



**Department of
Public Service**

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June 8, 2016

Laura K. Bomyea, Esq.
Young/Sommer LLC
5 Palisades Drive
Albany, NY 12205
lbomyea@youngsommer.com

Re: Case 16-F-0267 - Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind Energy Project in Lewis and Jefferson Counties.

Dear Ms. Bomyea:

This letter is to inform you that Staff of the New York State Department of Public Service ("DPS Staff") has reviewed the proposed Public Involvement Program Plan ("PIP Plan") for the proposed Deer River Wind Farm Project ("DRWFP" or "the Project") filed on May 9, 2016, by Atlantic Wind, LLC ("Atlantic Wind" or "the Applicant"), and find it to be inadequate in several areas.

In an effort to guide and assist you in preparing an adequate PIP Plan, DPS Staff has prepared some specific recommendations, which are outlined in Attachment A. DPS Staff believes that the application process can be streamlined if the Applicant develops a thorough Final PIP Plan that includes outreach to potentially affected stakeholders early in the process to effectively obtain preliminary input that will guide development of the scope of studies for the application.

Pursuant to 16 NYCRR §1000.4(e), Atlantic Wind "shall within 30 days consider the measures recommended by DPS [Staff] 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 [Staff] recommendation, or provide a written explanation as to why [it] is not incorporating the DPS [Staff] recommendation."

Case 16-F-0267
Deer River Wind Farm Project
PIP Plan – DPS Staff Comment

If you have any questions or need additional information regarding the attached DPS Staff recommendations, please contact me at (518) 474-1788 or by e-mail at lorna.gillings@dps.ny.gov.

Sincerely,

A handwritten signature in blue ink that reads "Lorna Gillings". The signature is written in a cursive, flowing style.

Lorna Gillings
Consumer Advocacy and Education
Office of Consumer Services

cc: (via e-mail) Kathleen H. Burgess, Secretary to the Commission
Andrea Cerbin, Assistant Counsel, Office of General Counsel
Erin O'Dell-Keller, Manager, Office of Consumer Services
James A. Muscato II, Attorney, Young/Sommer LLC

General Comments

1. Staff recommends that the Applicant add the case number to the front cover page in the final PIP Plan.
2. Terminology: To avoid confusion in future communications with stakeholders, Applicant is advised to use terminology that reflects definitions in relevant regulations. “Communities” is used throughout the PIP Plan, when “municipalities” is the correct term for legal entities (e.g., page 7 at Section 2.3 Study Area). “Communities” generally should be used to refer to groups of people that may or may not include municipal authorization or organization. “Communities” are specifically used in discussion of Environmental Justice analysis of ethnic or cultural commonality.

Section 2.0 - Project Description

2.2: Project Summary

1. First paragraph incorrectly indicates that the Study Area includes the Town of Redfield in Jefferson County.
2. The project summary states that the Applicant will construct a collection station adjacent to a National Grid interconnections switching station. The PIP plan should identify the municipality where this station is located.
3. What is the approximate size of the project area and study area?
4. Provide additional details of the anticipated socioeconomic benefits of the Project, including:
 - (a) an estimated number of temporary and permanent local employment opportunities that will be generated by construction and operation of the Project;
 - (b) the estimated duration of temporary local employment opportunities that will be generated during Project construction;
 - (c) the estimated dollar amount of revenue anticipated to the County and local municipality tax bases; and
 - (d) The PIP states the “The Project will also result in increased revenues to County and local municipality tax bases, payments to the local hospitality industry...” PIP Plan should clarify this statement, as to whether it is the intent of the Project owners to make payments directly to hospitality

providers, or if this is potentially an indirect economic benefit of Project development.

5. Fix the typographical error in the second paragraph (6th line down)—the text is missing a period after the words “maintenance (O&M) building”.

Section 3.0 - Identification of Stakeholders

1. At the ninth bullet point in the list of “actual affected agencies and actual stakeholders”, include “wind turbines” in the list of Project components.
2. At the ninth bullet, DPS recommends identifying adjacent landowners as landowners with property within 2,500 feet of a **turbine or substation**, or within 500 feet of other Project components (e.g., collection lines, met tower, O&M facility, etc.), and any additional landowners whose homes are within 5,000 feet of a turbine.
3. The proposal to update the List of Stakeholders should include updates to the PIP Plan as appropriate.

3.2: Local Agencies

1. The following local agencies should be identified as stakeholders:
 - (a) The Lewis County Department of Economic Development and Planning, and
 - (b) The Jefferson County Department of Planning and Economic Development.
2. The Applicant is advised to engage in outreach at an early stage with these agencies, identifying goals of outreach effort to include information regarding Comprehensive Plan and economic development priorities within the counties, and to solicit suggestions for other local and regional stakeholders and interest groups for part of the PIP plan outreach strategy.
3. In addition, the Soil and Water Conservation Districts for the project area counties should be identified as stakeholders in developing information regarding farmland conservation and management plans for participating farmland holdings.
4. The PIP Plan does not include fire departments for the towns in the project area and is missing Champion, Rutland, Watertown and Worth in the study area. These should be included or an explanation given as to why they were not added.

5. Other county agencies should be added to stakeholder lists as appropriate.

3.3: Municipalities

1. Oswego County needs to be included as a stakeholder since the study area extends into this county.

3.5: Additional Stakeholders

1. The Project Area abuts the existing Maple Ridge Wind Farm, and is nearby to three other proposed wind projects (see attached Figure “Number Three Wind Farm” dated May 25, 2016, proposed by Invenergy in NYS Siting Board Case 16-F-0328). Other developers will have interest in outreach and development activities of the Deer River Project. Likewise, the number of wind development projects in the area will likely present challenges for local municipal and other interest groups for maintaining and managing involvement efforts with multiple project developers simultaneously. Communication among developers to avoid competing demands for limited local interest group resources is encouraged.

3.7: Public Interest Groups

1. The draft PIP Plan does not acknowledge that New York State lands are included within the Project Area as described and mapped in PIP Plan at Figure 1. The Project appears to include the need to locate facilities within NYS Forest Lands within Lewis County, a Forest Preserve County. The PIP Plan should identify the outreach strategy that will be followed to support gaining access to State Lands for location of facilities. Furthermore, the location identified involves multiple-use non-motorized and other recreational trails that traverse NYS lands and other lands. The PIP Plan should identify trails user-groups and include outreach efforts to involve those groups in planning efforts.
2. Furthermore, the NYS Forest Lands in and nearby to the Project Area are all managed by NYS DEC pursuant to the *Tug Hill North NYS Forest Lands Unit Management Plan*, by the NYS DEC Division of Lands and Forests, Region 6, 2015. The Unit Management Plans identify additional stakeholder groups that participated in development and review of those Plans. The list of Public Interest Groups should be revised to include conservation, recreational and other interest groups beyond the three identified in the draft PIP.

Section 4.0 - Language Access

1. The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data.

Section 5.0 – Proposed Public Involvement Program

1. The Applicant provided contact information for a project representative, however, the contact's address is not local to the project area. The Applicant should indicate if it will establish a local office within the project area.
2. Is there a toll-free number for stakeholders to call? Is the local number answered by a live person or is it automated? The PIP plan should include information about the hours that the contact number will be answered and when callers should expect a response.
3. Although a location has not been secured at the time of the PIP filing, the Applicant should include a notation about the office in this section. Include information on the anticipated hours of operation.
4. The local document repositories are all located in the study area. There should be a repository within the project area.
5. Applicant should include a statement that document repositories will include additional pertinent updates and information as it becomes available.

5.1: Consultation with the Affected Agencies and Stakeholders

1. The last sentence states that “many of these consultations have already been initiated.” Applicant to provide listing of meeting logs in its final PIP Plan.

5.3.1: Public Meetings

1. Staff recommends that at least two open houses be held in June and two in November to better cover the project and study area. The Applicant should consider a location in the Town of Pickney since a large portion of the project is located in this municipality.
2. Notification of the open house should be made at least fourteen days before the event – seven days is not sufficient notice. The Applicant should consider a mass mailing to residents in the project and study area, as well as the stakeholder list, to announce the initial open house(s). Subsequent mailings can be tailored to those

residents/stakeholders who have expressed an interest in receiving correspondence about the project.

3. The Applicant should ensure that the identified local newspapers cover the study area as well as the project area.
4. The expected hours of the day when the open houses will be held should include different hours of the day to accommodate workers' schedules and provide the best possible opportunity for working persons to attend.

5.3.2: Educational Materials

1. The Applicant should provide more details about the planned mailing of educational materials to the stakeholder list. The Applicant should give some examples of topics addressed in the educational materials, such as the Article 10 process, Intervenor funding, etc.

5.4: Website

1. The Applicant should provide a timeframe for the anticipated launch of the website.
2. The Applicant should include a bullet that indicates the site will have a function/feature that will allow interested persons to be added to the stakeholder list and indicate their preference for e-mail or postal notifications.
3. The list should include a bullet stating that copies of all educational materials (factsheets, brochures, the PIP plan, etc.) will be available electronically on the site.
4. The Applicant should indicate how it will announce the website launch.

5.5: Notifications

1. The Applicant should include the filing of the PSS in addition to the Application.
2. The Applicant should consider issuing a letter or copy of the notice to the stakeholder list when issuing a notification.

5.6: Activities to Encourage Participation in the Certification Process

1. The Applicant states it will track its PIP and provide regular updates to DPS Staff and maintain a PIP Tracking Log that will provide specifics on all meetings.

The Applicant should provide this tracking log on a bi-monthly basis and include updates and/or advances in the project as well.

Figure 1: Project Area

1. The Project Area Map should show road names and route numbers, including town roads. The Project Area Map should also show all New York State lands, including the multiple state forest land maps within and adjoining and nearby to the Project Area.

Figure 2: Study Area

1. The Project Study Area Map should show major road names and route numbers, identify New York State lands, and clearly indicate County names (which are obscured on draft Figure 2).
2. The Study Area boundary and the county lines need better definition: they are not clearly visible when looking at black and white copies of the maps.

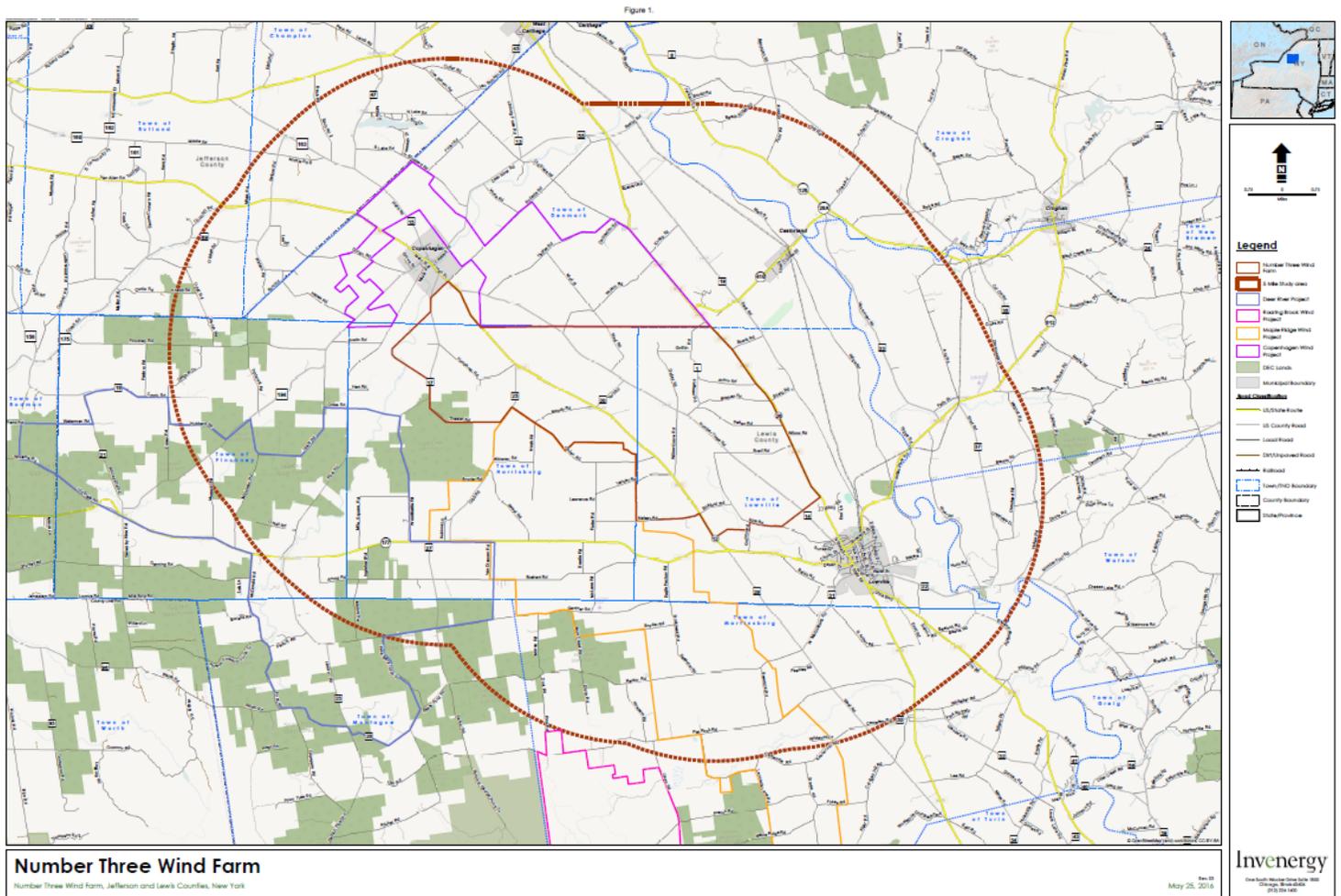
Exhibit A: Master List of Stakeholders and Notification List

1. DPS Staff recommends changing the listed NYS Dept. of Public Service contact to the Secretary to the Public Service Commission, Kate Burgess.
2. Applicant should add further stakeholders based on DPS Staff comments, and results of early consultations as advised by DPS Staff comments.
3. The Applicant should include under “Affected State and Federal Agencies—a contact person for NYS Energy Research Development Authority (NYSERDA) and NYS Department of Environmental Conservation (NYSDEC), and the NYS Department of State (NYSDOS).
4. The Applicant should include under “Local Agencies” a contact person for each agency.
5. The Applicant should include under “Municipalities” the County Executives as well as the clerks.
6. Local repositories should be included in the Stakeholder list.

Exhibit B: Goals and Objectives of Stakeholder Involvement

1. Staff recommends to add stakeholders as per DPS comments.

2. DPS Staff recommends to add goals including identification of long-range planning and development goals of Project Area municipalities and planning agencies.



“Figure 1” – Map of Number Three Wind Farm, from Public Involvement Plan by Invenergy, LLC, filed in the Siting Board Case 16-F-0328, May 27, 2016.

