

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel

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June 1, 2017

Via Email

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

Re: Case 16-F-0267, Deer River Wind Project – Request for Extension of Deadline for Submitting Comments on Preliminary Scoping Statement

Dear Secretary Burgess:

On behalf of the New York State Department of Environmental Conservation (Department), due to exigent circumstances, I hereby request an extension to the deadline for submitting comments on the Preliminary Scoping Statement (PSS) in the above-referenced matter. In particular, the Department requests an extension of the PSS comment deadline from June 5, 2017 to June 15, 2017.

Atlantic Wind, LLC filed the PSS for the proposed Deer River Wind Farm (Project) on May 15, 2017. On May 19, 2017, the Siting Board provided notice of filing and, in accordance with 16 NYCRR § 1000.5(g), established a comment deadline 21 days from the filing of the PSS, or June 5, 2017. The Department is requesting a 10-day extension of this deadline to June 15, 2017.

While the Department has made diligent efforts to comply with the current deadline, certain Department staff that are essential to the environmental review of the proposed Project have recently been unavailable due to exigent circumstances. In particular, staff in the Department's Region 6 Office have been engaged in emergency response efforts as a result of flooding from elevated water levels in Lake Ontario. This has included numerous site visits, as well as staffing an emergency response command center to help members of the public with flooding or erosion damage. Staff involved in the emergency response efforts around Lake Ontario include many of the same staff that will be involved in assessing wetland, habitat, and other potential environmental impacts and issues associated with the proposed Project. Therefore, the relatively short extension of time requested here would be in the public interest and would promote the fair, orderly, and efficient conduct of this proceeding.

Thank you for considering this request. If you have any questions, please contact me at (518) 408-5754 or jonathan.binder@dec.ny.gov.

Sincerely,

/s/

Jonathan Binder
Associate Attorney

cc: Party List, Case 16-F-0267
A. Cerbin, DPS
R. Edick, Project Manager, DEC DEP