-2100, [info@capevincentwindfarm.com](mailto:info@capevincentwindfarm.com). Cape Vincent Wind Power will use the DPS methodology (included in Attachment 3 to the DPS comments on the initial PIP submission) for tracking successful consultation or outreach, and consultation will be deemed successful if information relevant to the affected agency or stakeholder was provided to the affected agency or stakeholder, information was gathered to help advance the PIP process and preparation of the application, and follow up meetings or consultations were either scheduled or will be scheduled if deemed necessary.

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<sup>2</sup> According to the U.S. Census Bureau, 97% of the population of the Town of Cape Vincent speaks English very well, 98.2% of the Town of Lyme speaks English very well and 98.2% of the Jefferson County population speaks English very well. Further, only 311 people in the Town of Cape Vincent speak a language other than English and over 70% of these individuals are estimated to speak English very well.

<sup>3</sup> As part of its consultation with municipalities, agencies and/or authorities, CVWP will be informed by and comply with the Siting Board's regulations to the extent applicable.

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
Town of Cape Vincent (Town Board and Planning Board)	October 23, 2012 Fourth Quarter 2012 First Quarter 2013	Noise Visual Economic Impacts  Wildlife Public Health	Elevated noise Shadow flicker Decreased property values Loss of wildlife and habitat	Disseminate information, gather information to assist in the PIP process, PSS document and Article 10 application as well as schedule follow up meetings. Identification of specific issues and solicit input. Adequacy of studies completed to date and need for additional studies. Review local laws and ordinances that the Siting Board could elect not to apply. <sup>6</sup>

<sup>4</sup> It is expected that outreach and consultation will continue throughout the Article 10 process and that additional outreach – including all appropriate notifications under Article 10 will occur as necessary in addition to the meetings listed under this column.

<sup>5</sup> For each affected agency or stakeholder the goal will also include the dissemination of information, gathering information to assist in the PIP process, PSS document and Article 10 application as well as scheduling follow up meetings as necessary.

<sup>6</sup> It is also expected that CVWP will consult with the Town of Cape Vincent regarding any estimated incremental municipal or utility operating and infrastructure costs that will be incurred for police, fire, emergency, water, sewer, solid waste disposal, highway maintenance and other municipal or utility services during the construction and operation of the CVWF.

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
Village of Cape Vincent	Fourth Quarter 2012 First Quarter 2013	Noise Visual Property Values Wildlife Public Health	Elevated noise Shadow flicker	Disseminate information, gather information to assist in the PIP process, PSS document and Article 10 application as well as schedule follow up meetings. Identification of specific issues. Adequacy of studies completed to date and need for additional studies.
Town of Lyme	October 23, 2012 Fourth Quarter 2012 First Quarter 2013	Noise Visual Property Values Wildlife Public Health	Elevated noise Shadow flicker	Disseminate information, gather information to assist in the PIP process, PSS document and Article 10 application as well as schedule follow up meetings. Identification of specific issues and solicit input. Adequacy of

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
				studies completed to date and need for additional studies. Review local laws and ordinances that the Siting Board could elect not to apply.
Jefferson County	First Quarter 2013	Roads Public Safety	Deterioration of Roads Increased traffic delays	Disseminate information, gather information to assist in the PIP process, PSS document and Article 10 application as well as schedule follow up meetings. Identification of specific issues. Adequacy of studies completed to date and need for additional studies.
NYS Dept. of Ag & Markets	First Quarter 2013	Agricultural Lands Agricultural Districts	Loss of Farmable Land Erosion of Topsoil Alteration of drainage	Identification of specific concerns and agreement on avoidance, minimization

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
				and/or mitigation methods.
NYS Dept. of Environmental Conservation	November 2012	Surface Waters Ground Water  Wetlands Birds/Bats  State Listed Species, Invasive Species  Environmental Justice Communities Decommissioning	Soil erosion and sedimentation Loss of use of ground water through contamination or blockage Loss of wetlands, Loss of breeding habitat, Bird and bat mortality due to collision Loss of habitat for state listed species Introduction of invasive species Cumulative impacts	Identification of specific issues, adequacy of studies completed to date and need for additional studies, agreement on avoidance, minimization and/or mitigation measures.
NYS Dept. of State	November 2012	Coastal Zones  Significant Coastal fish and wildlife habitats  Public access to coastal zone    Coastal revitalization Highway infrastructure	Non-conformance with coastal policies Deterioration of coastal fish and wildlife habitats Variance with local waterfront revitalization program   Deterioration of highway infrastructure Impeded public access to coastal zone	Identification of specific issues and agreement on avoidance.
NYS Office of	September	Archeological	Impacts to resources	Identification

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
Parks, Recreation and Historic Preservation	and November 2012	Resources Historic Architecture	potentially eligible for the National Register Impacts to rural landscape	of specific issues, adequacy of studies completed to date and need for additional studies, agreement on avoidance, minimization and/or mitigation measures.
NYS Dept. of Public Service	September, October and November 2012	Overall Article 10 Process, Public Involvement Plan	(Administrative) Completeness of submittals Ensure public is engaged	General Project description, identification of specific project issues.
NYS Division of Homeland Security and Emergency	First Quarter 2013	Public Safety	Adequacy of risk reduction and response to disasters and emergencies	Identification of specific issues, adequacy of emergency preparedness plans
NYS Dept. of Transportation	First Quarter 2013	State Roads	Deterioration of roads, increased traffic delays, improvement and load permits	Identification of specific issues and permit requirements
NYS Dept. of Health	First Quarter 2013	Public Health and Safety	Elevated noise levels Shadow flicker General impacts to health and safety	Identification of specific issues, adequacy of studies completed to date and need for additional studies

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
Empire State Development	First Quarter 2013	Economic Development Empire Zones	NA	General Project description, identification of specific project issues.
NYS Office of General Services	First Quarter 2013	NYS State owned Underwater Lands (Chaumont River)	Not Applicable	Jurisdiction of OGS, permit requirements.
Senator Pattie Richie	First Quarter 2013	Not Applicable	Not Applicable	General Project description, identification of specific project issues.
Assemblywoman Addie Russell	First Quarter 2013	Not Applicable	Not Applicable	General Project description, identification of specific project issues.
Dept. of Defense Clearinghouse for Energy Development	First Quarter 2013	Military Aviation, Telecommunications	Interference with telecommunications	Identification of Potential Hazards
Federal Aviation Administration	First Quarter 2013	Aviation Airports	Flight Obstruction	Confirm process for Determination of No Hazard
U.S. Army Corps of Engineers	First Quarter 2013	Waters of the United States, including wetlands	Permanent fill of waters of the United States, including wetlands	Identification of specific issues, methods for additional studies, agreement on avoidance, minimization and /or mitigation measures, permit

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
				requirements.
U.S. Fish & Wildlife Service	First Quarter 2013	Breeding and Migratory Birds Bats  Federally Listed Species  Wetlands	Loss of breeding habitat Bird and bat mortality due to collision Loss of habitat for federal listed species Cumulative impacts	Identification of specific issues, methods for additional studies, agreement on avoidance, minimization, and /or mitigation measures, permit requirements.
Onondaga Nation	November 2012	Historic properties of religious and cultural significance	Disturbance of sacred properties	Identification of specific issues, methods for additional studies, agreement on avoidance, minimization and mitigation measures.
NYISO and National Grid	December 2012	Not Applicable	Not Applicable	Identification of specific issues and adequacy of prior studies. Identify schedule for negotiating a large generator interconnection agreement.
Local Cape Vincent and Lyme Community	First Quarter 2013	Noise Visual Economic Impacts	Elevated noise Shadow flicker Decreased property	Disseminate information, gather

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
Groups		Wildlife Public Health	values Loss of wildlife and habitat	information to assist in the PIP process, PSS document and Article 10 application as well as schedule follow up meetings. Identification of specific issues. Adequacy of studies completed to date and need for additional studies.
Thousand Island Central School District and Lyme Central School District	First Quarter 2013	Incremental impact on School Districts as a result of the operation of the CVWF	None – Project may have a potential significant beneficial impact on the School Districts	Disseminate information, gather information to assist in the PIP process, PSS document and Article 10 application as well as schedule follow up meetings.
Local Emergency Response Organizations	First Quarter 2013	Not Applicable	Not Applicable	To inform CVWP's analysis of whether all contingency plans to be implemented in

Affected Agency or Stakeholder	Outreach <sup>4</sup> Schedule	Environmental Setting That May Be Affected	Potentially Significant Adverse Environmental and Health Impacts	Goals <sup>5</sup>
				response to the occurrence of an emergency can be fulfilled by existing local emergency response capacity, and in that regard identifying any specific equipment or training deficiencies in local emergency response capacity.

**D. Tracking of Public Involvement Program**

Cape Vincent Wind Power will prepare a monthly spreadsheet-style tracking report identifying PIP activities conducted by CVWP for the preceding time period, providing summaries of feedback received in such activities and summaries describing any actions taken by CVWP in response to given feedback. Cape Vincent Wind Power will design the report in a manner that it is easy to track CVWP’s progress towards achieving its public involvement goals. The reports will be posted on CVWP’s website and filed with the Secretary for posting in the case file. The reports will follow the format below:

Public Involvement Program Activity	Information Provided at PIP Activity	Summary of Feedback Received	Summary of Actions Taken in Response to Feedback
October 23, 2012: Meeting with Cape Vincent Town Board and Planning Board, and Town of Lyme Board.	Described the Project and location of proposed turbine locations; Described Article 10 of PSL; Described	Representatives of the Towns made comments and/or asked questions about the proposed project, past history of the development process, current	Applicant will continue to engage with Towns to solicit constructive feedback and schedule follow up meetings or consultations as deemed necessary. Invitations were provided to Town representatives to attend the November 10, 2012 Open

Public Involvement Program Activity	Information Provided at PIP Activity	Summary of Feedback Received	Summary of Actions Taken in Response to Feedback
	<p>additional outreach activities, including upcoming Open House on November 10, 2012. Project website, fact sheets, newsletter, etc.;</p> <p>Explained why the CVWF is pursuing the Article 10 process;</p> <p>Explained the PIP and the importance of public outreach;</p> <p>Explained how the Towns can participate in each step of the Article 10 process;</p> <p>Described Intervenor Funding;</p> <p>Described the goals of the outreach;</p> <p>Provided website information so Town and community can gain additional information about the project and Article 10 process;</p> <p>Highlighted the potential Environmental Justice area in the northeast portion of the Project;</p> <p>Solicited input and questions from the local elected officials of Cape Vincent and Lyme.</p>	<p>zoning laws, and the Article 10 process.</p>	<p>House event.</p> <p>The Project website (<a href="http://www.capevincentwindfarm.com">www.capevincentwindfarm.com</a>) was provided, which contains a downloadable copy of the project map, fact sheets, newsletters, information on future public involvement program activities, as well as additional Project-related information.</p>
<p>November 10, 2012: Open House. Cape</p>	<p>Described the Project and location of the</p>	<p>Public comment forms were available and</p>	<p>CVWP will continue to engage with community to solicit constructive feedback and</p>

Public Involvement Program Activity	Information Provided at PIP Activity	Summary of Feedback Received	Summary of Actions Taken in Response to Feedback
Vincent Recreation Park	<p>proposed turbine locations;</p> <p>Described the Article 10 process and why the CVWF is pursuing the Article 10 process;</p> <p>Explained the PIP and the importance of public outreach;</p> <p>Described Intervenor Funding;</p> <p>Described additional outreach activities;</p> <p>Described the goals of the outreach;</p> <p>Provided information on how they can obtain additional information;</p> <p>Provided website information and links to obtain more information about the Article 10 process;</p> <p>Solicited input and questions from residents and local elected officials of Cape Vincent and Lyme;</p> <p>Solicited written input and questions from the public. The Town Supervisor of Eagle was in attendance and described to the attendees his first-hand experience with a wind farm in the Town of Eagle in operation since 2008.</p> <p>Informational</p>	<p>attendees were encouraged to use them, go to the CVWF website to make comments about the event, and share feedback with team members present at the event.</p> <p>Comments and/or feedback that was received included a desire to learn more about the Article 10 process and intervenor funds and further understanding the proposed layout.</p>	<p>schedule follow up events as deemed necessary.</p> <p>The informational boards from the event and project fact sheets will be made available on the project webpage.</p> <p>Several questions during the Open House were raised regarding Article 10 and the intervenor funding process.</p> <p>In response, an Article 10 workshop will be convened in Cape Vincent in December 2012 and a follow up intervenor funding workshop will be held in January 2013.</p>

Public Involvement Program Activity	Information Provided at PIP Activity	Summary of Feedback Received	Summary of Actions Taken in Response to Feedback
	boards and stations were available with representatives of the CVWP team to assist with providing information and answering questions. The stations were as follows: About BP; Article 10; Project site map; Economic Benefits; BP Safety Measures; Sound; How Wind Turbines Work; Turbine Transportation; Transmission. Project fact sheets were provided, including: About BP, Article 10, Intervenor Funds for Municipal and Local Parties, Economic Benefits, and Project Overview.		

**E. Website**

The web address <http://www.capevincentwindfarm.com> has been created for the Cape Vincent Wind Farm that:

- (i) is written in plain English;
- (ii) is easily navigated using a navigation bar with drop down menus and using a “breadcrumbs” feature that easily allows the web user to navigate to where they choose, identify their location on the website, and identify how to get back to previous pages. The website also includes a site map and a search feature for alternate means of navigation;
- (iii) contains contact information for CVWP including an e-mail address, a telephone number and a mailing address provided on a separate “Contact” page easily navigated to from the home page;
- (iv) provides web users with an e-mail link to submit comments to CVWP and an opportunity to be added to CVWP’s mailing list;

- (v) will provide access to the Preliminary Scoping Statement and the Application when these documents are filed;
- (vi) links to the DPS Article 10 Public Information Coordinator, the Siting Board home page; and case-specific documents from a separate “Links” page that can be accessed from the drop down menu on the Public Involvement Program page;
- (vii) contains information on the Article 10 process in three places: briefly on the home page; on a separate Article 10 Process page that can be accessed from a drop down menu on the Public Involvement Program page; and in a fact sheet that can be accessed from a drop down menu on the Public Involvement Program page; and
- (viii) contains an explanation of the Intervenor Funding process, including the specific dollar amounts of funding that will be available for each phase of the project, in two places on the website: on the Public Involvement Program page and in a fact sheet that can be accessed from a drop down menu on the Public Involvement Program page.

The following Project-specific information will be included on the website:

- Project filings with the DPS
- Project Contact Information
- Project Map
- Project Fact Sheets
- Project Newsletters
- Project Information Prepared for Public Open House Events
- Project Milestones
- Project Schedule of Events
- Alternate facility locations and interconnections

A schedule that lists dates, times, and locations for public outreach events is located in two places on the website: the home page and on a separate Schedule of Events page that can be accessed from a drop down menu on the Public Involvement Program page. A list of key milestone dates, such as date when the application will be filed, is also available on the Schedule of Events page that can be accessed from a drop down menu on the Public Involvement Program page.

The website will be updated as follows:

<b>Content</b>	<b>Timing of Update</b>
Notice of required filing with the DPS	Three days prior to filing
Documents filed with DPS	Within 24 hours of date document is posted by DPS
Schedule of outreach events (including open	No less than 7 days prior to

houses, community outreach meetings, and Article 10/Intervenor funding workshops)	each event
Materials presented at outreach events	Within 7 days of scheduled event
Public meetings	No less than 7 days prior to each meeting
Public Involvement Tracking Report	Monthly
Newsletters	Within 7 days of publication
Fact Sheets	Within 7 days of publication

Notice of future outreach events will be posted a minimum of 7 days in advance of the event.

#### **F. Public Consultations And Outreach**

Outreach materials to be used for the various events associated with public consultation and outreach will include fact sheets on the following topics:

- CVWF Project Overview Fact Sheet
- Economic Benefits Fact Sheet
- Article 10 Fact Sheet
- Intervenor Funding Fact Sheet
- Health and Safety Fact Sheet
- Environment/Wildlife Fact Sheet

Additionally, educational boards will be utilized to cover the following topics:

- Company information
- Project site map
- Turbine transportation
- Project schedule
- Transmission
- BP Wind Energy safety message
- Sound
- How wind turbines work

The CVWP team will also use Newsletters and Advertisements to disseminate information on the Project, the Article 10 process and to encourage participation in the Article 10 process. Public comment sheets will be available at all public events and the CVWP office. Public comments may also be provided on the CVWF website. Paper copies of pertinent Project information, including but not limited to: application material, studies, reports, meeting presentation materials and media releases will be established at or near the potential environmental justice area and CVWP will also establish a repository for such materials on the Project website <http://www.capevincentwindfarm.com>.

- (i) The chart below details activities that are intended to encourage public participation by stakeholders and the public in the certification and compliance process of Article 10. Outreach activities will be tracked to determine whether the outreach is disseminating useful information on the Project, the Article 10 process and participation by the public and stakeholders in the process.

<b>Outreach Activities</b>	<b>How we will encourage public participation</b>	<b>Goals</b>
CVWF Office	This will be used as home base for the CVWF. All project information such as fact sheets, informational boards, and maps of the project will be available at the office. All interested parties are welcome to visit the office during office hours to view project information or submit comments or questions to the CVWF project team. Outreach meetings will be offered at the office periodically.	Open door for communication and to develop a good neighbor presence in the community. The office is a place where the public can ask questions, leave comments or gain information on status of the CVWF Project.
Open House Meetings	Placement of paid advertisements in the local media. Request that media outlets report on the Open House meetings ahead of the event, to attend the event and have an opportunity for one-on-one interviews with CVWF personnel. Engage with members of the stakeholder list to attend, post event materials on the CVWF dedicated website for those unable to attend and	Provide information to the public and CVWF stakeholders on the Project's benefits; potential impacts; Project layout; transmission line; turbine technology including sound and visual impact; Project schedule; and company information about BP Wind Energy.

Outreach Activities	How we will encourage public participation	Goals
	<p>display event materials at the at the CVWF office after the event.</p> <p>Solicit public comment using feedback forms at the event. Responses to commonly asked questions from the events will be posted on the website under “Frequently Asked Questions”.</p>	
Article 10/Intervenor Funding Workshop Sessions	<p>Placement of paid advertisements in the local media outlets in advance of the workshop. Request media outlets to write an article about the workshop. Send notices to the stakeholder list to raise awareness of the event. For those unable to attend a summary of the event and poster boards from the event will be posted on the CVWF website and available at the CVWF office.</p> <p>Soliciting public comments using forms at the event. Responses to commonly asked questions from the events will be posted on the website under “Frequently Asked Questions”.</p>	<p>Provide information to CVWF stakeholders and interested parties about the Article 10 process and the availability and process for accessing Intervenor Funds for qualifying recipients to hire experts and legal counsel to assist in pre-application activities and application review.</p>
Community outreach meetings	Regularly scheduled meetings will be convened to	Distribution of materials and education about the project and the Article 10 process in a timely and

Outreach Activities	How we will encourage public participation	Goals
	encourage one-on-one dialogue between the CVWP Team, the community and stakeholders. If stakeholders miss one of the public meetings, this provides additional opportunities for interacting directly with the CVWP team during the Article 10 process.	convenient manner. This will help to build public knowledge and trust about the CVWF permitting process, and answer concerns and questions on a personal level with stakeholders most directly impacted by the project.

- (ii) The chart below shows the current program for public consultation and outreach, including the general outreach activity scheduled to take place prior to submittal of the application, how information will be disseminated, educational material relating to the project, educational material relating to Article 10, and educational material on intervenor funding. With respect to each activity below, it is expected that the public and stakeholders will be offered an opportunity to provide input on the Article 10 process and the Project as well as items of interest not specifically identified in Article 10 either through oral statements, filling out comment cards, posting comments to the website, posting comments to the DPS website or via written submission to CVWP or DPS. It is also expected that these types of outreach activities will continue beyond the pre-application phase and will continue through the application process, and should a Certificate of Environmental Compatibility and Public Need be granted, during the pre-construction and construction phase of the Project.

Outreach activities for the CVWF and Article 10 Process	How information on the activity will be disseminated to the public.	When/Where	How Stakeholders will receive the information	Other information provided.
CVWF Office	Office hours, address and phone number are posted on the CVWF website and included in newsletters.	Every Tuesday, Thursday, and Friday from 9 a.m. – 5 p.m.	The hours will be posted on all newsletters.	Project fact sheets Project map Article 10 fact sheets Intervenor funding fact sheets Issues fact

Outreach activities for the CVWF and Article 10 Process	How information on the activity will be disseminated to the public.	When/Where	How Stakeholders will receive the information	Other information provided.
				sheets as they become available Educational boards Information provided by state agencies Studies and recent information about wind power technology.
Open House Events	Place advertisements in local newspapers. Place information on community calendar. Posted at the BP Wind Energy office. Posted on the CVWF website.	Cape Vincent Recreational Park. November 10, 2012 1 p.m. – 4 p.m. Additional Open House Events per the Art 10 process to be announced	Letter Email Phone call	Project fact sheets Project map Article 10 fact sheets Intervenor funding fact sheets Educational boards
Local Community Groups meetings (e.g., Lion's Club, Fire Departments, Chambers of Commerce, American Legion, Improvement League, etc.)	Posted on CVWF website. Place advertisements in local newspapers. Place information on community calendar. Posted at the BP Wind Energy office.	Periodically at the BP Wind Energy office as well as community group space.	Phone call Letter Email	Project fact sheets Project map Article 10 fact sheet Intervenor Funding Fact Sheets Educational boards

<b>Outreach for the CVWF and the Article 10 Process:</b>	<b>How information on the activity disseminated to the public.</b>	<b>When/Where</b>	<b>How Stakeholders will receive the information.</b>	<b>Other information provided.</b>
Workshop 1: Article 10 Overview	Place advertisements in local newspapers. Place information on community calendar. Posted on the CVWF website.	December 2012 Cape Vincent, NY	Letter Email	Article 10 fact sheet Project fact sheets Intervenor Funding fact sheet Educational boards
Workshop 2: On Intervenor Funding and Next steps	Place advertisements in local newspapers. Place information on community calendar. Posted on the CVWF website.	January 2013 Cape Vincent, NY	Letter Email	Article 10 fact sheet Project fact sheets Intervenor Funding fact sheet Educational boards
Workshop 3: PSS Process	Place advertisements in local newspapers. Place information on community calendar. Posted on the CVWF website.	First Quarter 2013 Cape Vincent, NY	Letter Email	Project fact sheets Article 10 fact sheet Intervenor Funding Fact Sheets
Workshop 4: Application Process (Additional intervenor funding, public hearing process, updates on process and next steps)	Place advertisements in local newspapers. Place information on community calendar. Posted on the CVWF website.	Within one month of Application submittal, Cape Vincent, NY	Letter Email	Article 10 fact sheet Intervenor Funding Fact Sheets Project fact sheets
Workshop 5: Pre-Construction Workshop	Place advertisements in local newspapers. Place information on community calendar. Posted on the CVWF website.	To be determined - sometime during Recommended Decision Phase, Cape Vincent, NY	Letter Email	
Workshop 6: Post-Construction Workshop	Place advertisements in local newspapers. Place information community calendar. Posted on the CVWF website.	To be determined, Cape Vincent, NY	Letter Email	

## **G. Notifications**

CVWP intends to comply with Article 10 and the implementing regulations under Article 10, with respect to the specific requirements relating to notices as more fully detailed in Exhibit 5 attached. In addition to the those entities required by Article 10 to receive notices, BP will also notice those stakeholders listed on Exhibit 3 of significant project milestones such as the filing of the Preliminary Scoping Statement and the filing of the Application within 7 days. These significant project milestones, and any Public Hearings will be noticed by:

- 1) E-mail list serves;
- 2) Letters;
- 3) Public Notices in the following publications (which include the official publications of the Town of Lyme and the Town of Cape Vincent);
  - a. Watertown Daily Times (notices may also be included in the Watertown Daily Times weekly PennySaver);
  - b. The Thousand Island Sun;
  - c. Fox News Watertown Online Event Calendar; and
  - d. YNN News Online Event Calendar.
- 4) Contacting the following media outlets and providing the email, letter, ad/notice content referenced above:
  - a. Fox News Watertown; and
  - b. North Country Public Radio
- 5) Website updates.

Workshops, Open Houses, as well as regular updates to all stakeholders will be noticed by:

- 1) E-mail list serves;
- 2) Letters;
- 3) Ads in the following publications (which include the official publications of the Town of Lyme and the Town of Cape Vincent);
  - a. Watertown Daily Times (notices may also be included in the Watertown Daily Times weekly PennySaver);
  - b. The Thousand Island Sun;
  - c. Fox News Watertown Online Event Calendar; and
  - d. YNN News Online Event Calendar.
- 4) Contacting the following media outlets and providing the email, letter, ad/notice content referenced above:
  - a. Fox News Watertown; and
  - b. North Country Public Radio
- 5) Website updates.

Forms of letters, advertisements, public comment sheets, and newsletters are included in Exhibits 6 and 7. All newsletters, fact sheets, advertisements, websites and other informational materials will be provided in English as that is the language spoken very well

by over 97 percent of the population of the Town of Cape Vincent, Town of Lyme and Jefferson County as more particularly detailed in Section B above.

## **H. Airports**

Regarding potential air transportation impacts, CVWP representative Richard Chandler (contact information provided previously) will coordinate with the Federal Aviation Administration, the Department of Defense, and the National Telecommunications and Information Administration to identify any public airports or public heliports near the location of the Project, or potential hazards associated with radio signal interference and air traffic control. This outreach will occur during the first quarter of 2013. To the extent this interaction results in the identification of a public airport or public heliport that may be affected by the proposed Project, CVWP will attempt to engage with the operator of the public airport or public heliport prior to submitting the PSS. This outreach to the operator of the public airport or public heliport, if necessary, will include phone calls, letters, and/or emails to the operator and, where necessary, a meeting to provide Project specific information in relation to the existing public airport or public heliport as well as general information relating to Article 10. This Project specific information will include: a detailed map showing the general project area, project boundaries, and dimensions and coordinates of each wind turbine; a description of the Project construction and operational phases; and a request for review of and comment on such Project construction and operational phases. In addition, outreach to the Department of Defense will include an initial screening with a follow-up review of the proposed Project, if required.

## **I. DPS Recommendations**

On October 17, 2012, DPS responded to the CVWP original PIP submission with a letter that included specific recommendations. Included as Exhibit 8 is a table listing by rows each separate DPS recommendation in one column. In a second column CVWP has included a reference to the section of the PIP containing a revision or revisions intended to incorporate the relevant DPS recommendation.

# **EXHIBIT 1**



# **EXHIBIT 2**

## **Exhibit 2**

### **Prior Public Involvement**

- A. Beginning in 2007, the BP Wind Energy team has been actively conducting a public outreach program to educate, involve, and engage stakeholders early in the development process of the proposed Cape Vincent Wind Farm. In 2007, BP retained the services of Trieste Associates and the company's team of public outreach experts to assist with planning events to educate and engage the public. As part of this effort, BP assisted a group of local wind power supporters in the Towns of Cape Vincent and Lyme to form a group known as Voters for Wind. Voters for Wind has a website to disseminate information about wind power ([www.votersforwind.com](http://www.votersforwind.com)) and also meets regularly to help educate their neighbors about wind power. In addition, the project has also maintained a website containing all of the updated documents and studies contained in the Draft Environmental Impact Statement (DEIS) and Supplemental DEIS submitted to the Town of Cape Vincent. To date, all activities have been designed to reach stakeholders most directly impacted by the proposed wind farm, including local residents, town officials of the Towns of Cape Vincent and Lyme, local media outlets, and stakeholders throughout the region. The public outreach activities are numerous, given the years of site studies, planning, and beneficial adjustments that have taken place.

Acciona similarly carried out numerous public outreach activities and developed educational materials to inform the local community and elected officials on the progress made during the St. Lawrence Wind Farm development. Project staff regularly attended town meetings in Cape Vincent and Lyme and opened an office in Cape Vincent in 2008. The Acciona team donated to the local French Festival and was a member of the Cape Vincent Chamber of Commerce. Fact sheets and reports were produced to educate the public about wind power and to address common public concerns raised by local residents. In addition, the project website contained all the updated documents and studies contained in the DEIS, Supplemental DEIS, and Final EIS. The list of informational materials and public outreach events hosted by Acciona and BP Wind Energy are included below.

#### **B. Description of the public involvement program prior to submission**

##### **(1) Cape Vincent Wind Farm Open Houses**

Prior to initiating the Article 10 process in September 2012, the Open House events actively involved the Cape Vincent Wind Farm representatives and environmental experts and engineers to explain the key issues pertaining to wind power and building a wind farm. The open house meetings took place in half day intervals on Saturdays at convenient times for those interested in attending and learning about the proposed wind farm. Open house meetings displayed informational boards to enable attendees to spend as much time as they needed to review the content and ask questions of wind company experts. These included the following, which can be found in Exhibits A1 – A9:<sup>1</sup>

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<sup>1</sup> References to "Exhibit \_\_\_" are to the exhibits filed with CVWP's original PIP filed with the Siting Board on September 17, 2012.

<i>Conservation Issues for Blandings Turtles for Northern NY</i>	<i>Project Timeline</i>	<i>Building a Wind Farm</i>
<i>Benefits of Wind Power</i>	<i>Local Economic Benefits</i>	<i>Sound Assessment Study</i>
<i>Environmental Studies</i>	<i>Geological &amp; Engineering Considerations</i>	<i>Visual Simulation Study</i>

Each open house event attracted a large number of people representing a cross section of the community. Citizens Campaign for the Environment and Voters for Wind, two prominent community groups, each had tables at the open houses, providing their own perspective about wind power technology. Regional media outlets were invited and attended the open house meetings to ask questions of the experts and report on the days' events.

Project fact sheets were made available at the open house meetings covering topics such as: Cape Vincent Birds and Bats, Cape Vincent Economic Benefits, and other wind information fact sheets, some of which are provided immediately below:

- Property Values:
  - Impacts of Windmill Visibility on Property Values in Madison County, NY. By Ben Hoen, MS, Bard Center for Environmental Policy
  - The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis. Berkeley National Laboratory
  
- Health:
  - Wind Turbine Sound and Health Effects: An Expert Panel Review. Prepared for American Wind Energy Association and Canadian Wind Energy Association
  - Toxic Air: The Case for Cleaning Up-Coal-Fired Power Plants. American Lung Association
  
- Aesthetics and Sound:
  - Sight and Sound Wind Power. Wind Power Education Project: A collaborative of Pace Law School Energy Project, Citizens Campaign for the Environment, and NY Public Interest Research Group

- Wind Energy:
  - Agriculture and Wind. Wind Power Education Project: A collaborative of Pace Law School Energy Project, Citizens Campaign for the Environment, and NY Public Interest Research Group
  - Wind Energy: Fact vs. Fiction. Wind Power Education Project: A collaborative of Pace Law School Energy Project, Citizens Campaign for the Environment, and NY Public Interest Research Group
  - Choose Energy Wisely. Wind Power Education Project: A collaborative of Pace Law School Energy Project, Citizens Campaign for the Environment, and NY Public Interest Research Group
  - 10 Steps to Developing a Wind Farm. American Wind Energy Association
  
- Subsidies:
  - Energy Subsidies Black, Not Green. Environmental Law Institute

The open houses took place as follows: See articles in Exhibits B1 – B5

- 08/16/06: Cape Vincent Fire Hall (SLWF)
- 10/13/07: Chaumont Fire Hall (CVWF) (see Exhibits B2.1- B2.3)
- 2/12/08: Cape Vincent Rec Park (CVWF)
- 7/30/08: Cape Vincent Rec Park (CVWF)
- 8/28/08: Cape Vincent Fire Hall (SLWF)

(2) Local Project Offices

Both BP Wind Energy and Acciona Energy opened dedicated project offices in downtown Cape Vincent to enable members of the local community to access wind project information in a timely manner. BP's office was opened on October 7, 2008 and BP continues to maintain a CVWF office and will have an office for the duration of the project. This office allows for an ongoing exchange of information about wind power technology, and consistent interactions between project staff and residents of the local community. This office is located at 114 S. Esseltyne St., Cape Vincent, Jefferson County, NY, in the heart of the Town of Cape Vincent, readily accessible and open from 9am to 5pm on Tuesdays, Thursdays, and Fridays.

(3) Public Education Events

Public education events sponsored by the Cape Vincent Wind Farm.

- 8/31/11: Public education forum for the New York Wind Education Collaborative held at the Cape Vincent Recreational Park. The New York Wind Education Collaborative (NYWEC) is a joint effort of Citizens Campaign for the Environment, Pace Energy and Climate Center, and Alliance for Clean Energy New York (ACE NY) and is co-sponsored by the New York State Energy

Research and Development Authority (NYSERDA). NYWEC's goal is to increase the public's understanding of wind power issues, in the belief that a better informed public can participate more meaningfully in the environmental review process and other public discussions surrounding proposed wind facilities. Speakers included Carol Murphy of ACE NY, Brian Smith of Citizens Campaign for the Environment, and key note speaker Mark Thayer, co-author of the Berkeley National Lab, U.S. Department of Energy (DOE) funded study on the impacts of wind power developments on property values. The meeting was organized in the month of August to enable as many local residents and vacation home owners to attend and learn about wind energy and its potential impact on communities. Well over one hundred people attended the meeting along with local press. An article about the event appeared in the Watertown Daily Times on 9/1/11. (see Exhibit C1). A flyer for the event was produced and distributed throughout the community (see Exhibit C1.1).

- 8/10/11: Economic benefits of wind power in Cape Vincent: Three Mile Bay Fire Hall. Power point presentation was used describing the benefits of wind power and how the St. Lawrence Wind Farm would bring added income to the area. This was part of public outreach efforts for the SLWF during the release of the Economic Benefits Report. An article about the report appeared in the Watertown Daily Times (see Exhibit C2). A flyer for the event was produced and distributed throughout the community (see Exhibit C-2.1). In the fall of 2007, BP sponsored a bus tour of the Maple Ridge wind farm in Lowville, NY to help Jefferson County community residents and locally elected officials better understand how wind power works and have an opportunity to ask questions of wind experts. It was also an opportunity for attendees to personally experience the scale of wind turbines on the landscape and the sound generated by an operating wind farm. The tour included an opportunity for attendees to discuss wind energy matters with representatives from the Town of Lowville Chamber of Commerce, a Town Supervisor, and a Town Assessor who shared their first-hand knowledge about wind power. Recruitment for the bus tour took place during an open house held at the Chaumont Fire Hall on 10/13/07.

(4) Local Advertisements

BP has utilized paid advertisements in the most widely circulated local newspapers to clearly define the ongoing commitment to invest in the CVWF and to showcase its local and regional economic benefits (see Exhibits D1- D3).

- 2/12/12 - Appeared in the Watertown Daily Times
- 4/29/12 - Appeared in the Watertown Daily Times and the Thousand Island Sun
- 9/16/12 - Appeared in the Watertown Daily Times and the Thousand Island Sun

(5) Project Newsletters

Cape Vincent Wind Farm Reports (Project Newsletters) and the St. Lawrence Wind Farm (Progress in Motion) reports were produced to provide the status of the wind farm early on and throughout the development stage in order to address public concerns about wind power technology. The newsletters were mailed to project landowners and made available to the general public as requested. (see Exhibits E-1-E-7)

- Fall 2008, Winter 2010
- November 15, 2010, March 1, 2011, May 18, 2011, December 19, 2011
- July 2, 2011: St Lawrence Wind Farm Landowner letter

(6) Informational Publications

In addition to project fact sheets being distributed at events, an Economic Benefits Report was created and published in June 2011 (“Economic Impacts of Wind Development & the St. Lawrence Wind Farm” – see Exhibit F-1). This report addresses the economic benefits of wind power in a user-friendly manner, highlighting statistics about operating wind farms in New York and listing examples to address concerns about wind power impacts on property values and tourism (see Exhibit F-2). The report was widely distributed to local and regional stakeholders, public opinion leaders and the media outlets, including:

Media - Watertown Daily Times, Thousand Island Sun, TV - WWNY 7  
Landowners in the SLWF project  
Cape Vincent Planning Board  
Cape Vincent Town Board  
Lyme Town Board  
Lyme Zoning Board of Appeals  
Thousand Island Central School District – Board members  
Lyme Central School District – Board members  
Jefferson County Legislators  
Jefferson County Industrial Development Agency (JCIDA)  
NYS Assemblywoman Addie Russell  
NYS Senator Patty Ritchie  
NYS Farm Bureau  
Jefferson County Farm Bureau  
Alliance for Clean Energy NY (ACENY)

(7) Town Board Meetings

Project developers maintained a presence at town Board meetings and during the SEQRA application processes for each of the proposed projects.

### C. Key Issues Identified in Prior Public Outreach

Following is a list of the areas of concern most commonly raised by members of the community in the Towns of Cape Vincent and Lyme and how the concerns were addressed. These issues likely will not change in the upcoming Article 10 proceeding thereby giving CVWP the advantage of knowing ahead of time the main concerns of stakeholders and allowing CVWP to conduct a Public Involvement Program to address such concerns.

- Turbine noise and visual impacts to homes located on the St. Lawrence River. The concerns over the sound levels of wind turbines are a community-sensitive issue. In 2007, in preparation for the first open house event, CVWF created an information board, "Sound Assessment Study" to help explain background sound studies performed in the Cape Vincent area, (see Exhibit A5). With the SLWF having been acquired earlier this year, the layout for the revised CVWF was optimized, reducing the project size from 135 turbine locations to 124 turbine locations. This reduction in project size resulted in elimination of several turbine locations that had been originally been sited in closer proximity to the St. Lawrence River and Village of Cape Vincent (two areas deemed sensitive by the local community). Compared to the original array plan, the elimination of turbines reduces the concerns over sound levels and visual impacts along the most sensitive areas.
- Impacts of wind power on property values. Many of the concerns raised by residents related to potential impacts on property values from wind turbines, especially by owners of vacation homes located near the waterfront. To address these concerns the development team coordinated a public education forum on 8/31/11 (see above): The keynote speaker, Mark Thayer, co-author of the Berkeley National Lab, U.S. DOE funded study on the impacts of wind power developments on property values. The developers invited an independent expert on this issue to explain his peer-reviewed study and to answer questions about the results of his findings to address this concern. Based on the data and analysis presented in this report, no evidence is found that home prices surrounding wind facilities are consistently, measurably, and significantly affected by either the view of wind facilities or the distance of the home to those facilities.
- Impacts on tourism: The community raised concerns about the impacts of a wind farm on summer tourism. The Economic Impacts of Wind Energy Development report, addresses tourism and wind farms and includes tourism statistics from operating wind farms (See Exhibit F-1, pages 16-17). The report cites the positive tourism impacts of the neighboring Wolfe Island Wind Farm, which is comparable in size at about 200 MW and which recently reached commercial operation in June 2009. The 8/31/11 public education forum (see above) included statistics about the impacts of operating wind farms on tourism and how the presence of wind turbines do not negatively impact tourism of communities similar to the Cape Vincent area.

- Impacts of wind turbines on birds, bats, and wildlife

BP Wind Energy organized meetings with a key, regional environmental group, Save the River on two occasions (11/12/07 and 8/24/10). An initial meeting took place to introduce BP and answer questions and concerns about wind power in the area. BP Wind Energy organized a second meeting in August 2010, following the startup of the Wolfe Island Wind Farm, to address concerns raised by the group about the impacts of wind turbines on birds in the region. Both meetings took place at the Save the River office located in Clayton, NY.
- Wind power fact sheets were produced to address common concerns and questions raised by the public early on in the process. The fact sheets explain the economic benefits of wind power and the environmental and wildlife studies that are required by law to protect wildlife and the environment as wind farms are developed. (see Exhibit G-1 to G-5)
  - Local Economic Benefits of Wind Power
  - Environmental Benefits
  - Avian and Bats
  - Understanding PILOT Payments and the Economic Impact of Wind Farms
  - St. Lawrence Wind Farm Fact Sheet
- CVWF representatives have met with representatives of NYDPS, NYDEC, NYSHPO, DANC, NYISO, JCIDA, U.S. FWS, U.S. Army Corps of Engineers and other elected officials.

**D. BP Wind Energy acquisition of the St Lawrence Wind Farm**

In February, 2012 BP Wind Energy announced that it had acquired the assets of the St. Lawrence Wind Farm. BP Wind Energy personally contacted key stakeholders and the local media outlets to hear first-hand feedback about the acquisition and BP Wind Energy's ongoing commitment to engaging with the community (*see* Exhibit H). Here is the list of the stakeholders that were contacted:

- Cape Vincent Town Supervisor
- Cape Vincent Planning Board Chair
- Lyme Town Supervisor
- NYS Assemblywoman Addie Russell
- NYS Senator Pattie Ritchie
- U.S. Congressman Bill Owens
- NYS Governor's Office
- U.S. State Senator Kirsten Gillibrand
- U.S. State Senator Charles Schumer
- Jefferson County Administrator
- Jefferson County Leg. District 1
- U.S. Fish and Wildlife Service
- NYISO
- NYS DEC
- Development Authority of the North Country (DANC), Executive Director
- County Legislators
- Jefferson County Industrial Development Authority, CEO
- Thousand Island School District Board, President
- Lyme School District Board, President

The information provided above explains how the project has taken the steps necessary to inform, engage, and solicit input from the local community, general public, and other stakeholders prior to the submission of this Public Involvement Program plan.

# **EXHIBIT 3**

### Exhibit 3

## LIST OF STAKEHOLDERS FOR PUBLIC INVOLVEMENT PLAN AND OUTREACH

### MUNICIPALITIES WITHIN PROJECT STUDY AREA

#### Town of Cape Vincent

Town Supervisor	Urban Hirschey
Deputy Supervisor	Brooks Bragden
Town Board Member	Clif Schneider
Town Board Member	John Byrne
Planning Board Chair	Richard MacSherry
Planning Board Member	Bob Brown
Planning Board Member	Cyril Cullen
Planning Board Member	Bob Cardarelli
Planning Board Member	Karen Bourcy
Planning Board Member	Rockne Burns
Planning Board Member	Paul Docteur
Zoning Board, Chair	R. Dennis Faulknham
Zoning Board	Keith Walker
Zoning Board	Ed Hludzenski
Zoning Board	Hester Chase
Zoning Board	Joseph Martin

#### Town of Lyme

Lyme Town Supervisor	Scott Aubertine
Lyme Town Board Member	Daniel Villa
Lyme Town Board Member	David Henderson
Lyme Town Board Member	Don Bourquin
Lyme Town Board Member	Ann (Boo) Harris
Lyme Zoning Board of Appeals	Mike Callahan
Lyme Zoning Board of Appeals	Richard Revelle
Lyme Zoning Board of Appeals	Harry Staudenmayer
Lyme Zoning Board of Appeals	Ernie Brifter
Lyme Zoning Board of Appeals	Carol Quencer
Lyme Zoning Board of Appeals	Dawn Munk
Lyme Planning Board	Ed DeMattia
Lyme Planning Board	Tim Mason

#### Jefferson County

County Administrator	Robert F. Hagemann, III
County Leg. District 1	Michael Docteur
County Leg. District 2	Robert Thomas
County Leg. District 3	Philip N. Reed, Sr.

County Leg. District 4	Allen Drake
County Leg. District 5	Steven Harter
County Leg. District 6	Gino Zando
County Leg. District 7	John Peck
County Leg. District 8	James Nabywaniec
County Leg. District 9	Barry Ormsby
County Leg. District 10	Michael Behling
County Leg. District 11	Robert Ferris
County Leg. District 12	Carolyn Fitzpatrick
County Leg. District 13	Scott Gray
County Leg. District 14	Jennie Adsit
County Leg. District 15	Anthony Doldo

Jefferson County IDA

JCIDA, CEO	Don Alexander
JCIDA	David J. Converse
JCIDA	Kent Burto
JCIDA	William H. Fulkerson
JCIDA	John D. Doldo, Jr

Thousand Island School District

TI School Superintendent	Joseph Menard
TI School Board	Kenneth F. Garnsey Jr
TI School Board	Lisa Ingerson
TI School Board	Jolene Radley
TI School Board	Brian Lantier
TI School Board	John Warneck
TI School Board	Dennis Faulknham
TI School Board	Erin Churchill
TI School Board	Mike Bashaw

Lyme Central School District

Lyme School Superintendent	Karen Donahue
Lyme School Board, president	Gary Nicholson
Lyme School Board	Brian Peters
Lyme School Board	Kathy Dyer
Lyme School Board	Deanna Lothrop
Lyme School Board	Heather O'Brian
Lyme School Board	Lynn Reichert
Lyme School Board	Donna Stevenson
Lyme Zoning Board	Richard Revelle
Lyme Zoning Board	Harry Staudenmayer
Lyme Zoning Board	Carol Quencer
Lyme Zoning Board	Ernie Brifter

## **New York State Agencies or Departments**

### NYS Attorney General

Attorney General Eric Schneiderman

### NYS Dept of Agriculture and Markets

Commissioner Darrel Aubertine

- agricultural lands, agricultural districts, impact avoidance and mitigation measures

### NYS Dept of Environmental Conservation

Commissioner Joe Martens

Stephen Tomasik

Project Manager

- environmental justice rules, air emissions, natural resources, ecologic resources, bird and bat studies, stormwater planning, open space conservation planning, etc.

### NYS Dept of State

Secretary of State Cesar Perales

- coastal resources, coastal zones and inland waterways, local waterfront revitalization plans, etc.

### NYSERDA

Acting Chairman Frank Murray

### NYS Office of Parks, Recreation and Historic Preservation

Commissioner Rose Harvey

- State Historic Preservation Officer, state historic sites, state parks, recreation resources, open space conservation planning, etc.

### NYS Division of Homeland Security and Emergency Services

Commissioner Jerome Hauer

- emergency preparedness plans, critical infrastructure impacts, etc.

### NYS Dept of Public Service

Chairman Garry Brown

- Public Information Officer, Office of Gas, Electric & Water, Office of Energy Efficiency & Environment, Office of Consumer Policy, as appropriate

### NYS Department of Transportation

Commissioner Joan McDonald

- NYS highway work and occupancy permit requirements, oversize deliveries

### NYS Dept of Health

Commissioner Nirav Shah

- public health issues

Empire State Development Corporation

President & CEO Ken Adams

- economic development, Empire Zones

NYS Governor's Office

Deputy Secretary for Energy and the Environment Robert Hallman

Assistant Secretary for Energy Tom Congdon

Development Authority of the North Country

Executive Director Jim Wright

State Legislature

Assemblywoman Addie Russell

Senator Pattie Ritchie

**New York Independent System Operator**

Mrs. Karen Gach - Deputy General Counsel

Mr. Ken Davis - Counsel

Mr. Steven Corey - Manager Interconnection Projects

**FEDERAL**

US State Senator

US State Senator

Congressman

US Army Corps of Engineers

US Fish and Wildlife Service

Charles E. Schumer

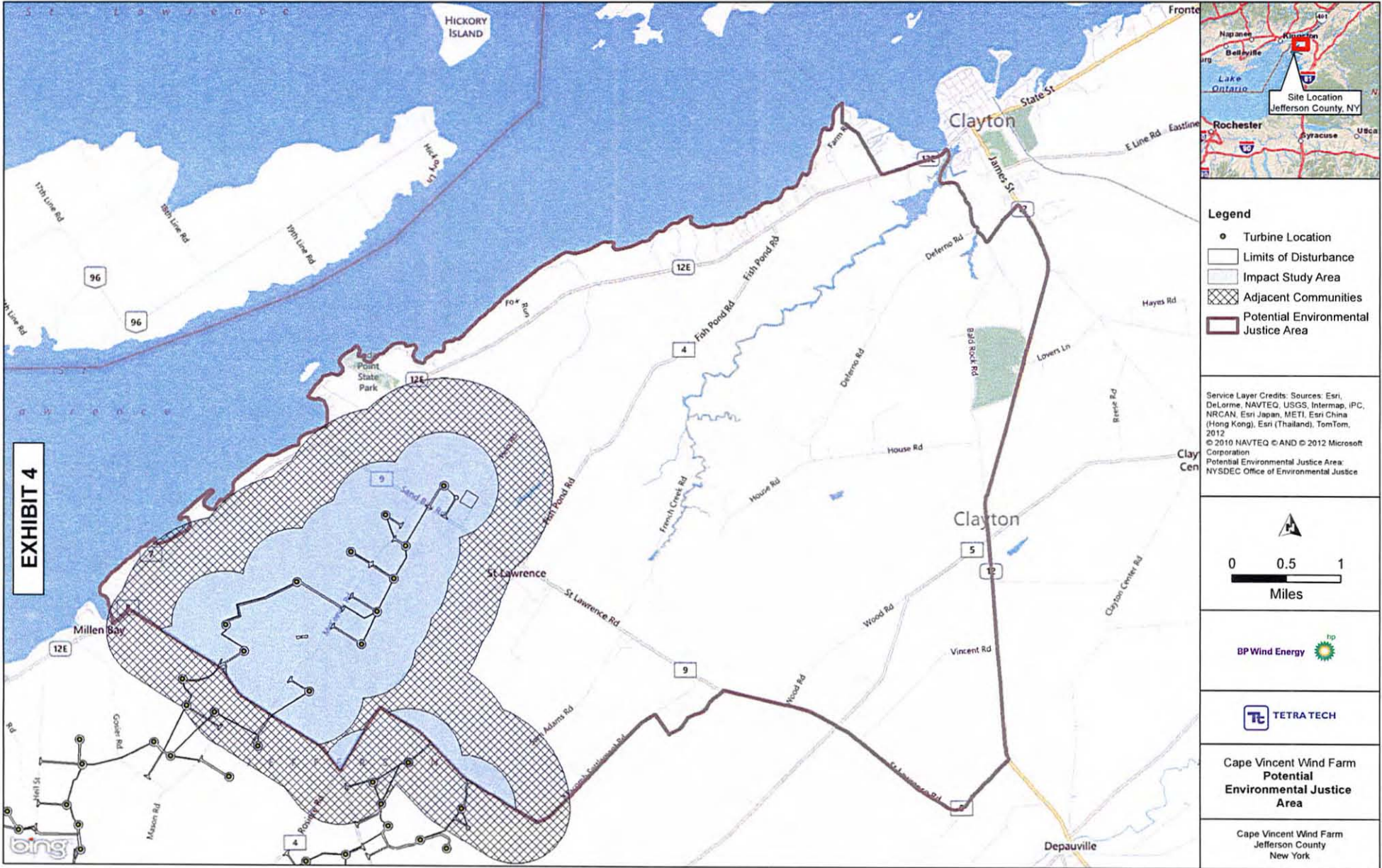
Kirsten E. Gillibrand

Bill L. Owens

Maggie Crawford

Robyn Niver

# **EXHIBIT 4**

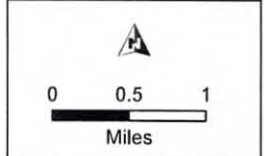


**EXHIBIT 4**



- Legend**
- Turbine Location
  - Limits of Disturbance
  - ▭ Impact Study Area
  - ▨ Adjacent Communities
  - ▭ Potential Environmental Justice Area

Service Layer Credits: Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012  
 © 2010 NAVTEQ © AND © 2012 Microsoft Corporation  
 Potential Environmental Justice Area: NYSDEC Office of Environmental Justice



**Cape Vincent Wind Farm  
 Potential  
 Environmental Justice  
 Area**

Cape Vincent Wind Farm  
 Jefferson County  
 New York

# **EXHIBIT 5**

## Exhibit 5

### Notifications Required by Article 10 and 16 NYCRR § 1000 *et seq.*

#### 1. Preliminary Scoping Statement (“PSS”) –

No less than 90 days before submittal of application. Copies of PSS filed must include the date on or about which the PSS will be filed with the Board.

Applies to the required preliminary scoping statement and any stipulation setting forth an agreement on any aspect of the preliminary scoping statement and/or the methodology or scope of the studies or program of studies to be conducted in support of the application.

Ten (10) paper copies and one electronic copy	Siting Board, by filing with the Secretary of the Department of Public Service
Four (4) paper copies	New York State Department of Environmental Conservation Central Office
Three (3) paper copies	New York State Department of Environmental Conservation Region 6 office
Two (2) paper copies	Commissioner of NYS Dept. of Health
Two (2) paper copies	Chair of NYSERDA
Two (2) paper copies	Commissioner, Empire State Development Corp.
One (1) paper copy	Supervisor, Town of Cape Vincent, NY
One (1) paper copy	Supervisor, Town of Lyme, NY
One (1) paper copy	County Administrator, Jefferson County
One (1) paper copy	NYS Dept. of Agriculture and Markets
One (1) paper copy	NYS Dept. of State
One (1) paper copy	NYS Attorney General
One (1) paper copy	NYS Dept. of Transportation
One (1) paper copy	NYS Office of Parks, Recreation and Historic Preservation
One (1) paper copy	Library in Senate District
One (1) paper copy	Library in Assembly District
One (1) electronic copy with proofs of service	James Denn, Public Information Coordinator, DPS
Publish Notice	Town of Cape Vincent, Town of Lyme, Jefferson County: Newspaper notice no less than three days before filing
Copy of Notice and Summary of PSS	Member of Assembly 118 <sup>th</sup> District

Copy of Notice and Summary of PSS	Senator 48 <sup>th</sup> Senate District
Copy of Notice and Summary of PSS	Anyone who has filed a statement with the Secretary of the DPS that they wish to receive such notices concerning facilities in the area

**2. Summary of material comments to PSS and response**

Ten (10) paper copies and one electronic copy	Siting Board, by filing with the Secretary of Albany office of the Department of Public Service
Four (4) paper copies	New York State Department of Environmental Conservation Central Office
Three (3) paper copies	New York State Department of Environmental Conservation Region 6 office
Two (2) paper copies	Commissioner of NYS Dept. of Health
Two (2) paper copies	Chair of NYSERDA
Two (2) paper copies	Commissioner, Empire State Development Corp.
One (1) paper copy	Supervisor, Town of Cape Vincent
One (1) paper copy	Supervisor, Town of Lyme
One (1) paper copy	County Administrator, Jefferson County
One (1) paper copy	NYS Dept. of Agriculture and Markets
One (1) paper copy	NYS Dept. of State
One (1) paper copy	NYS Attorney General
One (1) paper copy	NYS Dept. of Transportation
One (1) paper copy	NYS Office of Parks, Recreation and Historic Preservation
One (1) paper copy	Public Library in Senate District
One (1) paper copy	Public Library in Assembly District
One (1) electronic copy with proofs of service	James Denn, Public Information Coordinator, DPS

### 3. Proposed Stipulations

After the presiding examiner has determined that funds to assure early and effective public involvement have been allocated to municipal and local parties, the applicant may commence stipulations consultations and seek agreement by stipulation with any interested person, agency or municipality including, but not limited to, the staff of DPS, DEC, and DOH, as appropriate, as to any aspect of the preliminary scoping statement and the methodology or scope of any study or program of studies made or to be made to support the application.

Copy of Proposed Stipulation and copy of Proposed Notice Summarizing contents of Proposed Stipulation	Presiding Examiner
Copy of Proposed Stipulation	Each person who participated in the stipulations consultation process
Ten (10) paper copies and one electronic copy of Proposed Stipulation	Siting Board, by filing with the Secretary of the Department of Public Service
Four (4) paper copies of Proposed Stipulation	New York State Department of Environmental Conservation Central Office
Three (3) paper copies of Proposed Stipulation	New York State Department of Environmental Conservation Region 6 office
Two (2) paper copies of Proposed Stipulation	Commissioner of NYS Dept. of Health
Two (2) paper copies of Proposed Stipulation	Chair of NYSERDA
Two (2) paper copies of Proposed Stipulation	Commissioner, Economic Development.
One (1) paper copy of Proposed Stipulation	Supervisor, Town of Cape Vincent, NY
One (1) paper copy of Proposed Stipulation	Supervisor, Town of Lyme, NY
One (1) paper copy of Proposed Stipulation	County Administrator, Jefferson County
One (1) paper copy of Proposed Stipulation	NYS Dept. of Agriculture and Markets
One (1) paper copy of Proposed Stipulation	NYS Dept. of State
One (1) paper copy of Proposed Stipulation	NYS Attorney General
One (1) paper copy of Proposed Stipulation	NYS Dept. of Transportation
One (1) paper copy of	NYS Office of Parks, Recreation and Historic Preservation

Proposed Stipulation	
One (1) paper copy of Proposed Stipulation	Library
One (1) paper copy of Proposed Stipulation	Library
One (1) electronic copy of Proposed Stipulation along with proofs of service	James Denn, Public Information Coordinator, DPS
Notice summarizing contents of Proposed Stipulation	Member of Assembly 118 <sup>th</sup> District
Notice summarizing contents of Proposed Stipulation	Senator 48 <sup>th</sup> Senate District
Notice summarizing Contents of Proposed Stipulation	Anyone who has filed a statement with the Secretary of the DPS that they wish to receive such notices concerning facilities in the area

#### 4. Application

Electronic copy and ten (10) paper copies	Siting Board by filing with Secretary of the Department of Public Service
Four (4) paper copies	New York State Department of Environmental Conservation Central Office
Three (3) paper copies	New York State Department of Environmental Conservation Region 6 office
Two (2) paper copies	Commissioner of NYS Dept. of Health
Two (2) paper copies	Chair of NYSERDA
Two (2) paper copies	Commissioner, Empire State Development Corp.
One (1) paper copy	Supervisor, Town of Cape Vincent, NY
One (1) paper copy	Supervisor, Town of Lyme, NY
One (1) paper copy	County Administrator, Jefferson County
One (1) paper copy	NYS Dept. of Agriculture and Markets
One (1) paper copy	NYS Dept. of State
One (1) paper copy	NYS Attorney General
One (1) paper copy	NYS Dept. of Transportation
One (1) paper copy	NYS Office of Parks, Recreation and Historic Preservation
One (1) paper copy	Public Library
One (1) paper copy	Library
One (1) electronic copy with proofs of service	James Denn, Public Information Coordinator, DPS

# **EXHIBIT 6**

## EXHIBIT 6

BP Wind Energy



700 Louisiana Street, Floor 33  
Houston, TX 77002

\_\_\_\_\_, 201\_

Dear \_\_\_\_\_,

As part of our on going public involvement and education effort for the Cape Vincent Wind Farm we are inviting all of our stakeholders to an open house event that BP will be hosting on Saturday, November 10, 2012 from 1:00 p.m. to 4:00 p.m. at the Cape Vincent Recreational Park, 602 South James Street, Cape Vincent, NY 13618.

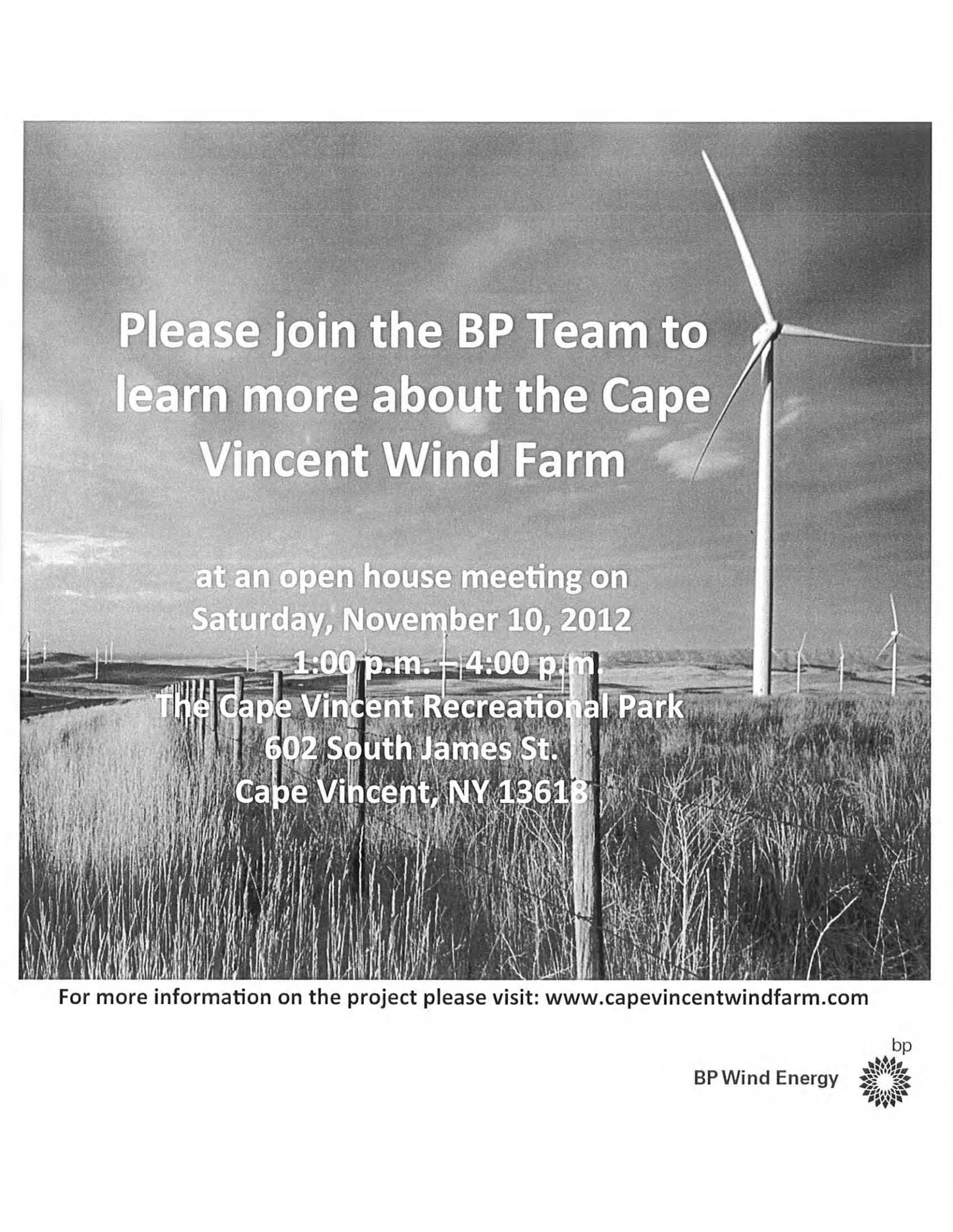
At this open house BP's Wind Energy Team will provide more information about the Cape Vincent Wind Farm, the Article 10 process, the intervenor funding process, and community benefits.

We look forward to updating you on the status of the project and hope you will join us. If you are unable to make this open house event, please visit our project website for updates on project activities at [www.capevincentwindfarm.com](http://www.capevincentwindfarm.com).

Sincerely,

Richard F. Chandler  
Director, Business Development  
BP Wind Energy North America

# **EXHIBIT 7**



# Please join the BP Team to learn more about the Cape Vincent Wind Farm

at an open house meeting on  
Saturday, November 10, 2012

1:00 p.m. – 4:00 p.m.

The Cape Vincent Recreational Park  
602 South James St.  
Cape Vincent, NY 13618

For more information on the project please visit: [www.capevincentwindfarm.com](http://www.capevincentwindfarm.com)

BP Wind Energy



# The Cape Vincent Wind Farm Newsletter



September 2012

## About Richard Chandler:

As a native New Yorker I am excited to be working in my home state to develop the Cape Vincent Wind Farm. We anticipate the project will produce approximately 200-285 megawatts of renewable power - enough renewable energy to power over 60,000 average American homes, or a city about the size of Syracuse. The project will generate revenue for the region, local landowners, and for residents of the greater Cape Vincent community. The economic benefits of the wind farm will play a critical role in sustaining the community and will ensure growth and economic stability for future generations.

Together with my colleagues at BP, we are dedicated to continuing to engage with local officials, stakeholders and community groups in Cape Vincent and throughout Jefferson County as we move through the Article 10 state permitting process for the Cape Vincent Wind Farm.

*Richard Chandler*

Richard Chandler, Director, Business Development, Cape Vincent Wind Farm, BP

## About the Article 10 Permitting Process:

Article 10 provides for the siting review of new and repowered or modified major electric generating facilities in New York State by the Board on Electric Generation Siting and the Environment (Siting Board) in a unified proceeding.

The Siting Board is part of the Department of Public Service and consists of seven persons: the Chair of the Department of Public Service, who serves as Chair of the Siting Board; the Commissioner of the Department of Environmental Conservation; the Commissioner of the Department of Health; the Chair of the New York State Energy Research and Development Authority; the Commissioner of Economic Development and two ad hoc public members, both of whom reside within the municipality in which the facility is proposed to be located.

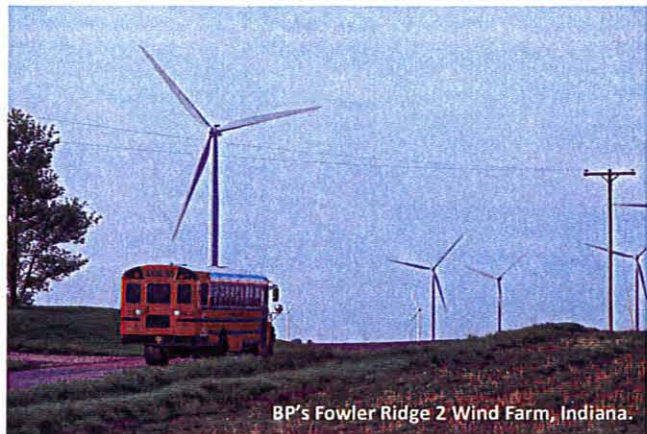


Article 10 requires certification proceedings to be conducted expeditiously and generally imposes a 12-month deadline on such proceedings after an application has been accepted by the Siting Board. The statute mandates a pre-application consultation process to obtain early input from the public regarding the proposed project, provides for active public involvement, and establishes requirements for intervenor funding to promote local participation in siting cases.

## Cape Vincent Wind Farm Status Update:

We are making good progress on the development of the Cape Vincent Wind Farm. We continue to undertake a detailed review of how best to merge the assets of BP's Cape Vincent Wind Farm with the St. Lawrence Wind Farm we acquired earlier this year. By merging these assets under a single owner, BP has created greater flexibility to design a project which provides economies of scale, improves the competitiveness of the project in the power markets, and reduces impacts from the project.

We have been diligently working on a final turbine layout and look forward to sharing this with you all in the coming months. We have been finalizing lease agreements with landowners within the project footprint and along the transmission corridor.

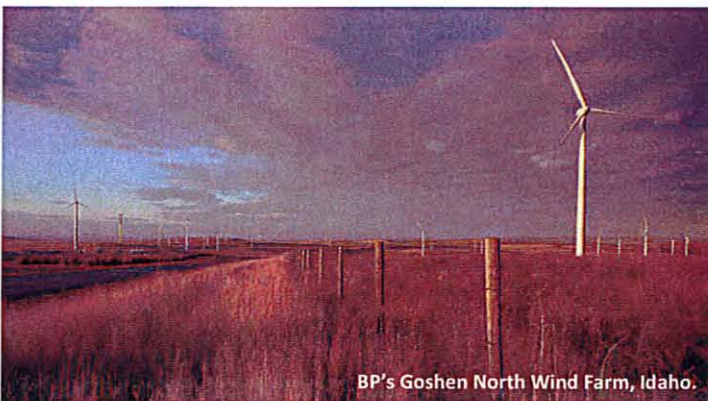


BP's Fowler Ridge 2 Wind Farm, Indiana.

BP Wind Energy will be investing over \$300 million to complete this project which will become a welcome addition to the company's national portfolio that has interests in 16 wind farms.

## Next Steps:

On September 17, BP Wind Energy submitted the Cape Vincent Wind Farm Public Involvement Plan (PIP) to the New York State Department of Public Service. We plan to finalize our pre-application in the next few months and look to submit the application in the first half of 2013. The PIP contains a comprehensive overview of all the public outreach



BP's Goshen North Wind Farm, Idaho.

activities that we have undertaken to date, and details how we plan to continue to engage and educate the local community, municipalities, and regional public interests. We are in the process of establishing a dedicated Cape Vincent Wind Farm website that will be up and running in the coming weeks. The website will be a repository of all of the information produced about the wind farm (such as fact sheets) and will enable the project team to provide timely updates on the project as we move through the permitting process.

## The Cape Vincent Wind Farm Team:

Land leases are being finalized with the help of Bob Jepson (641-455-9188) and Shane Fockler (630-675-6348). Public outreach services will continue to be provided by Maz Trieste and Chelsea Horn (518-871-1015) from Trieste Associates. Paula Bourquin (315-654-2181) continues to be based at the Cape Vincent Project Office on Esseltyne Street in Cape Vincent. The office is open Tuesdays, Thursdays and Fridays from 9 a.m.-5 p.m. If you have any questions, please feel free to reach out to us directly.

---

Please provide detailed comments on the project.

---

Thank you for taking the time to participate.

When your Comment Sheet is complete please:

- Leave with a BP representative at the public event

- Mail it to:  
BP Wind Energy  
P.O. Box 947  
Cape Vincent, NY 13618

- Email comments to: [info@capevincentwindfarm.com](mailto:info@capevincentwindfarm.com)

For more information about the Cape Vincent Wind Farm please visit: [www.capevincentwindfarm.com](http://www.capevincentwindfarm.com), stop by our office at 114 Esseltyne Street in Cape Vincent, or call us at 713.354.2100

# Public Comment Sheet

---

*The Cape Vincent Wind Farm*

Please print

Name: \_\_\_\_\_

Address: \_\_\_\_\_

State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Phone (optional): \_\_\_\_\_

Email (optional): \_\_\_\_\_

Are you a landowner in the project?

Yes \_\_\_ No \_\_\_

Please indicate the existing use of your property:

\_\_\_ Agriculture

\_\_\_ Residential

\_\_\_ Commercial

\_\_\_ Industrial

\_\_\_ Other \_\_\_\_\_

Is this in response to a public event you attended?

Yes \_\_\_ No \_\_\_

If Yes, what event (please include date)?

\_\_\_\_\_

**BP Wind Energy**



---

**What aspects about the project are of most interest to you?**

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

---

---

**What type of additional information about the project would you like to learn more about?**

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

[Text input area]

---

# **EXHIBIT 8**

No.	Cover Letter Recommendations	Response
1	The proposed outreach meetings to the Town of Cape Vincent and Town of Lyme should include opportunities to solicit input regarding those municipalities' interests rather than be limited to the narrow issues identified in the PIP.	Please refer to table in Section IV.C.
2	Many of the studies cited as component parts of the project information program were general in nature (e.g., U.S. DOE Property Valuation study) or are somewhat dated (e.g., EIS documents for prior Cape Vincent and St. Lawrence wind projects from 2006-08) the applicant should show how it intends to elicit input to develop scope and analysis of site-specific and current information that is responsive to current stakeholder interests and concerns.	Please refer to table in Section IV.C.
3	The project area includes a part of the Town of Cape Vincent that was recently identified by NYS DEC as a potential Environmental Justice area, based on US Census Bureau from year 2000. 2010 Census data should be reviewed as data becomes available. The PIP should address plans for focused outreach activities to reach any communities of concern that are identified in further analysis of population information, as appropriate.	Please refer to Section IV.A.
4	The PIP should identify a proposed Study Area, and identify any additional stakeholders or stakeholder groups that are within that broader area. Representatives and residents of adjacent municipalities (i.e., Town of Clayton; Wolfe Island, Ontario) should be considered as potential stakeholders based on regional scale impacts of the proposed large-scale wind energy project, and potential cumulative impacts with existing or proposed wind energy facilities in those jurisdictions.	Please refer to Sections II.B and IV.A.
5	The list of stakeholders should acknowledge the Department of State, including the Coastal Resources Management staff, since the project involves designated Coastal Zone resources including the Chaumont River area proposed to be crossed by the route of the 115 kV transmission line to the Chaumont substation in the Town of Lyme.	Please refer to Table in Section IV.C.1.

6	A tentative schedule indicating approximate dates for public meetings, and filing schedule for Preliminary Scoping Statement and Article 10 Application should be published at proposed project website, newsletters, and workshops or Open House and other public meetings, as noted in Attachment 1.	Please refer to Section IV.C.1
---	--	--------------------------------

No.	Attachment 1 Recommendation	Response
1	<p>The Public Involvement Program plan (Plan) should identify:</p> <ul style="list-style-type: none"> <li>(a) the proposed project location;</li> <li>(b) the location of interconnections, including the identification of municipalities affected;</li> <li>(c) the location of reasonable alternative sites, where applicable; and</li> <li>(d) a preliminary Study Area.</li> </ul>	Please refer to Section II.B and Exhibit I.
2	<p>The Plan should provide the methodology for identifying:</p> <ul style="list-style-type: none"> <li>(a) the actual affected agencies;</li> <li>(b) the actual other stakeholders that may be affected by the construction of the facility including: <ul style="list-style-type: none"> <li>(i) host landowners; and</li> <li>(ii) adjacent landowners; and</li> <li>(iii) other affected individuals, groups and organizations; and</li> </ul> </li> <li>(c) whether environmental justice communities will be affected by the proposal.</li> </ul>	Please refer to Section IV.A.

No.	Attachment 1 Recommendation	Response
3	<p>The Plan should provide a preliminary specific (non-generic) identification of:</p> <ul style="list-style-type: none"> <li>(a) the actual affected agencies;</li> <li>(b) the actual other stakeholders that may be affected by the construction of the facility including: <ul style="list-style-type: none"> <li>(i) host landowners; and</li> <li>(ii) adjacent landowners; and</li> <li>(iii) other affected individuals, groups and organizations; and</li> </ul> </li> <li>(c) environmental justice communities that will be affected by the proposal.</li> </ul>	Please refer to Section IV.A.
4	<p>The Plan should identify language(s) other than English spoken:</p> <ul style="list-style-type: none"> <li>(a) according to United States Census data by 5,000 or more persons residing in any 5-digit zip code postal zone in which any portion of such zone is located within the preliminary Study Area for the proposed facility, giving the source of data used; and</li> <li>(b) by a significant population of persons residing in close proximity to the proposed facility, alternative locations and interconnections not captured above.</li> </ul>	Please refer to Section IV.B.
5	<p>If languages other than English are identified above, the Plan should identify:</p> <ul style="list-style-type: none"> <li>(a) how documents will be translated into languages other than English; and</li> <li>(b) what provision will be made for communicating with those members of the public at public meetings.</li> </ul>	Not Applicable.
6	<p>For each affected agency and other stakeholder, the Plan should identify the desired goal of each consultation, and a plan to achieve such goal, including:</p> <ul style="list-style-type: none"> <li>(a) the identification of particular aspects of the environmental setting that may be affected;</li> <li>(b) the disclosure of potentially significant adverse environmental and health impacts resulting from the construction and operation of the proposed facility;</li> <li>(c) a request for feedback from each affected agency and other stakeholder asking them to identify additional material effects and impacts; and</li> <li>(d) other agency and stakeholder-specific goals identified by the Applicant.</li> </ul>	Please refer to Section IV.C.

<b>No.</b>	<b>Attachment 1 Recommendation</b>	<b>Response</b>
7	<p>For each specific consultation identified above, the Plan should:</p> <ul style="list-style-type: none"> <li>(a) identify the methods of outreach to be used;</li> <li>(b) contain an outreach schedule with approximate dates, times and locations;</li> <li>(c) identify who will be doing the outreach along with their contact information; and</li> <li>(d) provide a methodology to measure the success of the outreach.</li> </ul>	Please refer to Section IV.C.
8	If an environmental justice community will be affected by the proposal, the Plan should provide specific measures to address environmental justice outreach issues.	Please refer to Section IV.A.
9	The Plan should include a provision that the Applicant will prepare a monthly spreadsheet-style tracking report identifying public involvement program activities conducted by the Applicant, summaries of feedback received in such activities, and summaries describing any actions taken by the Applicant in response to such feedback. The report should be fashioned in a manner that it is easy to track the Applicant's progress towards achieving its public involvement goals. The reports should be posted on the Applicant's website and filed with the Secretary for posting in the case file.	Please refer to Section IV.D.
10	<p>The Plan should include:</p> <ul style="list-style-type: none"> <li>(a) a description of: <ul style="list-style-type: none"> <li>(i) an established project website including website address; or</li> <li>(ii) a schedule for developing a website to disseminate information to the public;</li> </ul> </li> <li>(b) a schedule or outline indicating regular updates to the website;</li> <li>(c) a statement of the lead time that will be provided for the posting of notices of future outreach events; and</li> <li>(d) an identification of the content that will be provided on the website.</li> </ul>	Please refer to Section IV.E.

No.	Attachment 1 Recommendation	Response
11	<p>The Plan should provide that the website will:</p> <ul style="list-style-type: none"> <li>(a) be written in plain language;</li> <li>(b) be easily navigated;</li> <li>(c) contain contact information for the Applicant (e-mail, telephone number and mailing address);</li> <li>(d) provide links to: <ul style="list-style-type: none"> <li>(i) the DPS Article 10 Public Information Coordinator;</li> <li>(ii) the Siting Board home page; and</li> <li>(iii) case-specific documents;</li> </ul> </li> <li>(e) include information on the Article 10 process;</li> <li>(f) explain the Intervenor Funding process (including stating the specific dollar amounts of funding that will be available for each phase of the project);</li> <li>(g) contain project-specific information;</li> <li>(h) contain a map of the proposed facility and alternate facility locations and interconnections; and</li> <li>(i) provide a schedule that lists: <ul style="list-style-type: none"> <li>(i) dates/times/locations for in-person outreach events; and</li> <li>(ii) key milestone dates, such as date when the application will be filed.</li> </ul> </li> </ul>	<p>Please refer to Section IV.E.</p>

No.	Attachment 1 Recommendation	Response
12	<p>The Plan should:</p> <ul style="list-style-type: none"> <li>(a) identify general outreach activities specifically scheduled to take place prior to submittal of the application, including mailings, open houses, meetings, seminars/webinars, etc., to inform, engage, and solicit input from the local community, general public, and other stakeholders;</li> <li>(b) identify how information relative to events open to the public will be disseminated;</li> <li>(c) include material to educate the public as to the specific proposal, including project technology, location of facilities, proposed study area, outline of the scope of studies to be provided in the application, etc.;</li> <li>(d) include educational material relative to the Article 10 review process and why the Applicant is conducting a Public Involvement Program;</li> <li>(e) include material to educate the public on how it may become involved in each step of the Article 10 review process;</li> <li>(f) provide an explanation as to how outreach activities will solicit input regarding public interests that don't fall into the categories outlined in the PIP; and</li> <li>(g) include educational material on Intervenor Funding (including stating the specific dollar amounts of funding that will be available for each phase of the project).</li> </ul>	<p>Please refer to Sections IV.F and IV.G.</p>

No.	Attachment 1 Recommendation	Response
13	<p>Since previous outreach has been done relative to two separate proposals that have been consolidated into this proposal, the Plan should include material to educate the public on what has changed, for both approval process changes and project changes, including:</p> <ul style="list-style-type: none"> <li>(a) an explanation of why the Applicant has decided to submit an Article 10 application instead of seeking local siting approvals;</li> <li>(b) a description of the differences between the Article 10 process and the local siting process;</li> <li>(c) if the number of turbines will be greater than previously identified: (i) an explanation why the Applicant has decided to increase the number of turbines; and (ii) a description of the changes in impacts that can be expected by increasing the number of turbines;</li> <li>(d) if the height of turbines will be greater than previously identified: (i) an explanation why the Applicant has decided to increase the height of turbines; and (ii) a description of the changes in impacts that can be expected by increasing the height of turbines; and</li> <li>(e) if the setbacks of the turbines will be less than previously promised: (i) an explanation why the Applicant has decided to decrease the setbacks of turbines; and a description of the changes in impacts that can be expected by decreasing the setbacks of turbines.</li> </ul>	<p>Please refer to Sections I and II.B and Exhibits 1 and 2.</p>

No.	Attachment 1 Recommendation	Response
14	<p>The Plan should provide information regarding notifications to identify:</p> <ul style="list-style-type: none"> <li>(a) when notices will be issued (provide a schedule) and what information they will contain;</li> <li>(b) who will receive notifications;</li> <li>(c) the manner in which notifications will be made (for example, whether notifications will be in the same manner as the town would notice a regular town meeting);</li> <li>(d) draft form letters and/or notices;</li> <li>(e) specific publications and media outlets that will be used to provide general public information and notifications and why they were selected, which should include the official newspapers of the affected municipalities;</li> <li>(f) which languages will be used for notices and why they were selected; and</li> <li>(g) whether E-mail listserves will also be used to send notices.</li> </ul>	<p>Please refer to Section IV.F.ii and IV.G.</p>
15	<p>The Plan should identify:</p> <ul style="list-style-type: none"> <li>(a) activities designed to encourage participation by stakeholders in the certification;</li> <li>(b) activities designed to encourage participation by stakeholders in the compliance process;</li> <li>(c) the goals of these activities;</li> <li>(d) methodologies for measuring the success of such activities;</li> <li>(e) a schedule of such activities indicating when and where they will be conducted; and</li> <li>(f) how information relative to events open to the public will be disseminated.</li> </ul>	<p>Please refer to Section IV.F.</p>
16	<p>The Article 10 Regulations require a number of specific consultations with affected agencies and municipalities. The Plan should include a schedule of the required consultations with approximate dates, times and locations and identifying who will be doing the outreach along with their contact information. If a consultation is not applicable to the proposed facility, the schedule should so indicate.</p>	<p>Please refer to Section IV.C.</p>

No.	Attachment I Recommendation	Response
17	<p>The schedule of required consultations should include, if applicable:</p> <p>(a) consultation with DPS, NYISO and the local transmission owners to identify applicable requirements to be used to demonstrate the degree of compliance with all relevant applicable reliability criteria of the Northeast Power Coordinating Council Inc., New York State Reliability Council, and the local interconnecting transmission utility, including any criteria regarding blackstart and fuel switching capabilities [16 NYCRR 1001.5(n)];</p> <p>(b) consultation with DPS and DEC to develop an acceptable input data set, including modeling for the Applicant's proposed facility and inputs for the emissions analysis, to be used in the simulation analyses [16 NYCRR 1001.8];</p> <p>(c) consultation with DOH and DEC to determine a set of non-criteria (i.e. toxic) pollutants to be emitted from the proposed facility [16 NYCRR 1001.17(c)(9)];</p> <p>(d) consultation with DOH and DEC to determine appropriate pollutants for an estimation of the maximum potential air concentrations (short and long term) [16 NYCRR 1001.17(d)(1)];</p> <p>(e) consultation with DOH and DEC to determine appropriate pollutants for a comparison of the maximum predicted air concentrations to ambient air quality standards and guidelines and ambient background concentrations for non-criteria pollutants for both short-term and long-term exposures [16 NYCRR 1001.17(d)(2)];</p> <p>(f) consultation with DOH and DEC to determine if cumulative source impact analyses for any appropriate pollutant in accordance with air permitting requirements and 6 NYCRR Part 487 are warranted [16 NYCRR</p>	<p>Please refer to Section IV.C. However, 17[b] – 17[f] are generally not applicable.</p>

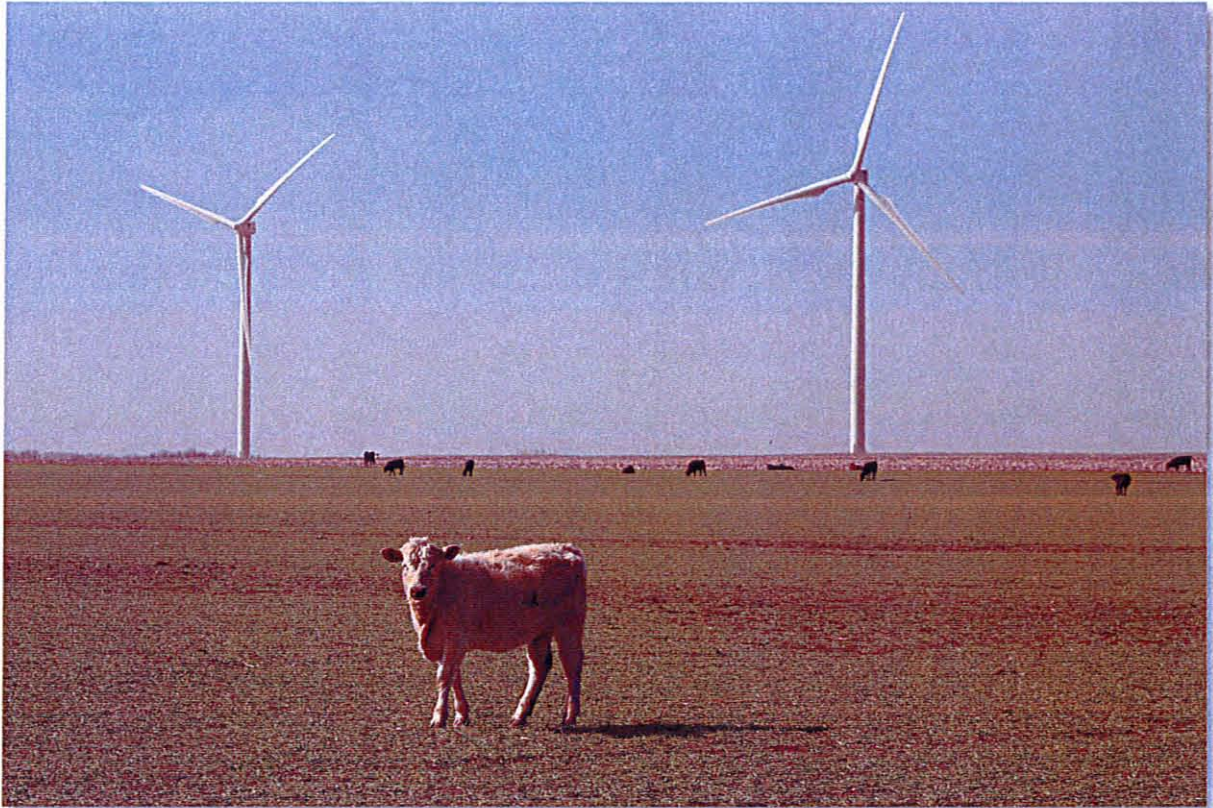
No.	Attachment 1 Recommendation	Response
	<p>(h) consultation with OPRHP to determine if a Phase II study based on intensive archaeological field investigations shall be conducted to assess the boundaries, integrity and significance of cultural resources identified in Phase I studies [16 NYCRR 1001.20(a)(4)];</p> <p>(i) consultation with OPRHP and DPS to determine the need for and scope of work for any required Phase II cultural resources study [16 NYCRR 1001.20(a)(4)];</p> <p>(j) consultation with local historic preservation groups to identify sites or structures listed or eligible for listing on the State or National Register of Historic Places within the viewshed of the facility and within the study area [16 NYCRR 1001.20(b)];</p> <p>(k) consultation with DEC, DPS, OPRHP and APA where appropriate to establish representative viewpoints for the photographic simulations of the facility and interconnections [16 NYCRR 1001.24(b)(4)];</p> <p>(l) consultation with the affected school districts to inform the Applicant's estimate of incremental school district operating and infrastructure costs due to the construction and operation of the facility [16 NYCRR 1001.27(f)];</p> <p>(m) consultation with the affected municipalities, public authorities, and utilities to inform the Applicant's estimate of incremental municipal, public authority or utility operating and infrastructure costs that will be incurred for police, fire, emergency, water, sewer, solid waste disposal, highway maintenance and other municipal, public authority, or utility services during the construction and operation phases of the facility [16 NYCRR 1001.27(g)];</p> <p>(n) consultation with the affected local emergency response organizations to inform the Applicant's analysis of whether all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance incident can be fulfilled by existing local emergency response capacity, and in that regard identifying any specific equipment or training deficiencies in local emergency response capacity [16 NYCRR 1001.27(k)];</p> <p>(o) consultation with the municipalities or other local agencies whose requirements are the subject of the local laws exhibit to determine whether the Applicant has correctly identified all such requirements and to determine whether any potential request by the Applicant that the Board elect to not apply any such</p>	

No.	Attachment 1 Recommendation	Response
	<p>changes to the proposed facility, or otherwise [16 NYCRR 1001.31]; and</p> <p>(p) consultation with the state agencies and authorities whose requirements are the subject of the State Laws and Regulations exhibit to determine whether they Applicant has correctly identified all such requirements [16 NYCRR 1001.32].</p>	
18	<p>The Article 10 Regulations require a number of specific consultations related to air transportation impacts. According to the Federal Aviation Administration database, there are a number of public airports and heliports near the location of the proposed facility. The Public Involvement Plan should include a schedule of the required consultations with approximate dates, times and locations and identifying who will be doing the outreach along with their contact information. If a consultation is not applicable to the proposed facility, the schedule should so indicate.</p>	<p>Please refer to Sections IV.C and IV.H.</p>
19	<p>The Plan should also:</p> <p>(a) identify the necessity of consultations with the operators of airports or heliports [16 NYCRR 1000.4(f) &amp; 1001.25(e)&amp;(f)];</p> <p>(b) provide the methodology used to identify the operators;</p> <p>(c) include outreach to inform such operators of the proposed facility and its location prior to the submission of the preliminary scoping statement [16 NYCRR 1000.4(f)];</p> <p>(d) include an informal Department of Defense review of the proposed construction or alteration, in accordance with 32 Code of Federal Regulations, Section 211.7; or a formal Department of Defense review of the proposed construction or alteration in accordance with 32 Code of Federal Regulations, Section 211.6 [16 NYCRR 1001.25(f)(1)]; and</p> <p>(e) include consultations with operators of airports and heliports that are non-military facilities, including providing a detailed map and description of such construction or alteration to such operators, and a request for review of and comment on such construction or alteration by such operators [16 NYCRR 1001.25(f)(2)].</p>	<p>Please refer to Section IV.H.</p>

<b>No.</b>	<b>Attachment 1 Recommendation</b>	<b>Response</b>
20	<p>The Plan should include a table listing by rows each separate DPS staff recommendation set forth in this attachment in one column, and in a second column a statement for each row that either:</p> <ul style="list-style-type: none"><li>(a) the Applicant has revised the Public Involvement Program plan to incorporate the DPS recommendation (giving the section or page number of the Plan where the revision appears); or</li><li>(b) providing a written explanation as to why the Applicant decided not to incorporate the recommendations.</li></ul>	<p>This Table, referenced in of the revised PIP, satisfies this recommendation.</p>

# Welcome

and THANK YOU for attending our Open House for the proposed Cape Vincent Wind Farm



BP's Flat Ridge 1 Wind Farm, Kansas.

We want to be a partner and good neighbor in this community and your input is valuable to us, so please give us your comments and/or suggestions.

If you have any questions or concerns please call the Cape Vincent Wind Farm Office at 315-654-2181.

For more information go to our website:

[www.capevincentwindfarm.com](http://www.capevincentwindfarm.com)

## Cape Vincent Wind Farm – About BP



BP Wind Energy is a principal owner and operator of wind power facilities with interests in 16 wind farms. BP Wind Energy has a gross generating capacity of nearly 1,955 megawatts (MW) – enough electricity to power approximately 586,000 average American homes.

The Cape Vincent Wind Farm is anticipated to produce approximately 200 - 285 MW of renewable energy – enough renewable electricity to power a city about the size of Syracuse.

BP has invested more in the U.S. over the last five years than any other oil and gas company. The company is the nation's second largest producer of oil and gas, a major oil refiner and a leader in alternative energy sources including wind power and biofuels. With a growing business in wind power and advanced biofuels, BP Alternative Energy will have invested around \$8 billion in energy development, including \$4 billion in the U.S. by the end of 2012. Our commitment is helping to create secure and sustainable energy future for us all.

# Cape Vincent Wind Farm – Article 10

## I. Pre-Application Phase

### Step one: Public Involvement Program Plan

Applicants shall submit a proposed Public Involvement Program (PIP) Plan in writing to DPS for review as to its adequacy at least 150 days prior to the submittal of any Preliminary Scoping Statement.

### Step two: Preliminary Scoping Statement

The applicant files a Preliminary Scoping Statement at least 90 days before filing an application. Intervenor Fund: Applicant must pay a fee to fund a pre-application intervenor account.

## II. Application Phase

The application must include the following: Project description, public involvement activity, safety and security plans, evaluation of expected environmental and health impacts as well as a number of studies, reports and data complaints.

## III. Administrative Hearing and Discovery Phase: Application finalization

Within 60 days of filing, the Siting Board will make a determination as to whether the application complies with Article 10. Once the application is determined to be in compliance, the Siting Board will conduct public hearings.

## IV. Recommended Decision Phase

After hearing and discovery are complete, the Parties will summarize their positions to the Presiding Examiner. The Presiding Examiner will then issue a recommended decision based on the record. Parties then have an additional opportunity to comment on the recommended decision before it goes to the Siting Board.

## V. Siting Board Decision Phase

The Siting Board must make explicit findings about the nature of the environmental impacts related to the construction and operation of the facility.

## VI. Compliance Phase

The Siting Board must make its determination within one year from the date the application is deemed to fully comply with Article 10.

## Cape Vincent Wind Farm – Economic Benefits

**The Proposed Project:** The Cape Vincent Wind Farm could generate approximately 200 - 285 megawatts (MW) and is owned and will be operated 100 percent by BP Wind Energy. When operational, the wind farm will provide enough renewable electricity to power over 60,000 average American homes.

**BP Investment:** In excess of \$300 million.

**Anticipated Tax Payments:** Tax payments are expected to be \$8,500 per megawatt increasing by 2.5% per year.

Table presents annual payments in selected years to demonstrate the results of escalation.

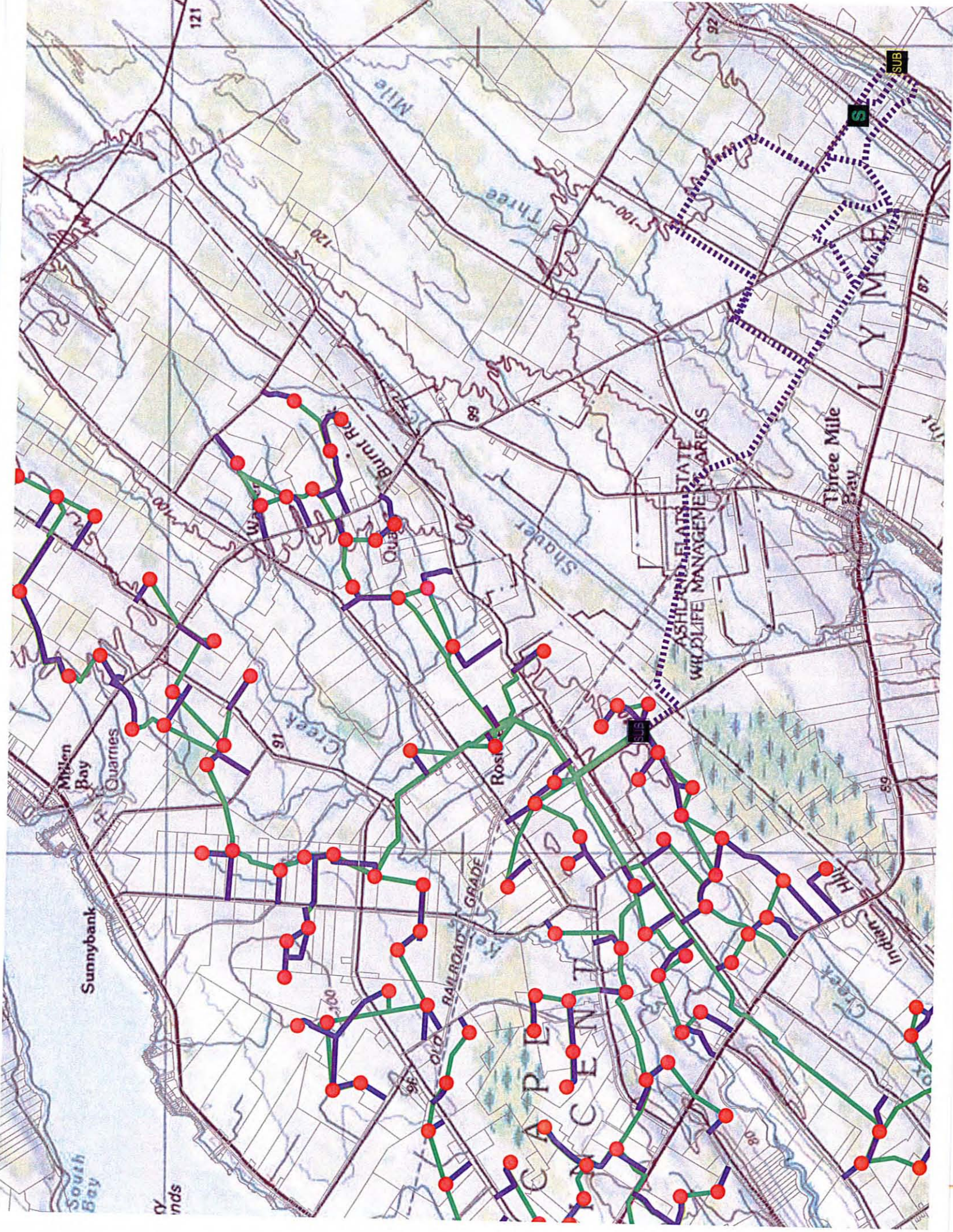
Payments to:	First year of Operation	5 <sup>th</sup> year of Operation	10 <sup>th</sup> year of Operation	15 <sup>th</sup> year of Operation
School District 50%	\$850,000	\$938,241	\$1,061,534	\$1,201,028
Town of Cape Vincent 15%	\$255,000	\$281,472	\$318,460	\$360,308
Jefferson County 35%	\$595,000	\$656,769	\$743,073	\$840,719
<b>Total Tax Payments</b>	<b>\$1,700,000</b>	<b>\$1,876,482</b>	<b>\$2,123,067</b>	<b>\$2,402,055</b>

\* Based on a previously agreed tax structure for Jefferson County assuming the wind farm generates approximately 200-285 MW.

**Royalty Payments:** Over 100 landowners in the towns of Cape Vincent and Lyme are participating in the wind farm project. Annual royalty payments in excess of \$1,000,000 will be paid to the landowner group once the wind farm is in commercial operation.

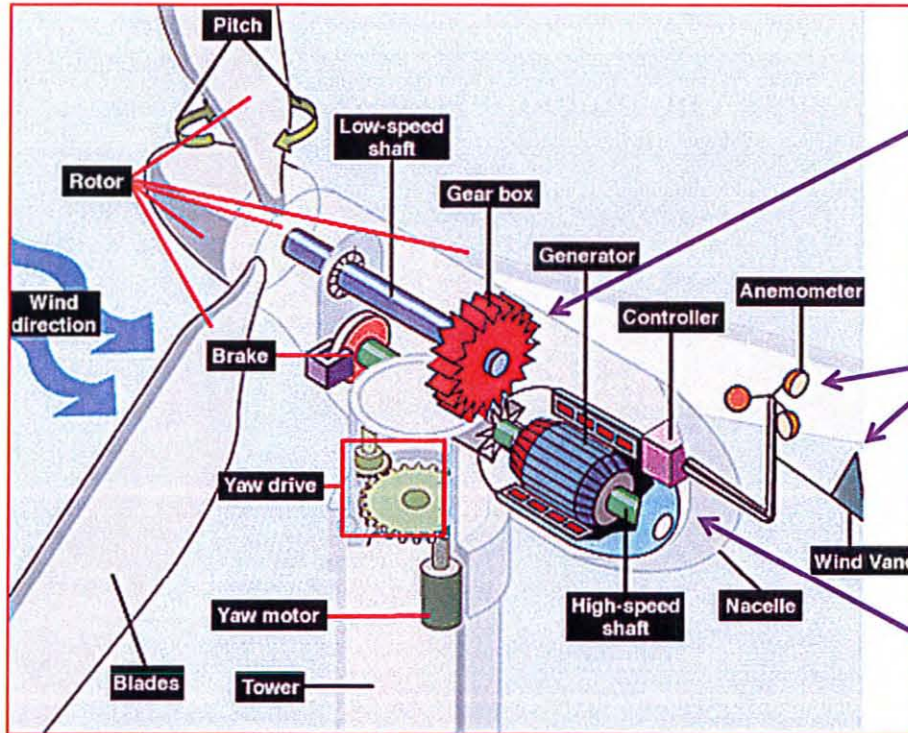
**Job Opportunities:** Approximately 250-300 workers would be employed at the peak of construction of the wind farm. Up to 15 permanent jobs would be created to monitor and maintain the wind facility when it becomes operational.

**Community Partner:** At BP, throughout the planning stage of each new wind farm, we assess the potential social, environmental and conservation impacts of our projects and take steps to reduce impacts through engagement with the community, engineering design, technology and other elements.



# Cape Vincent Wind Farm – How Does A Wind Turbine Work?

The turbines are white, 3-blade, self-supporting structures approximately 300 to 500 feet tall. The rotors of the wind turbine turn at a speed of 5 - 20 revolutions per minute. To capture the energy from the wind throughout the year, each individual wind turbine rotates (“yaws”) automatically to face into the wind.



The gear box spins at variable speeds depending on the speed of the rotor.

The wind vane and anemometer are used to turn the turbine into the wind and adjust the pitch of the blades.

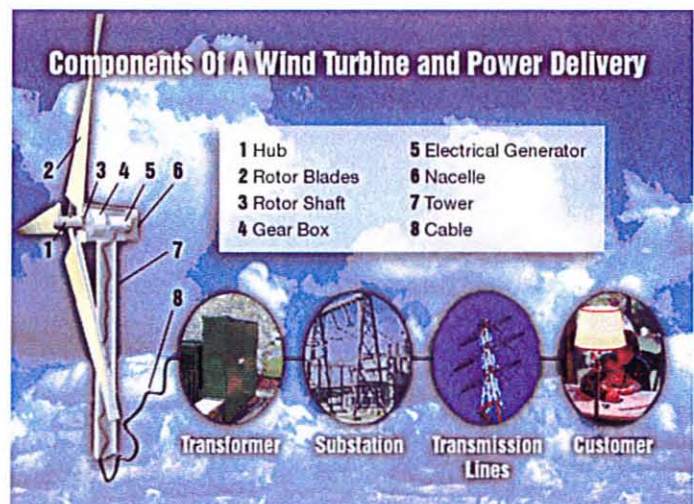
As the rotor spins, it turns a generator which creates electricity.

## How much power?

Total project capacity of approximately 200 – 285 MW.

1 megawatt (MW) = 1,000,000 watts  
1 gigawatt (GW) = 1,000,000,000 watts

The average U.S. household will use roughly 10,566 kilowatt hours of electricity per year and 1 MW of wind energy can produce enough electricity to power 300 households per year.

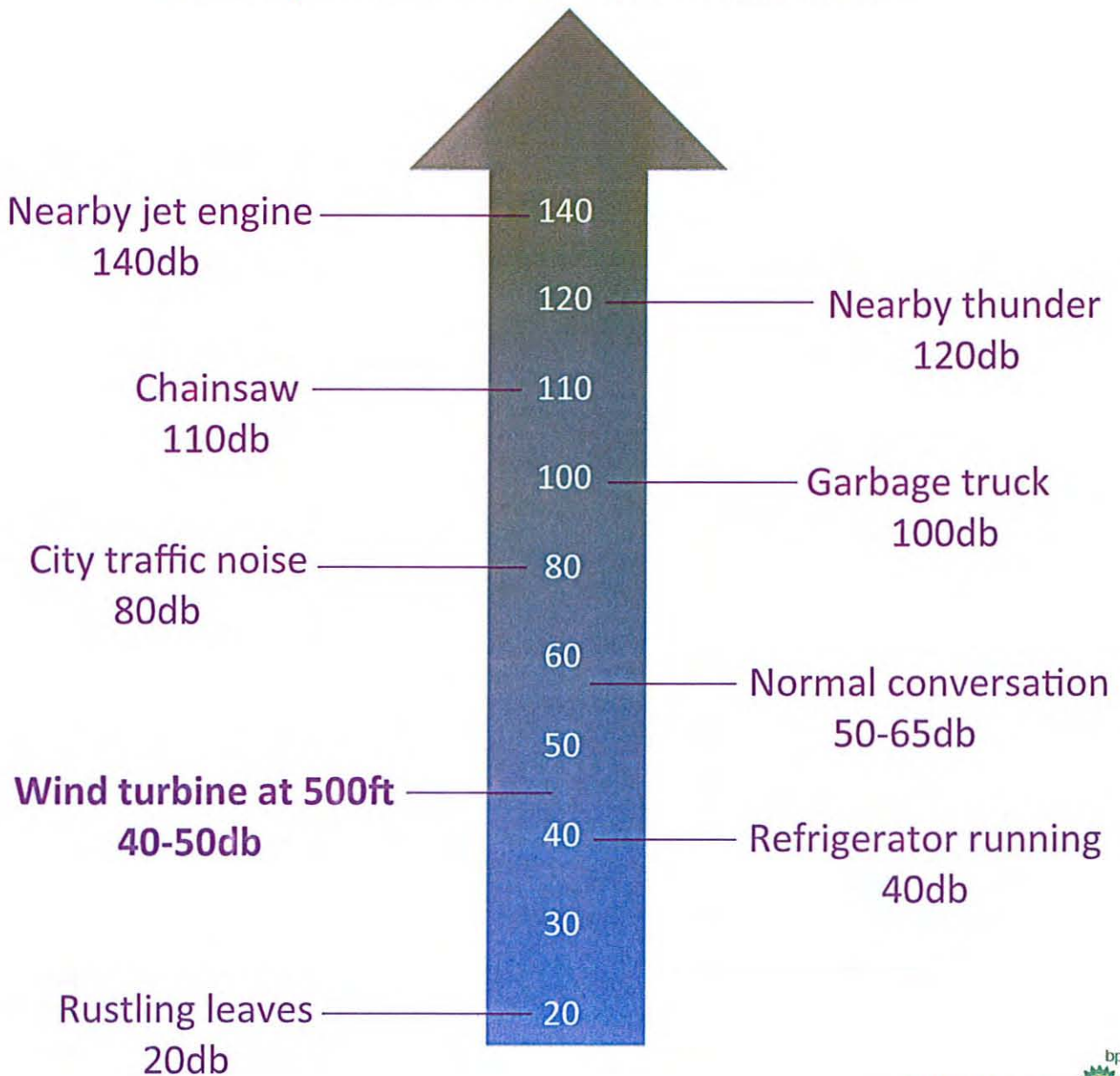


## Cape Vincent Wind Farm - Sound

Turbines produce very little mechanical noise, so the primary audible noise is the “whooshing” sound of the wind passing through the blades.

Typically, the sound level measured at 500 feet from the wind turbines is in the 40 to 50 decibel range, which is below the level of normal conversation. Usually, the background noise of the wind masks the turbine noise.

### Comparison of Common Noise Levels



# Cape Vincent Wind Farm – Turbine Transportation

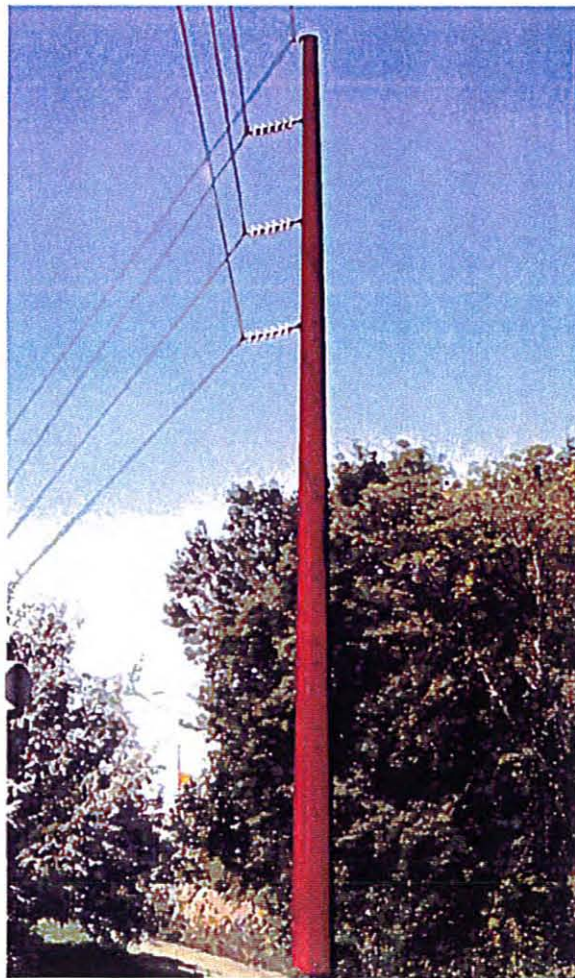
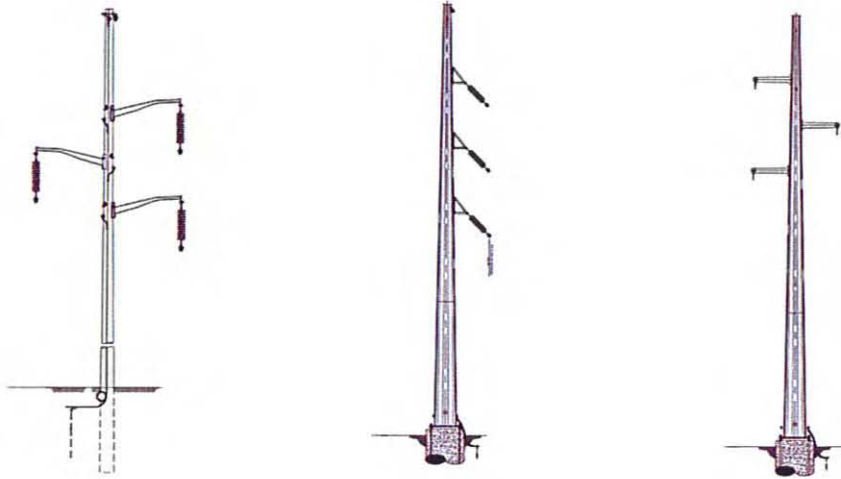


## Cape Vincent Wind Farm – BP's Commitment to Safety

Safety and Risk Management are at the heart of everything we do.

- BP Wind Energy has established safety, health and environmental procedures to protect people, wildlife and the environment.
- We have a full-time staff dedicated to safely building the Cape Vincent Wind Farm.
- Public safety is a top priority on all our wind construction projects. We will reduce speed limits for construction vehicles and put traffic controls in place during the moving of turbine parts and heavy equipment.
- All traffic rules will be strictly enforced by the project team.
- We will use large illuminated signage to inform you of construction traffic areas.
- BP Wind Energy will have staff on site at all times to monitor all construction activities.
- BP hires local EMT services to stand-by at our projects in case of any emergencies.
- All workers on the project are required to attend safety courses and follow strict safety requirements.
- We have established guidelines in place if any curious on-lookers want to see a wind-turbine erected. Keeping the public safe is important to us.
- When wind turbine sections are being delivered to the site they will have escort vehicles in the front and back to keep public vehicles at a safe distance.
- We want to be a partner and good neighbor in this community and your input is valuable to us, so please give us your comments and/or suggestions.

# Cape Vincent Wind Farm – Typical Transmission Structures



**Request for Intervenor Funds**

Instructions: Provide all applicable information by filling in the text boxes as indicated.  
If necessary, attach additional information in a separate document.

This request is to be submitted either electronically (preferred) or by regular mail.

To submit this request electronically, save your changes and attach it to an e-mail sent to:  
secretary@dps.ny.gov

To submit this request by regular mail, print it and mail it to:

Secretary,  
NYS Board on Electric Generation  
Siting and the Environment  
3 Empire State Plaza  
Albany, NY 12223

Copies must also be submitted to the Presiding Examiner and other parties to the proceeding.

**TO THE SECRETARY:**

I hereby provide a request for intervenor funds in the following Article 10 case before the NYS Board on Electric Generation Siting and the Environment:

Case Number:

Title of Case:

Name of Party:

Contact Person:

Firm Name:

Contact Address:

Contact Telephone Number:

Contact E-mail Address:

Amount of Funds Requested:

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

The basis of eligibility for intervenor funds is as follows: (Check one)

- Eligible Municipal Party** [County, city, town or village located in New York State that may be affected by the proposed major electric generating facility]
- Eligible Individual Local Party** [Person residing in a community who may be individually affected by the proposed major electric generating facility]
- Eligible Group Local Party** [Persons residing in a community who may be collectively affected by the proposed major electric generating facility]

1(a) Provide a statement of the number of persons the requesting party represents:

1(b) Provide a statement of the nature of the interests the requesting party represents:

2(a) Provide a statement of the efforts that have been made to obtain funds from other sources:

2(b) Provide a statement of the availability of funds from the resources of the requesting party:

2(c) Provide a statement of the availability of funds from the resources of sources other than the requesting party:

3(a) Indicate the type of funds being sought: (Check one)

- Pre-Application Stage Funds** [Generally available upon the filing by the Project Applicant of a Preliminary Scoping Statement (PSS)]
- Application Stage Funds** [Generally available upon the filing by the Project Applicant of an Article 10 Application]

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

3(b) State the amount of funds being sought:

4(a) If expert witnesses, consultants, attorneys, or others are to be employed, provide to the extent possible, the name and qualifications of each person to be employed:

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

4(b) If expert witnesses, consultants, attorneys, or others are to be employed and it is not possible to provide the name of each person to be employed, provide for each person that cannot be named a statement of the necessary professional qualifications for the person:

5 Provide, if known, the name of any other interested person or entity who may, or is intending to, employ any such expert witnesses, consultants, attorneys, or others:

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

6(a) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed statement of the services to be provided:

6(b) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed basis for the fees requested, including hourly fee, wage rate, and expenses:

**IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.**

- 6(c) For all expert witnesses, consultants, attorneys, or others to be employed during the Pre-Application Stage, provide a detailed statement specifying how such services and expenses will make an effective contribution to review of the Preliminary Scoping Statement and the development of an adequate scope of appropriate studies for the application to be submitted and thereby provide early and effective public involvement:

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 6(d) For all expert witnesses, consultants, attorneys, or others to be employed during the Application Stage, provide a detailed statement specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility and will facilitate broad participation in the proceeding.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

7(a) For any study to be performed, a description of the purpose of the study:

7(b) For any study to be performed, a description of the methodology and a statement of the rationale supporting the methodology:

7(c) For any study to be performed pursuant to any proposed methodology that is new or original, explaining why pre-existing methodologies are insufficient or inappropriate:

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 7(d) For any study to be performed, provide a description of the timing for completion of the study and a statement of the rationale supporting the timing proposed:
- 8(a) For any study to be performed, a statement as to the result of any effort made to encourage the applicant to perform the proposed studies or evaluations and the reason it is believed that an independent study is necessary:
- 9 For all expert witnesses, consultants, attorneys, or others to be employed, provide a copy of any contract or agreement or proposed contract or agreement with each such expert witness, consultant, attorney, or other person.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 10 Provide a statement of any additional justification for the funding request not already addressed above:

**The Fund for Municipal and Local Parties:  
A Guide to Intervenor Funding Pursuant to  
Article 10 of the Public Service Law**

**Important General Guidance**

This guidance document provides information about the availability of intervenor funds in the Article 10 process for the siting of major electric generating facilities in New York State. The siting process is conducted by the New York State Board on Electric Generation Siting and the Environment (Siting Board). As a consequence of the timing requirements discussed below, it is important that parties interested in obtaining intervenor funds work quickly to assemble their requests as soon as the Preliminary Scoping Statement or Application is filed by an applicant. Parties should consider commencing the preparation of their requests as soon as they become aware of the potential that a Preliminary Scoping Statement or Application may be filed. However, funding requests will not be accepted until called for by the Presiding Examiner.

**The Fund for Municipal and Local Parties**

Article 10 applicants are required to provide funds to be used to defray certain expenses incurred by municipal and local parties as they participate in the pre-application scoping process and in the proceeding before the Siting Board to consider the Article 10 Application. The funds, known as "intervenor" funds, are provided by the assessment of fees on the applicant.

"Intervenor" is a name used to refer to a party that joins an ongoing case or proceeding as a third-party for the protection of an interest. Some intervenors join as a matter of right established in the Article 10 statute; others are permitted to join at the discretion of the Presiding Examiner or the Siting Board.

Not all intervenors are eligible for intervenor funds; only "municipal and local parties" are eligible. Eligible "municipal parties" include any county, city, town or village located in New York State that may be affected by the proposed major electric generating facility. The Presiding Examiner must reserve at least 50% of the funds for potential awards to municipalities. Eligible "local parties" include persons residing in a community who may be affected by the proposed major electric generating facility. Such persons may seek intervenor funding either individually or collectively. Local parties are eligible to receive up to 50% of the funds.

**Amount of Funds - Pre-application Stage**

An applicant submitting a Preliminary Scoping Statement is assessed an intervenor fee equal to \$350 per megawatt (MW) up to a cap of \$200,000. For example, for a 100-megawatt facility, the pre-application intervenor fee would be \$35,000 (100 x \$350). If the applicant makes a substantial revision to its Preliminary Scoping Statement, the Siting Board may require an additional fee in an amount not to exceed \$25,000.

### **Amount of Funds - Application Stage**

An applicant submitting an Article 10 Application is assessed an intervenor fee equal to \$1,000 per megawatt (MW) up to a cap of \$400,000. For example, for a 100-megawatt facility, the pre-application intervenor fee would be \$100,000 (100 x \$1,000). If the applicant makes a revision to its Application requiring substantial additional scrutiny, the applicant will be assessed an additional intervenor fee equal to \$1,000 per megawatt (MW) of the proposed project, as amended, but no more than \$75,000. The presiding examiner may increase the level of the additional intervenor fee up to the maximum level of \$75,000 if the presiding examiner finds circumstances require a higher level of intervenor funding in order to ensure an adequate record. In addition, for facilities that will require storage or disposal of fuel waste byproduct, an additional intervenor fee will be assessed at the application phase of \$500 per megawatt (MW), but no more than an additional \$50,000.

### **Use of Funds**

Intervenor funds can be used to defray expenses incurred by eligible municipal and local parties in the pre-application scoping process and in the proceeding before the Siting Board to consider the Application. They can be used to pay for expert witnesses, consultants, administrative costs (such as document preparation and duplication) and legal fees. No intervenor funds may be used to pay for appeals of Siting Board decisions or other matters before a court.

During the Pre-application Stage, the Presiding Examiner will award funds on an equitable basis when it is determined that the funds will be used to make an effective contribution to review of the Preliminary Scoping Statement and the development of an adequate scope of the Application to be submitted, and will provide early and effective public involvement. During the Application Phase, the Presiding Examiner will award funds on an equitable basis when it is determined that the funds will be used to contribute to a complete record leading to an informed decision as to the appropriateness of the site and the facility, and will facilitate broad participation in the proceeding.

### **Notice of Availability of Funds & Deadline for Funding Requests**

Upon the payment of intervenor fees by the Article 10 Applicant at various stages, the Presiding Examiner or the Secretary to the Siting Board will issue a notice indicating the availability of intervenor funds and providing a schedule and related information describing how interested municipalities and local parties may make requests for the funds. Subject to the availability of funds, the Presiding Examiner may fix additional dates for submission of fund requests.

Requests for funds must be submitted to the Presiding Examiner no later than 30 days after the issuance of the notice of availability. Eligible municipal and local parties may request funds by filing the requests with the Secretary of the Siting Board and submitting a copy to the Presiding Examiner and to the other parties to the proceeding.

### **Requests for Intervenor Funds**

Parties preparing requests for funds are encouraged to submit their requests using a standard format as may be provided for that purpose either on the Siting Board Website [["http://www.dps.ny.gov/SitingBoard/"\]](http://www.dps.ny.gov/SitingBoard/) or by the Presiding Examiner. A request for intervenor funds must contain:

1. a statement of the number of persons and the nature of the interests the requesting party represents;
2. a statement of the availability of funds (without intervenor funding) from the resources of the requesting party and from other sources and of the efforts that have been made to obtain such funds (from other sources);
3. the amount of funds being sought;
4. to the extent possible, the name and qualifications of each expert to be employed, or at a minimum, a statement of the necessary professional qualifications;
5. if known, the name of any other interested person or entity who may, or is intending to, employ such expert;
6. a detailed statement of the services to be provided by expert witnesses, consultants, attorneys, or others (and the basis for the fees requested), including hourly fee, wage rate, and expenses, specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility;<sup>1</sup>
7. if a study is to be performed, a description of the purpose, methodology and timing of the study, including a statement of the rationale supporting the methodology and timing proposed, including a detailed justification for any proposed methodology that is new or original explaining why pre-existing methodologies are insufficient or inappropriate;
8. a statement as to the result of any effort made to encourage the Article 10 Applicant to perform any proposed studies or evaluations and the reason it is believed that an independent study is necessary; and
9. a copy of any contract or agreement or proposed contract or agreement with each expert witness, consultant or other person.

The Presiding Examiner is required to examine each request for funds to determine whether the request complies with the above rules. A request for intervenor funds that does not comply fully with each requirement of the rules will not be granted. Providing a complete request for funds in the first instance will abbreviate the process of obtaining a grant of funds and will avoid successive filings and rulings, which otherwise may be necessary and will delay the award of funds. If the party believes a regulatory provision is not applicable to its circumstances, the party should explicitly state this contention in its funding request, and also explain why the provision is not applicable.

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<sup>1</sup> [Note: In addressing this provision, a party must provide more than a recitation of the regulatory language in a conclusory statement to the effect that "each person identified above will contribute to a complete record." Instead, the party must specify in what manner, or specifically how, its participation will contribute to a complete record in this proceeding. For example, a party might identify, if applicable, that it has a unique concern or interest, not addressed by other parties, that it intends to study or otherwise address on the record, and specify how the party plans to address the issue. For the pre-application stage, a party might identify the need to hire an expert to better define the scope of appropriate studies that should be included in the application to remedy a deficiency uniquely identified by the party in the scope described in the Preliminary Scoping Statement.]

### **Conferences to Consider Funding Requests**

At the Pre-application Stage, an initial conference to consider fund requests will be convened by the Presiding Examiner between 45 days and 60 days after the filing of a Preliminary Scoping Statement. At the Application Stage, a similar initial conference may be convened. Anyone interested in receiving notices of such conferences may subscribe to the service list established for the case. At any conference held to consider fund requests, intervenors should be prepared to discuss their funding requests and the award of funds. At any pre-hearing conference that may be held to consider fund requests, the parties should be prepared to discuss their funding requests and the award of funds. Parties are encouraged to consider consolidating their requests with similar funding proposals made by other parties.

### **Award of Funds**

After a party submits a funding request, the Presiding Examiner will issue a formal ruling granting or denying the funding request in whole or in part. In making any funding award, the Presiding Examiner is not making any determination on the merits of the issues identified in the award. A party who receives a funding award will then be contacted by the Department of Public Service (DPS) Finance Office and asked to sign Local Assistance Contract documents, which set forth the terms and conditions for providing intervenor funding.

### **Disbursement of Funds**

No funds will be disbursed until after the work has been performed and detailed invoices have been submitted to DPS for review by both the Presiding Examiner and the Finance Office. Any moneys remaining in the intervenor account after the Siting Board's jurisdiction over an Application has ceased shall be returned to the applicant.

### **Reporting Requirements**

Each party receiving an award of funds must use the awarded funds only for the purposes that have been specified in the particular award of intervenor funding. A party receiving an award of funds must also comply with certain reporting requirements. On a quarterly basis, unless otherwise required by the Presiding Examiner, any party receiving an award of funds shall:

1. provide an accounting of the monies that have been spent; and,
2. submit a report to the Presiding Examiner showing:
  - a) the results of any studies and a description of any activities conducted using such funds;
  - b) whether the purpose for which the funds were awarded has been achieved;
  - c) if the purpose for which the funds were awarded has not been achieved, whether reasonable progress toward the goal for which the funds were awarded is being achieved;
  - d) and why further expenditures are warranted.

## APPENDIX 1

### Relevant Excerpts from Article 10 of the Public Service Law

#### Section 160(1)&(9)[Definitions]:

1. "Municipality" means a county, city, town or village located in this state.
  
9. "Local parties" shall mean persons residing in a community who may be affected by the proposed major electric generating facility who individually or collectively seek intervenor funding pursuant to sections one hundred sixty-three and one hundred sixty-four of this article.

#### Section 163(4)[Pre-Application Procedures]:

4. (A) Each pre-application preliminary scoping statement shall be accompanied by a fee in an amount equal to three hundred fifty dollars for each thousand kilowatts of generating capacity of the subject facility, but no more than two hundred thousand dollars, to be deposited in the intervenor account established pursuant to section ninety-seven-kkkk of the state finance law, to be disbursed at the hearing examiner's direction to defray pre-application expenses incurred by municipal and local parties (except for a municipality submitting the pre-application scoping statement) for expert witness, consultant, administrative and legal fees. If at any time subsequent to the filing of the pre-application the pre-application is substantially modified or revised, the board may require an additional pre-application intervenor fee in an amount not to exceed twenty-five thousand dollars. No fees made available under this paragraph shall be used for judicial review or litigation. Any moneys remaining in the intervenor account upon the submission of an application for a certificate shall be made available to intervenors according to paragraph (a) of subdivision six of section one hundred sixty-four of this article.

(b) Pre-application disbursements from the intervenor account shall be made in accordance with rules and regulations established pursuant to paragraph (b) of subdivision six of section one hundred sixty-four of this article which rules shall provide for an expedited pre-application disbursement schedule to assure early and meaningful public involvement, with at least one-half of pre-application intervenor funds becoming available through an application process to commence within sixty days of the filing of a pre-application preliminary scoping statement.

#### Section 164(6)[Application for a Certificate]:

6. (a) Each application shall be accompanied by a fee in an amount (i) equal to one thousand dollars for each thousand kilowatts of capacity, but no more than four hundred thousand dollars, (ii) and for facilities that will require storage or disposal of fuel waste byproduct an additional fee of five hundred dollars for each thousand kilowatt of capacity, but no more than fifty thousand dollars shall be deposited in the intervenor account, established pursuant to section ninety-seven-kkkk of the state finance law, to be disbursed at the board's direction, to defray expenses incurred by municipal and other local parties to the proceeding (except a municipality which is the applicant) for expert witness, consultant, administrative and legal

fees, provided, however, such expenses shall not be available for judicial review or litigation. If at any time subsequent to the filing of the application, the application is amended in a manner that warrants substantial additional scrutiny, the board may require an additional intervenor fee in an amount not to exceed seventy-five thousand dollars. The board shall provide for notices, for municipal and other local parties, in all appropriate languages. Any moneys remaining in the intervenor account after the board's jurisdiction over an application has ceased shall be returned to the applicant.

(b) Notwithstanding any other provision of law to the contrary, the board shall provide by rules and regulations for the management of the intervenor account and for disbursements from the account, which rules and regulations shall be consistent with the purpose of this section to make available to municipal parties at least one-half of the amount of the intervenor account and for uses specified in paragraph (a) of this subdivision. In addition, the board shall provide other local parties up to one-half of the amount of the intervenor account, provided, however, that the board shall assure that the purposes for which moneys in the intervenor account will be expended will contribute to an informed decision as to the appropriateness of the site and facility and are made available on an equitable basis in a manner which facilitates broad public participation.

## APPENDIX 2

### Relevant Excerpts from the Article 10 Regulations

#### 16 NYCRR, Section 1000.10:

#### 1000.10 Fund for Municipal and Local Parties

##### (a) Pre-Application Provisions

- (1) Each pre-application preliminary scoping statement shall be accompanied by an intervenor fee in an amount equal to \$350.00 for each 1,000 kilowatts of generating capacity of the subject facility, but no more than \$200,000.00.
- (2) All intervenor fees submitted with each preliminary scoping statement and application, as well as any intervenor fee required to be submitted when a pre-application scoping statement or application is amended, shall be deposited in an intervenor account, established pursuant to Section 97-kkkk of the State Finance Law.
- (3) Following the filing of a preliminary scoping statement, the Presiding Examiner or the Secretary shall issue a notice of availability of pre-application intervenor funds providing a schedule and related information describing how interested members of the public may apply for pre-application funds. Requests for pre-application funds shall be submitted to the presiding examiner not later than 30 days after the issuance of the notice of the availability of pre-application intervenor funds.
- (4) An initial pre-application meeting to consider fund requests shall be convened within no less than 45 days but no more than 60 days of the filing of a preliminary scoping statement. At any pre-application meeting that may be held to consider fund requests, participants should be prepared to discuss their funding applications and the award of funds. Participants are encouraged to consider the consolidation of requests with similar funding proposals of other participants.
- (5) If the pre-application preliminary scoping statement is substantially modified or revised subsequent to its filing, the Board may require an additional pre-application intervenor fee in an amount not to exceed \$25,000.00. In such circumstances, the presiding examiner may make awards of the additional funds, on an equitable basis, in relation to the potential for such awards to make an effective contribution to review of the preliminary scoping statement, thereby providing early and effective public involvement.

- (6) Each request for pre-application funds shall be filed with the Secretary and submitted to the presiding examiner, with copies to other interested persons, as identified by the Secretary or presiding examiner.
- (7) The presiding examiner shall reserve at least 50% of the pre-application funds for potential awards to municipalities.
- (8) Following receipt of initial requests for pre-application funds, the presiding examiner shall expeditiously make an initial award of pre-application funds, and thereafter may make additional awards of pre-application funds, in relation to the potential for such awards to make an effective contribution to review of the preliminary scoping statement, thereby encouraging early and effective public involvement.
- (9) The presiding examiner shall award funds on an equitable basis to participants during the pre-application phase whose requests comply with the provisions of this section, provided use of the funds will make an effective contribution to review of the preliminary scoping statement, and thereby provide early and effective public involvement.
- (10) Subject to the availability of funds, the presiding examiner may fix additional dates for submission of fund requests.
- (11) On a quarterly basis, unless otherwise required by the presiding examiner, any person receiving an award of funds shall submit to the presiding examiner, and file with the Secretary, a report:
  - (i) detailing an accounting of the monies that have been spent; and
  - (ii) showing:
    - (a) the results of any studies and a description of any activities conducted using such funds;
    - (b) whether the purpose for which the funds were awarded has been achieved; or
    - (c) if the purpose for which the funds were awarded has not been achieved, whether reasonable progress toward the goal for which the funds were awarded is being achieved and why further expenditures are warranted.
- (12) All disbursements from the pre-application intervenor account to any person shall be made by the Department of Public Service upon audit and warrant of the Comptroller of the State on vouchers approved by the Chairperson or a designee. All such vouchers must include a description and explanation of all expenses to be reimbursed.

(13)

(b) Application Provisions

- (1) Each application shall be accompanied by an intervenor fee in an amount:
  - (i) equal to \$1,000 for each 1,000 kilowatts of capacity, but no more than \$400,000.00, and
  - (ii) for facilities that will require storage or disposal of fuel waste byproduct, an additional intervenor fee of \$500.00 for each 1,000 kilowatts of capacity, but no more than an additional \$50,000.00, shall be deposited in the intervenor account.
- (2) If an amendment of an application is determined by the Chairperson to be a revision as defined in this Part, the application will require substantial additional scrutiny and the applicant shall submit an additional intervenor fee, in the amount equal to \$1,000 for each 1,000 kilowatts of capacity of the proposed project, as amended, but no more than \$75,000.00. The presiding examiner may, however, increase the level of the additional intervenor fee that shall be submitted, up to the maximum level of \$75,000 if the presiding examiner finds circumstances require a higher level of intervenor funding in order to ensure an adequate record for review of the revision to the application.
- (3) Following an applicant's publication of notice of filing a PSL Article 10 application, the presiding examiner or secretary shall issue a notice of availability of application intervenor funds providing a schedule and related information describing how municipal and local parties may apply for application funds. Requests for application funds shall be submitted to the presiding examiner within 30 days after the issuance of the notice of the availability of application intervenor funds.
- (4) The presiding examiner shall award funds during the application phase on an equitable basis to municipal and local parties whose requests comply with the provisions of this section, so long as use of the funds will contribute to a complete record leading to an informed decision as to the appropriateness of the site and the facility and will facilitate broad participation in the proceeding.
- (5) The presiding examiner shall reserve at least 50% of the intervenor funds for potential awards to municipalities.
- (6) Any municipality or local party (except an applicant) may request funds from the intervenor account to defray expenses for expert witness, consultant, administrative or legal fees (other than in connection with judicial review).

- (7) Each request for application funds shall be filed with the Secretary and submitted to the presiding examiner, with copies provided to all other parties.
- (8) At any pre-hearing conference that may be held to consider fund requests, the parties should be prepared to discuss their funding applications and the award of funds. Parties are encouraged to consider the consolidation of requests with similar funding proposals of other participants.
- (9) Subject to the availability of funds, the presiding examiner may fix additional dates for submission of fund requests.
- (10) On a quarterly basis, unless otherwise required by the presiding examiner, any party receiving an award of funds shall submit to the presiding examiner and file with the Secretary a report:
  - (i) detailing an accounting of the monies that have been spent; and
  - (ii) showing:
    - (a) the results of any studies and a description of any activities conducted using such funds;
    - (b) whether the purpose for which the funds were awarded has been achieved; if the purpose for which the funds were awarded has not been achieved; whether reasonable progress toward the goal for which the funds were awarded is being achieved; and why further expenditures are warranted.
- (11) Disbursement of Funds
  - (i) All disbursements from the application intervenor account to any party shall be made by the Department of Public Service upon audit and warrant of the Comptroller of the State on vouchers approved by the Chairperson or a designee. All such vouchers must include a description and explanation of all expenses to be reimbursed.
  - (ii) All vouchers must be submitted for payment not later than six months after any withdrawal of an application or the Board's final decision on an application (including a decision on rehearing, if applicable).
  - (iii) Following withdrawal or final Board decision on an application, any funds that have not been disbursed shall be returned to the applicant.

(c) General Provisions

- (1) Each request for funds shall contain:
  - (i) a statement of the number of persons and the nature of the interests the requesting party represents;
  - (ii) a statement of the availability of funds from the resources of the requesting party and from other sources and of the efforts that have been made to obtain such funds;
  - (iii) the amount of funds being sought;
  - (iv) to the extent possible, the name and qualifications of each expert to be employed, or at a minimum, a statement of the necessary professional qualifications;
  - (v) if known, the name of any other interested person or entity who may, or is intending to, employ such expert;
  - (vi) a detailed statement of the services to be provided by expert witnesses, consultants, attorneys, or others (and the basis for the fees requested), including hourly fee, wage rate, and expenses, specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility;
  - (vii) if a study is to be performed, a description of the purpose, methodology and timing of the study, including a statement of the rationale supporting the methodology and timing proposed, including a detailed justification for any proposed methodology that is new or original explaining why pre-existing methodologies are insufficient or inappropriate;
  - (viii) a statement as to the result of any effort made to encourage the applicant to perform any proposed studies or evaluations and the reason it is believed that an independent study is necessary; and
  - (ix) a copy of any contract or agreement or proposed contract or agreement with each expert witness, consultant or other person.
- (2) If the matter has not been assigned to a presiding examiner, the Secretary shall act as an interim examiner until a presiding examiner has been assigned to the matter.