

# TOWN OF CAPE VINCENT

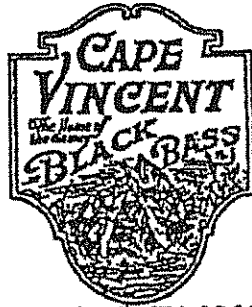
Jefferson County, New York 13618

Supervisor  
Urban C. Hirschey

Town Clerk/Tax Collector  
Michelle A. Bouchard

Council  
Brooks J. Bragdon  
Clifford P. Schneider  
John Byrne III  
Michelle Oswald

Superintendent of Highways  
Danny P. Hubbard



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Robert V.R. Barnard

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Planning Board Chair  
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Board of Appeals Chair  
Dennis Faulknham

Zoning Enforcement Officer  
James G. Millington

Honorable Jeffrey C. Cohen  
Acting Secretary, New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

April 8, 2013

Re: Case 12-F-0410 – Cape Vincent Wind Power

Dear Acting Secretary Cohen:  
Kindly find attached 3 comment letters from the Town of Cape Vincent. If there are any problems in transmission or questions please advise 315 654 3366.

Sincerely

  
Brooks Bragdon  
Deputy Supervisor

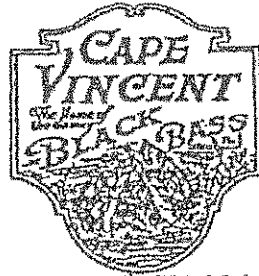
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April 4, 2013

Honorable Jeffrey C. Cohen  
Acting Secretary, NYS Board of Electric Power  
Generation Siting and Environment  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: Case 12-F-0410 Cape Vincent Wind Power, LLC**

Dear Secretary Cohen:

Governor Andrew Cuomo, at the signing of Power NY legislation in August of 2011, remarked of the bill: "The act gives community members a voice in the siting process and will maintain New York's position as a leader in environmental protection. ... (It) affords communities more opportunity to meaningfully participate in the siting process."

It's true that the legislation that created the new Article 10 law has given those who live in and around Cape Vincent an opportunity to voice their opinions about British Petroleum's (BP) proposed wind power project there.

We've taken the opportunity to read all 290 comments submitted to the Siting Board so far. By our count, 224 individuals have expressed concerns about or outright opposition to the proposed development. (Some individuals have submitted multiple comments.) Twenty-four individuals have expressed support.

Surely Governor Cuomo did not envision Article 10 as a device to force a wind project on a community where it is thoroughly unwelcome. We trust that overwhelming opposition to BP's efforts in our town for almost a decade will have a "meaningful" impact on the siting process. Yet it appears the voice of the clear majority has had no discernible impact on BP's determination to continue progressing through the certification process – showing no interest in the dominant community sentiment.

Yet it appears the voice of the clear majority has had no discernible impact on BP's determination to continue through the certification process. It has submitted a preliminary scoping statement that willfully disregards every concern that our town government has expressed since the project was proposed several years ago.

The Public Service Commission concluded that BP's public involvement program was "inadequate" and subsequently recommended ways to "address the relevant requirements in the new regulations." (Letter from DPS to John Harris, Oct. 17, pg. 2). BP was essentially non-responsive.

BP has ignored or failed to heed the following recommendations:

- "Representatives and residences of adjacent municipalities" – specifically Wolfe Island – should be considered potential stakeholders (Letter from DPS to John Harris, Oct. 17, pg. 2 - #4). BP also ignored a request from Wolfe Island officials to discuss the project. (Letter from Dennis Doyle to BP CEO Katrina Landis, Feb. 19).
- BP has not provided a map that clearly shows project boundaries, setbacks from property lines, location of turbines, a legend of host landowners and adjacent landowners as well as more specific locations of electric lines, substations, switchyards and interconnection points. (Letter from DPS to John Harris, Oct. 17, pg. 3). In doing so, BP has failed to meet the requirements of a PIP as defined in the legislation as "ensur(ing) communication between stakeholders and an applicant, and result(ing) in education of the public as to the specific proposal and the Article 10 process." (16 CRR-NY 1000.2ah)
- BP has not identified a location of reasonable alternative sites for this project. (Letter from DPS to John Harris, Oct. 17, Attachment 1, pg. 2, #1c)

In addition, BP included several action items in its PIP – and the subsequent revision – that the company never completed:

- BP identified nine (9) organizations in its PIP that it planned to contact, but did not subsequently list in its chart of tracked contacts: Jefferson County, U.S. Department of Homeland Security, New York State Department of Transportation, New York State Office of General Services, New York State Empire State Development, Department of Defense Clearinghouse for Energy Development, U.S. Federal Aviation Administration, National Grid and the Thousand Islands Central School.
- BP did not follow through on its own plan to solicit input from stakeholders within the environmental justice area.
- In its revised PIP, BP said it had created "fact sheets" on health & safety and environment/wildlife topics (Revised PIP, pg. 22 – F). If those exist, they are not available on the project's official website.
- In its revised PIP, BP suggested public comments from all of its public events and from its office "may" be provided on their website (Revised PIP, pg. 22 – F). As of today, those had not appeared on the site.
- In its revised PIP, BP said "responses to commonly asked questions from the 'open house' and 'Article 10/Intervenor' events will be posted on the website under 'Frequently Asked Questions'" (Revised PIP, pg. 24). That section does not exist on the website.

In summary, BP both ignored recommendations from your commission to "address the relevant requirements in the new regulations" and promised – but did not follow through on - several

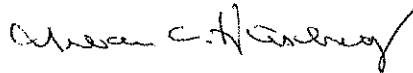
action items that would have better educated the public about its project.

In a visit to the north country last August, Mr. Cuomo called the Article 10 legislation “an intelligence balance between local input” and an expeditious process. He praised home rule “as very important – where a locality decides their destiny,” but added, “There also has to be a reasonableness. Because we have to remember: At the end of the day, we need power.” We believe it quite reasonable to require BP to submit a public involvement program that is considered adequate by any reasonable standard. I also believe it is reasonable to conclude that if BP tells the Siting Board it will make a certain outreach, that they do it.

The community of Cape Vincent has spoken in near harmony. We have listened to BP representatives for several years, but a steady series of non-answers leaves us with many unaddressed concerns about the project’s impact on their health, safety and welfare. When does this opposition actually have a “meaningful” impact in the certification process?

Respectfully yours,

Urban Hirschey – Town Supervisor



Brooks Bradgon – Deputy Supervisor



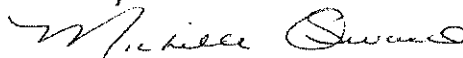
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Clifford Schneider – Town Council

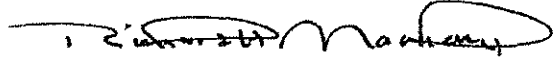


Michelle Oswald – Town Council

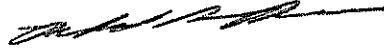


We the undersigned appointed officials from the Town of Cape Vincent endorse and fully support this Town Board letter to the Public Service Commission regarding the Article 10 application for the Cape Vincent Wind Power project proposal.

Richard Macsherry – Planning Board Chairman



Robert Brown – Planning Board



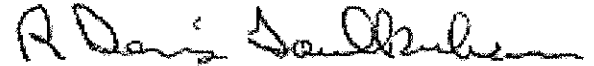
Cyril Cullen – Planning Board



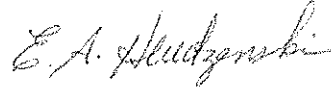
Paul Docteur – Planning Board



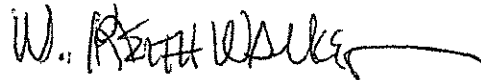
R. Dennis Faulknham – Zoning Board of Appeals Chairman



Ed Hludzinski – Zoning Board of Appeals



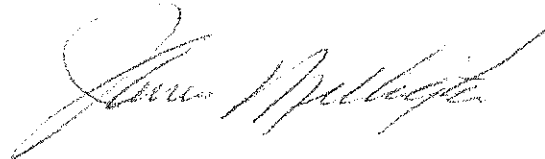
Keith Walker – Zoning Board of Appeals



Hester Chase – Zoning Board of Appeals



James Millington – Zoning Enforcement Officer



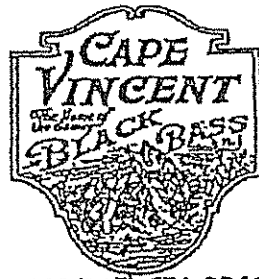
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March 14, 2013

Honorable Jeffrey C. Cohen  
Acting Secretary, NYS Board of Electric Power  
Generation Siting and Environment  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: Case 12-F-0410 Cape Vincent Wind Power, LLC**

Dear Secretary Cohen:

The Town Boards of Cape Vincent and Lyme and the Planning Board of Cape Vincent met with BP on January 22, 2013. Several letters have been sent to you, by the Town of Cape Vincent, on the items addressed and more pointedly, not addressed, during that meeting. Many of the critical items have gone unanswered by BP until last week. One should keep in mind that our requests were for the most recent information so that we could start to look into those items which will undoubtedly be necessary to address during the PSS and Application phases of BP's Article 10 efforts.

John Harris, BP's attorney, finally sent a letter (March 7, 2013) to the Towns of Cape Vincent and Lyme, in which he addressed some of the items discussed at the January 22nd meeting. Two of Mr. Harris's responses demand immediate comment.

**Para 1:** A copy of a large scale map of the Cape Vincent – The map that BP is using for their "official" project map of the Cape Vincent Wind Farm Project is significantly out of date. Many of the road names are incorrect. Several major complexes within the Town, such as the Correctional Facility and the Thousand Island High/Middle School Complex, are not even shown on the map. While it is difficult to determine the exact year this "Official Map" was created, based on the 1972 opening of the Thousand Island High/Middle School Complex, the map is at least 40 years out of date.

How can BP know the correct parcel boundaries, determine the interaction with neighboring parcels on a map that is at least 40 years out of date? To this point, BP

should provide a tax parcel overlay to its turbine array map. This overlay should indicate all leaseholders and those residents who have 'good neighbor agreements.' BP is not conducting an outreach campaign; this is a campaign of maintaining corporate privilege and exclusivity. Once again, we have another glaring example of BP not being forthcoming in its dealings with our Town's citizens and governing boards.

**Para 2:** During the January meeting Mr. Harris scrolled through his phone flipping through sections of our law BP found objectionable and which they intend to ask the Siting Board to "supplant". At the time it was impossible for us to make notes of the sections he was describing and we requested that Harris provide us with a printed listing, which should have been an easy request to satisfy. However, to date we have received nothing and the comment in his March 7<sup>th</sup> letter was "*we are still working on to finalize this list. We expect to be able to provide the list very shortly and in any event will certainly include the list in our Preliminary Scoping Statement.*" Failure to provide what BP stated it would provide on a critical issue only compounds a problem that, unfortunately for us, began on September 17, 2012, the first day BP submitted their Public Involvement Plan.

**Para 3:** Mr. Harris notes they were requested to update their distribution list to "*...reflect new members of the Town Board as well as individuals no longer serving and confirm that we have done so.*" New Town Council representative Michelle Oswald, however, is still absent from the list – she did not receive a personal addressed letter, which was provided to other members of Cape Vincent Boards.

**Para 4:** BP was made aware on January 22 that a few families were situated within the Environmental Justice "Impact Study Area" and that it would be best if these families received some specially addressed notification. Rather than contact this small group, BP's response was, "*After further research into this issue, we do not believe we will be impacting any environmental justice communities and will provide more detail on this topic in the Preliminary Scoping Statement.*" Rather than finding a rationale to ignore this group of people, we feel that BP should have addressed these families directly perhaps through simple, inexpensive mailing of educational materials to the few families residing within the impact area.


Now that we are nearing the end of the Public Participation phase of Article 10 it is obvious to us that BP not only has little respect for our Town, its plan and its law, but BP also has shown no cooperation or courtesy in the Article 10 process. This is incompatible with BP's stated Corporate Code of Conduct in dealing with governments: "*Co-operate courteously with officials conducting a government or regulatory agency inquiry or investigation.*" Therefore, once again we are asking the Siting Board to enforce the intent and letter of the Article 10 process. At every step to date BP has appeared willing to flaunt the transparency that the authors of Article 10 claimed it would bring to the process.

Respectfully yours,

Urban Hirschey – Town Supervisor



Brooks Bradgon – Deputy Supervisor



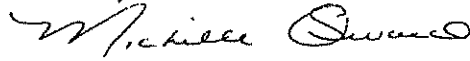
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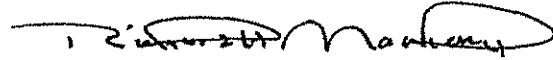


Michelle Oswald – Town Council




We the undersigned appointed officials from the Town of Cape Vincent endorse and fully support this Town Board letter to the Public Service Commission regarding the Article 10 application for the Cape Vincent Wind Power project proposal.

Richard Macsherry – Planning Board Chairman



Robert Brown – Planning Board



Cyril Cullen – Planning Board



Paul Docteur – Planning Board



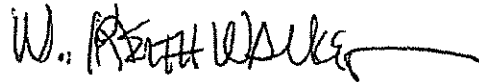
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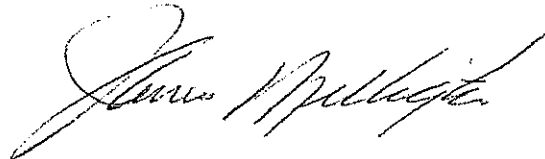
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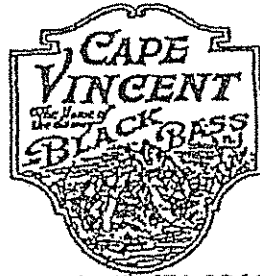
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April 4, 2013

Honorable Jeffrey C. Cohen  
Acting Secretary, NYS Board of Electric Power  
Generation Siting and Environment  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: Case 12-F-0410 Cape Vincent Wind Power, LLC**

Dear Secretary Cohen:

We seek again to impress upon the Siting Board and staff regarding the glaring inconsistencies and inadequacies in the "public involvement" efforts of BP in connection with their proposed project.

In our previous letter to you we advised that John Harris, BP's attorney, finally sent a letter (March 7, 2013) to the Towns of Cape Vincent and Lyme, in which he addressed some of the items raised at a January 22 meeting in Cape Vincent attended by Mr. Harris and Mr. Richard Chandler, BP's Project Manager. In our letter to you we itemized four significant problem areas in Mr. Harris' letter – problems with his responses or lack thereof.

An additional shortcoming in Mr. Harris' letter demands that we draw your separate attention to it.

On January 22, , when visiting Cape Vincent, Mr. Chandler stated that he was not going to involve Wolfe Island as a stakeholder because he didn't want to involve a community across an international boundary. Aside from that excuse being without good reason or even relevant, it also reveals that BP is indifferent to the fact that Wolfe Island is on record as requesting to be involved by BP.

Yet, in paragraph 6 of his letter Mr. Harris writes regarding setbacks from the Town of Lyme's border (also discussed at the January 22 meetings) that, "No separate setbacks

from Town borders is contemplated as this is a political boundary as opposed to an item that might dictate a health or safety setback."

BP can't have it both ways. Aside from a narrow shared river, the boundary that separates Cape Vincent from the Township of Frontenac Islands (Wolfe Island and others) is nothing more than a political boundary as well.

Early in the process it was specifically suggested to BP in writing by Siting Board staff that they should engage neighboring stakeholder communities in their pre-application public involvement program efforts. Siting Board staff specifically and properly identified Wolfe Island and Clayton as obvious stakeholder communities.

Both the statements of Mr. Chandler and Mr. Harris reflect BP's desire to artificially contain the size of the area impacted by their project as much as possible. That may serve their developmental interests but it does not serve the real interests of our immediate neighbors and the region. BP cannot pick its own stakeholders. They are here. Municipal stakeholders would surround their project, close by in every direction, and not least among them, Wolfe Island. BP cannot pretend otherwise. The dotted lines on a jurisdictional map don't change the real impacts of a major new industrial complex.

Obviously, BP's wind project would have area-wide consequences, both on and along the Cape Vincent/Lyme border and far beyond the Cape Vincent and Lyme town borders, including neighboring, and very nearby, Ontario.

Though the actual footprint of the BP project would be confined to Cape Vincent and Lyme, a half dozen other townships have a very real stake in the outcome of BP's proposal. The economic and environmental concerns of nearby towns, and of the Thousand Islands as an integrated region, should be given considerable weight.

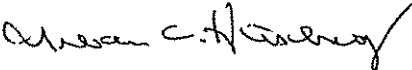
Any large-scale development project in one part of the Thousand Islands Region will affect every part of the Thousand Islands Region. That is particularly true for a modern large-scale wind farm that is so visually imposing. The many qualities of our area that make it attractive and appealing to so many, and upon which the local economies of our region directly and indirectly depend

We must trust that New York State Siting Board will be sufficiently circumspect to appreciate that the ramifications of large-scale wind development, particularly in our area, would not be confined to the boundaries of the municipality in which turbines are put up.

We ask you to give these additional considerations your fullest attention.

Respectfully yours,

Urban Hirschey – Town Supervisor



Brooks Bradgon – Deputy Supervisor



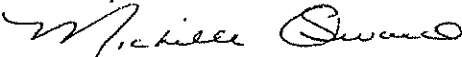
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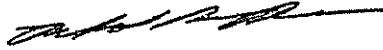


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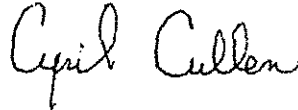
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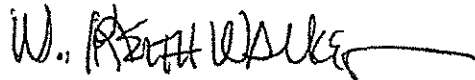
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