



700 Louisiana Street, Floor 33  
Houston, TX 77002

March 22, 2013

Honorable Addie Russell  
NYS Assembly  
Legislative Office Building, Room 456  
Albany, NY 12248

Re: Case No. 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 Assemblywoman Russell,

As you are probably aware, Cape Vincent Wind Power, LLC ("CVWP"), proposes to construct a wind electric generating facility in the Town of Cape Vincent, New York. To construct the facility, CVWP is seeking a certificate of environmental compatibility and public need ("CECPN") from the New York State Board on Electric Generation Siting and the Environment ("Siting Board") pursuant to Article 10 of the Public Service Law and the Siting Board's rules (16 NYCRR Part 1000).

The Siting Board's rules require that, at least ninety (90) days before filing its application for a CECPN, CVWP file a Preliminary Scoping Statement ("PSS"). The Siting Board's rules further require that CVWP provide three (3) days' notice of filing of the PSS to "each member of the state legislature in whose district any portion of [a project] is proposed to be located or in which any alternative location identified is located, or in which any interconnections or related facilities necessary to serve the proposed facility are proposed to be located." (16 NYCRR § 1005(e))

By this letter, CVWP hereby provides you notice that it will file its PSS by March 29, 2013. Enclosed is a copy of the notice published in local community and general circulation newspapers in and around the Towns of Cape Vincent and Lyme and the Village of Chaumont.

Sincerely,

A handwritten signature in blue ink that reads "Richard F. Chandler".

Richard Chandler

# The Cape Vincent Wind Farm – Preliminary Scoping Statement Public Notice

On March 29<sup>th</sup>, 2013 Cape Vincent Wind Power, LLC (“CVWP”) will file a Preliminary Scoping Statement (“PSS”) for the proposed Cape Vincent Wind Farm pursuant to Article 10 of the New York Public Service Law (16 NYCRR § 1000.5). A PSS is a written document intended to inform the New York State Board on Electric Generation and Siting (the “Siting Board”), other public agencies, and the public that CVWP is contemplating making an Article 10 application (the “Application”) to the Siting Board.

CVWP is proposing to build a 200-285 megawatt wind energy facility with up to 124 wind turbines to be sited in the Town of Cape Vincent and the associated overhead generation interconnection line and related equipment to be sited in the Towns of Cape Vincent and Lyme and potentially the Village of Chaumont (“Project”).

The PSS will contain:

- i. A brief description of the proposed Cape Vincent Wind Farm and its environmental setting;
- ii. Potentially significant adverse environmental and health impacts related to the construction and operation of the Project including impacts related to:
  - Statewide electrical system
  - Ecology, air, ground and surface water, wildlife, and habitat
  - Public health and safety
  - Cultural, historical and recreational resources
  - Transportation, communication, utilities
  - Noise and vibration
  - Socioeconomic effects
  - Visual impacts
  - Electric magnetic fields
  - Wetlands
  - Cumulative impact of emissions on the local community
  - Environmental justice communities

The PSS will contain measures proposed to minimize environmental impacts and the identification of all other state and federal permits, certifications, or other authorizations needed for construction, operation or maintenance of the Project. The PSS will contain a list of local laws, rules, or regulations that the Project will be seeking the Siting Board to supplant or override.

The PSS will also contain a description of the proposed studies or program of studies designed to evaluate potential environmental and health impacts that CVWP intends to include in its Application for an Article 10 certificate. The description of the studies will include the extent and quality of information needed for the Application to adequately address and evaluate each potentially significant adverse environmental and health impact, including existing and new information where required, and the methodologies and procedures for obtaining the new information. The PSS will also include an identification of any other material issues raised by the public and affected agencies to date and the response of CVWP to those issues.

Within 21 days after the filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on CVWP and filing a copy with the Secretary to the Department of Public Service. Within 21 days after the closing of the comment period, CVWP shall prepare a summary of the material comments and its responses to those comments.

CVWP will provide \$99,750 of intervenor funds available for municipal and local parties that may be used to defray certain expenses associated with participating in the Article 10 proceeding during the pre-application phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. An application for intervenor funds and more information on eligibility and how to apply for intervenor funds is available at the DPS website at <http://www.dps.ny.gov>.

An Application for a certificate of environmental compatibility and public need for the Project may be filed by CVWP 90 days after the filing of the PSS. The Application will be accompanied by additional funding for intervenors. The Application will build upon the scope agreed upon in the PSS and contain a description of the site and the facilities to be built thereon. The Application will include geological, visual or other aesthetic, ecological, seismic, biological, water supply, population and load center data as well as an evaluation of the expected environmental and health impacts and safety implications of the Project, both during its construction and operation, including any studies, identifying the author and date thereof.

Once an Application is filed and determined to be complete, the Siting Board will set a date for a public hearing. The presiding examiner will conduct a prehearing conference to identify intervenors, award intervenor funds, identify issues for hearing and establish a case schedule for discovery to be followed by hearings. After hearings, stakeholders may brief their positions and the presiding examiner will issue a recommended decision upon which the Siting Board will base its decision. Stakeholders will also have an opportunity to submit briefs on the recommended decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board, must be completed within 12 months from the date that the Application is determined to comply with all filing requirements.

Information about the Project is available from the applicant, the DPS Public Information Coordinator, the Project website ([www.capevincentwindfarm.com](http://www.capevincentwindfarm.com)) and the Siting Board’s web page at ([www.dps.ny.gov/SitingBoard](http://www.dps.ny.gov/SitingBoard)).

Any member of the public wishing to receive all formal notices, including but not limited to notices regarding any pre-application stipulations, concerning the proposed facility can file a request with the Secretary. A written request may be emailed to the Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address: Hon. Jeffrey Cohen, Acting Secretary, NYS Department of Public Service, Three Empire State Plaza, Albany, New York 12223-1350.

Electronic documents concerning the proposed Cape Vincent Wind Farm can be accessed on the DPS website at: <http://www.dps.ny.gov>. To access documents: go to the DPS’s website <http://www.dps.ny.gov>, see the link on the left side of the webpage under “Most Popular Page” to access the “Commission Documents” Page, search for the Cape Vincent Wind Farm Documents using the Case Number 12-F-0410. Alternatively, go directly to the Siting Board’s web page at <http://www.dps.ny.gov/SitingBoard> to access documents and notices.

Contact information for Cape Vincent Wind Power, LLC: Mr. Richard Chandler, Director, Business Development, BP Wind Energy North America, Inc., 700 Louisiana Street, 33rd Floor, Houston, Texas 77002, Tel: (713) 354-2100, Email: [info@capevincentwindfarm.com](mailto:info@capevincentwindfarm.com)

Contact information for the DPS Article 10 Public Information Coordinator: Mr. James Denn, NYS Department of Public Service, 3 Empire State Plaza, Albany, NY 12223, Tel: (518) 474-7080, Email: [james.denn@dps.ny.gov](mailto:james.denn@dps.ny.gov)