

TOWN OF CAPE VINCENT

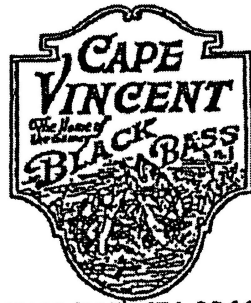
Jefferson County, New York 13618

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December 20, 2012

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

Re: Case12-F-0410 Cape Vincent Wind Power

Dear Acting Secretary Cohen:

Regarding the revised Public Involvement Program (PIP) dated Nov. 12, 2012 from BP, there are several areas where the DPS made specific recommendations as to what actions were necessary to make the original PIP plan adequate. The following requests from the DPS were not met in BP's revised PIP, nor did BP provide a written explanation as to why it decided not to incorporate DPS's recommendations. We wish to make clear, for the record that BP's revised PIP is substantially lacking.

From the DPS letter Oct. 17, 2012

"Pursuant to 16 NYCRR 1000.4 (e), Cape Vincent Wind Power, LLC shall within 30 days consider the measures recommended by DPS and, in a final written Public Involvement Program plan filed with the Secretary, shall as to each specific measure either revise the Public Involvement Program plan to incorporate the DPS recommendation, or provide a written explanation as to why it decided not to incorporate the recommendations."

and

"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 (e.g., 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."

However, Wolfe Island, an existing project, and Clayton, a proposed project, were not included in BP's revised PIP.

The DPS also wrote:

"In addition, we would appreciate it if you could provide DPS with some basic project information including (a) a map showing the project area including the turbine array limits, and the location of electric lines, substations, switchyard and interconnection points; and (b) a description of the changes resulting in the consolidated project including the number and size of turbines, their location, and the project boundary."

BP ignored this recommendation by DPS in their revised PIP and did not change a single feature of their original map "Exhibit 1- Map of Cape Vincent Wind Farm." BP's map lacks boundaries of the project, setbacks from property lines, location of turbines, a legend of host landowners and adjacent landowners. Locations of electric lines, substations, switchyards, and interconnection points are vague and indeterminable.

In BP's revised PIP on page 4 there is a chart which describes setbacks distances from non-participating landowners, yet their map does not delineate which properties are non-participating making interpretation of setback distances impossible.

The DPS further writes:

"3. The Plan should provide a preliminary specific (non-generic) identification of: (i) host landowners; and (ii) adjacent landowners;"

Again, no such information is included and the recommendations of DPS were ignored.

BP writes in their revised PIP

"...has developed a list of stakeholders using the following criteria (a preliminary specific list of stakeholders is attached as Exhibit 3):"

Exhibit 3, however, lacks lists of specific host landowners and adjacent property owners. The Lyme Planning Board is not entirely represented and Clayton and Wolfe Island are not included. In this instance BP has failed to include what they said they would include!

DPS writes:

"1. The Public Involvement Program plan (Plan) should identify: (c) the location of reasonable alternative sites,"

BP's revised PIP has no alternate facility sites proposed, nor did BP provide an explanation as to why they ignored DPS's recommendations.

DPS writes:

"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."

BP officially began their PIP Sept. 17. To date their website has neither summaries of feedback from the public nor summaries of actions taken by BP in response to feedback. It has been two months and their web-page is blank along with their response to DPS.

DPS writes:

"Identification of goals and methods for specific consultations...d) provide a methodology to measure the success of the outreach. "

BP responds in their revised PIP:

"...consultation will be deemed successful if information relevant to affected stakeholder or agency was provided to affected agency or stakeholder..."

In addition to information requested in previous letters to the PSC and BP, the Town of Cape Vincent has requested:

- ⤴ An accurate map with specifics details
- ⤴ lists of host landowners and adjacent landowners
- ⤴ accurate and definitive size of project - 200-285 MW has a 42% variation
- ⤴ accurate numbers for productivity- not exaggerated by at least 3 times
- ⤴ acknowledgment that significant adverse environmental, social, financial, and cultural impacts exist
- ⤴ respect for our Town Comprehensive Plan and our Local Zoning Laws.

In spite of these requests, BP chose to ignore the Town's requests in much the same manner that they have ignored DPS recommendations for improving their PIP.

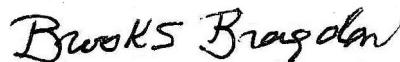
There has to be some recognition in the Article 10 process between an applicant's rhetoric and their compliance with the law, rules and the recommendations of the DPS. In BP's Article 10 case they obviously talk better than they walk. Although we view the loss of home rule to be unfair to the interests of our community, we felt the rules that were promulgated by DPS attempted to balance the interests of all the players, us included. However, if BP continues to be unresponsive to these rules, as they have been with their PIP, then we foresee a continued adulteration of the Article 10 process. Governor Cuomo, during the signing of the NY Power Act 2011, stated that "the process will be fair," and we hope and expect that the Siting Board will uphold the expectation of the governor.

Respectfully yours,

Urban Hirschey – Town Supervisor



Brooks Bradgon – Deputy Supervisor



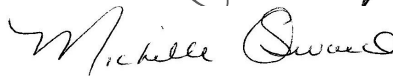
John Byrne – Town Council



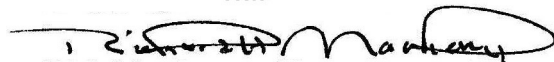
Clifford Schneider – Town Council



Michelle Oswald – Town Council



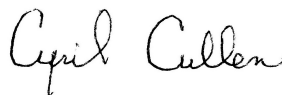
Richard Macsherry – Planning Board Chairman



Robert S. Brown – Planning Board



Cyril Cullen – Planning Board



Paul Docteur – Planning Board



Hester Chase – Zoning Board

