

### Request for Intervenor Funds

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:** Case 12-F-0410

**Title of Case:** Cape Vincent Wind Farm

**Name of Party:** Wind Power Ethics Group LLC. (WPEG) /Town of Cape Vincent

**Contact Person:** Sarah Boss – Chairperson – Wind Power Ethics Group LLC  
Urban Hirschey – Town Supervisor

**Firm Name:** N/A

<b>Contact Address:</b>	Wind Power Ethics Group LLC.	Town of Cape Vincent
	P.O. Box 435	1964 NYS Rt. 12E
	Cape Vincent, NY 13618	Cape Vincent, NY 13618

**Contact Telephone Number:** WPEG: 315-654-2084  
Town: 315-654-3795

**Contact E-mail Address:** [dodgebay@twcny.rr.com](mailto:dodgebay@twcny.rr.com)  
[Uhirschey@townofcapevincent.org](mailto:Uhirschey@townofcapevincent.org)

**Amount of Funds Requested:**

\$20,250.00

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:**

The organization (WPEG) represents over half of the local population during the past 7 years.

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

WPEG represents the entire scope of what the effects of a wind farm will have on our citizens' daily lives in regards to health and safety, environmental, property value, tourism and historic issues.

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

WPEG has conducted fund raisers as early as 2006 from residents within our community. We continued fund raising up until the advent of Article 10. We feel the community has already sacrificed so much to ensure a well informed, fair process.

Our citizens need some funding relief.

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

WPEG has a small cache of funds that will be needed to cover operating expenses for the next few years, but there are not enough funds to support expert help needed during the pre-application phase.

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

Currently and within the near future, there are no other sources of funds available for WPEG to support expert help during the pre-application phase.

**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.**

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

\$20,250.00

**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:**

**Michael S. McCann, CRA**

500 North Michigan Avenue  
Suite 300  
Chicago, Illinois, 60611

Phone: (312) 644-0621

Fax: (312) 644-9244

**CERTIFICATION/LICENSE:**

State Certified General Real Estate Appraiser  
Illinois License No. 553.001252 (Expires 9/30/13)

**EXPERIENCE:**

Mr. McCann's appraisal experience has included market value appraisals of various types of commercial, office, residential, retail, industrial and vacant property, along with a wide variety of unique or special purpose real estate, such as limestone quarries, hotels, contaminated properties, etc.

He has a wide variety of experience in real estate zoning evaluations and property value impact studies, including analysis of utility scale wind turbine generating facilities, gas-fired electric generating plants, shopping centers, industrial facilities, limestone quarries, sanitary landfills and transfer station disposal facilities.

He has been retained as an independent consultant to municipalities, government agencies, corporations, attorneys, developers lending institutions and private owners.

Professional presentations include speaking at seminar such as:

Appraisal Institute, the Illinois State Bar Association and Lorman Education Services on topics including the vacation of public right of ways (1986), and Property Taxation in the New Millennium (2000), Zoning and Land Use in Illinois (2005, 2006), Wind energy seminars in Illinois, Michigan and California (2010-2011) and Wind Farm and Land Values for the Appraisal Institute (2012).

In addition to evaluation of eminent domain real estate acquisitions for a wide variety of property owners & condemning authorities, Mr. McCann has served as a Condemnation Commissioner (2000-2002) appointed by the United States District Court - Northern District, for the purpose of determining just compensation to property owners, under a federal condemnation matter for a natural gas pipeline project in Will County, Illinois.

**EXPERT TESTIMONY:**

Assignments include appraisals, studies and consultation regarding real estate located in 21 states. He has qualified and testified as an expert witness in Federal Court, and for condemnation, property tax appeal and zoning matters in the Illinois Counties of Cook, Will, Boone, Lake, Madison, St. Clair, Iroquois, Fulton, McHenry, Ogle & Kendall Circuit Courts, as well as the Chicago and Cook County Zoning Boards of Appeal, the Property Tax Appeal

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Board (PTAB) and tax court & Commissions of Illinois, Wisconsin, and Ohio, Circuit Courts in New Jersey and Indiana, as well as zoning, planning, and land use and County Boards in Texas, Missouri, Idaho, Michigan, New Mexico, Indiana and various metropolitan Chicago area locales.

He has also been certified as an expert on the Uniform Standards of Professional Appraisal Practice (USPAP) by the Cook County, Illinois Circuit Court. Mr. McCann has substantial experience in large-scale condemnation and acquisition projects and project coordination at the request of various governmental agencies and departments. These include appraisals for land acquisition projects such as the Chicago White Sox Comiskey Park stadium redevelopment project, the Southwest Transit (Orange Line) CTA rail extension to Chicago's Midway Airport, the United Center Stadium for the Chicago Bulls and Blackhawks, the minor league baseball league, Silver Cross Field stadium in Joliet, Illinois, as well as many other urban renewal, acquisition and neighborhood revitalization projects.

#### RELATED EXPERIENCE:

Michael McCann has bought, sold, and negotiated purchase and sales, and acted as agent for governmental bodies, private property owners and his own account, for residential property, land and commercial property, in transactions in excess of \$65 million dollars.

#### REAL ESTATE EDUCATION:

Specialized appraisal education includes successful completion of Real Estate Appraisal Principles, Appraisal Procedures, Residential Valuation, Capitalization Theory and Techniques Part A, Standards of Professional Practice Parts A, B and C, Case Studies in Real Estate Valuation, Highest and Best Use and Market Analysis, Advanced Income Capitalization, Subdivision Analysis and Special Purpose Properties, Eminent Domain and Condemnation, and Valuation of Detrimental Conditions in Real Estate offered by the Appraisal Institute. In addition, he has completed the Society of Real Estate Appraisers' Marketability and Market Analysis course, the Executive Enterprises - Environmental Regulation course, and a variety of continuing education real estate seminars.

#### DESIGNATIONS & PROFESSIONAL AFFILIATIONS:

The National Association of Review Appraisers & Mortgage Underwriters has designated him a Certified Review Appraiser (CRA). He was elected in 2003 as a member of Lambda Alpha International, an honorary land economics society, and he served several years as a member of the Appraiser's Council of the Chicago Board of Realtors.

LICENSES:

State Certified General Real Estate Appraiser in the State of Illinois (License No. 533.001252) and is current with all continuing education requirements through September 2013. Temporary licenses have been obtained in numerous states when necessary to comply with state law for out of state assignments.

SUMMARY OF MICHAEL McCANN'S TESTIMONY ON WIND ENERGY PROJECTS:

- 2013 Illinois, Boone ZBA – Turbine setbacks and property value impacts.
- 2013 Indiana, Tipton BZ - Turbine project impact on property values; zoning compliance evaluation.
- 2013 Mass., Dennis Orleans District Court - Turbine impact on SFR property value.
- 2012 Illinois, Lee County ZBA - Turbine project impact on property values; zoning compliance evaluation.
- 2012 Ohio, Champaign County Ohio Power Siting Board - Turbine project impact on property values.
- 2011 Connecticut, Prospect CSC - Turbine project impact on neighboring values.
- 2011 Michigan, Leelanau Circuit Court & deposition - Turbine impact on neighboring SFR value.
- 2010 Illinois, Adams County Board - Written testimony re: setbacks and property values.
- 2010 New Hampshire, Groton NHSEC & deposition - Turbine project impact on neighboring values.
- 2010 Mass., Wareham ZBA - Turbine project impact on neighboring values.
- 2009 Illinois, DeKalb ZBA - Turbine project impact on neighboring values.
- 2009 Illinois, Livingston ZBA - Turbine project impact on neighboring values.
- 2009 Illinois, McLean Deposition - Turbine project impact on property values.
- 2008 Illinois, Bureau ZBA - Turbine project impact on neighboring values.
- 2008 Illinois, Logan ZBA - Turbine project impact on neighboring values.

2008 Illinois, Tazewell ZBA - Turbine project impact on neighboring values.

2007 Illinois, Stephenson ZBA -Turbine project impact on neighboring values.

2005 Illinois, Ogle ZBA - Turbine project impact on neighboring values.

Note: List is summary of testimony only. Numerous studies, literature reviews, consulting assignments and seminar presentations are not included.

**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:**

N/A

**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:**

Town of Cape Vincent

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

McCann Appraisal, Inc. [MA] will assist WPEG with land use and property value issues through the following tasks:

1. Determine a study scope and protocol to further define the effect of CVWF on the property values in the Town of Cape Vincent. This will include the effect of distance from the turbine/turbines as well as distance from Lake Ontario and the St. Lawrence River. It is expected that the study would be undertaken by a mutually agreed upon expert and financed by BP.
2. Determine the study scope and protocol to define the effect of the CVWF on future growth of the Town and specifically new residences both within and outside the actual project boundaries. It is expected that the study would be undertaken by a mutually agreed upon expert and financed by BP.
3. Review the PSS and determine specific items that will impact the above studies.
4. Attend the stipulation phase of the Article 10 process to defend the Town's law and recommendations.
5. Specific attention will be paid to the following comments on the BP's PSS from the Town of Cape Vincent, the NY Department of Public Service and the NY Department of Environmental Conservation.

A. Town of Cape Vincent Comments:

1. BP dismisses solar out of hand because the company is no longer in the solar business. However, the point the Town wishes to make is wind development is incompatible with the Town's Comprehensive Plan because of noise, shadow flicker, blinking lights, ice throw, potential rotor failure, property devaluation, and major bird kills, whereas a solar project would have NONE of these adverse impacts on people and natural resources. The Town urges BP and the Siting Board to consider a solar project to demonstrate that solar is a better fit for not only Cape Vincent, but for all New York communities with natural and community resources similar to the Town's. [p.21]
2. BP needs to update their Project map to include all the buildings and residences that have been added in the last 60 years, which is the time base

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for BP's current map. [p.31]

3. BP must recognize that Property Values and the work of the Town's Economic Committee, McCann Appraisal, and others all point to substantial risk to devaluing property and they should recast their project with 2-mile setbacks from the river and lake waterfronts, as stipulated in current Town Zoning Law. [p.66]
4. For both the protection of valued waterfront property and the protection of invaluable natural resources, a two-mile setback from the Town's shorelines represents a well-reasoned, rational necessity for the Town's restrictions in its Zoning Law. [p.78]

B. NY Department of Public Works Comments:

1. Staff acknowledges the range of results of various studies on wind project property value impacts, and recommends that further detailed consideration of this matter on the project area communities is warranted. In a region that has a significant reliance on tourism as an economic mainstay, the potential for adverse impacts on tourism, heritage and tourism resources and attractions should be undertaken as part of the application. [p.45]

- 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:**

Category	Rate Basis
Hourly Rate	\$300/ Hour
Witness Fee	\$300/ Hour
Travel Time	\$1000 / ½ day - \$2000 / day
Travel / Reimbursable Costs	Actual Cost
Estimated Activity Cost	
Review PSS and Town / State Agency comments	\$1,500 (5 hrs)
Property Value Loss - Develop Study Scope and Methodology	\$2,400 (8 hrs)
Residential Growth – Develop Study Scope and Methodology	\$2,400 (8 hrs)
Attend stipulation hearings	2 days travel - \$4,000 3 days – Stipulation Hearing - \$7200 Reimbursable estimate - \$2,750
Total Estimated Activity Cost	\$20,250

- 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:**

The health and welfare of any community is based on its ability to grow economically.

The Town has expressed real concern about the effect of the heavy industry, such as wind turbines, on the value of the current and future residences in both its Comprehensive Plan and Zoning Law. This includes potential negative effects on the Town's ability to prosper economically.

In their comments on the PSS the DPS "staff acknowledges the range of results of various studies on wind project property value impacts, and recommends that further detailed consideration of this matter on the project area communities is warranted".

Mr McCann's expertise and experience will provide the guidance to properly evaluate the effect of the CVWF on the current residences and future residential growth and therefore the economic wellbeing of the Town of Cape Vincent. His efforts will directly address at least five (5) comments identified in Para. 6a of this application and in so doing will significantly add to the record.

- 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.**

N/A

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

N/A for pre-application phase

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

N/A for pre-application phase

**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:**

N/A for pre-application phase

**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:**

N/A for pre-application phase

**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:**

N/A for pre-application phase

**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.**

Will not be available until intervenor funds have been approved for Mr. McCann

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

**10 Provide a statement of any additional justification for the funding request not already addressed.**