

TOWN OF CAPE VINCENT

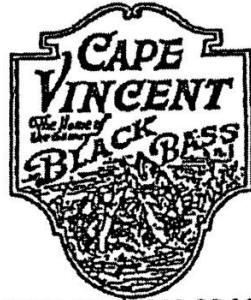
Jefferson County, New York 13618

Supervisor
Urban C. Hirschey

Town Clerk/Tax Collector
Michelle A. Bouchard

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Brooks J. Bragdon
Clifford P. Schneider
John Byrne III

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Assessor
Robert V.R. Barnard

Historian
Peter Margrey

Planning Board Chair
Richard H. Macsherry

Board of Appeals Chair
Dennis Faulkham

Zoning Enforcement Officer
James G. Millington

December 30, 2012

Mr. Richard Chandler
Director, Business Development
BP Wind Energy
700 Louisiana Street, Floor 33
Houston, Texas 77002

Re: Case12-F-0410 Cape Vincent Wind Power

Dear Mr. Chandler:

Regarding your request for written confirmation of our meeting date and time, our meeting is scheduled for January 22 at 10:00 AM at our Rec Park facility. We intend the meeting to be a work session and not a forum. It will include Cape Vincent and Lyme officials, and we anticipate give and take vs. formal presentations. We will have a lunch served during the session and expect the meeting will continue in to the afternoon.

You state in your December 21 letter that you are "interested in eliciting specific local interests" for consideration when you again visit Cape Vincent in January. Among the areas of likely local interest you mention location and design, local public involvement, property taxes, payments in lieu of taxes, and highway work associated with your proposed project. Other details you mentioned include the potential for incremental operating and infrastructure costs incurred for police services, fire services, emergency services, water, sewer, solid waste disposal, and highway maintenance and other municipal services during construction and operations phases. In contrast to these detailed points in your PIP you mention the broad, general topics of potential negative impacts, adequacy of studies to address those impacts and applicability of our local law. The details you describe in your letter, however, are putting the proverbial cart before the horse.

To discuss these matters at our January meeting, while BP is still in a public involvement phase of your proposal, and before any formal scoping process has commenced, strikes us as not only premature but highly presumptuous on your part. Should we be even talking about a

construction and operation phase for a proposed project which is still only proposed and a long way from being understood, much less approved? It seems to us that BP has much more groundwork to do before it is anywhere near timely to be discussing such matters as fire services and solid waste disposal, etc.

Mr. Chandler, we are puzzled as to how you think it might be possible to productively engage in discussions on these and other matters without first having the benefit of a full range of specific details regarding your proposal. All we really have is a poorly done map with little information other than 124 red dots within the boundaries of the Town of Cape Vincent. In our written communications to BP Wind Power, our face-to-face meeting and open house with you in Cape Vincent, and in our several written and publicly posted communications to the New York State Siting Board staff, we have repeatedly expressed our frustration over the poor details provided by BP for this project proposal and the lack of specificity in your development plans. In a very real sense we are operating in the dark, while you have the benefit of controlling the light.

Your letter does not in any way reflect or even acknowledge your appreciation of our ongoing difficulties in understanding the full scope and nature of your proposal for Cape Vincent and Lyme. If part of your purpose in wishing to come to Cape Vincent in January is to inform us more fully about the proposed location and design of your project, we would welcome that. We would also welcome discussing the issues mentioned in your revised PIP – namely the listing of potentially negative impacts, studies to assess their impacts and those parts of our local law you will be requesting that the Siting Board extinguish.

In your letter you mentioned the need to identify all of Cape Vincent's potentially applicable local laws and regulations. As you are aware all such laws are posted on the town's website and fully available for your review and study. In fact, after having reviewed our draft zoning law you sent us a letter on June 27 stating, "the provisions contained within the Proposed Zoning Law are unreasonably burdensome." If BP continues to hold this then on January 22 BP should be telling us specifically what parts of our law you will ask the Siting Board to supplant.

If part of your purpose for your visit to Cape Vincent in January is for you to better understand how you could improve your public involvement efforts, you need read the several publicly posted letters on that specific matter that we have provided to New York Siting Board staff. In those letters we have identified numerous specific shortcomings in BPs public outreach work to date.

In the closing line of your letter, Mr. Chandler, you say that you look forward to continuing dialogue regarding your project. We would suggest that true dialogue regarding your proposal (not yet a "project") has really not yet commenced. For dialogue to continue it must first begin. We do look forward to candid discussions with you on the substantive matters necessary for our evaluation of your proposal.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Urban C. Hirschey". The signature is written in a cursive, somewhat stylized script.

Urban Hirschey - Supervisor



700 Louisiana Street, Floor 33
Houston, Texas 77002

December 21, 2012

Urban Hirschey
Town Supervisor
Town of Cape Vincent
1964 NYS Route 12E
Cape Vincent, NY 13618

Re: Cape Vincent Wind Farm

Dear Supervisor Hirschey:

I am following up to confirm a meeting with the Town of Cape Vincent for Tuesday, January 23rd. I would appreciate it if you could provide written confirmation of the time, location, and format of the meeting, including whether the Town prefers a working session or a public forum. We are interested in eliciting specific local interests for consideration in the development of the Cape Vincent Wind Farm, including, but not limited to, location and design, as well as suggestions for our approach to local public involvement activities. There are a number of items we would specifically like to discuss with the Town some of which are discussed below.

We would ask that the Town identify or appoint a contact person with whom we should be engaging in discussions regarding issues such as property taxes, a potential payment in lieu of taxes agreement and highway work / road crossing agreements.

We would also like to consult with a representative or representatives of the Town to determine whether we have correctly identified all potentially applicable local laws and regulations.

We have attached a copy of our Public Involvement Program plan (PIP) which contains all those potentially material adverse environmental and health impacts that we have identified as resulting from the construction and operation of the proposed facility, especially as they relate to the particular aspects of the environmental setting of the Town. If you have any other additional material impacts or effects of the project on the Town please let us know.

If you or the Town's chief financial officer would be available to discuss the potential for incremental municipal operating and infrastructure costs incurred for police, fire, emergency, water, sewer, solid waste disposal, highway maintenance and other municipal services during the construction and operation phases of the project we may be better able to estimate these actual costs.

Beyond direct contact with the Town, we are also interested in the contact information for interest groups or community leaders outside Town government that you would suggest we engage with.

Additionally, on October 29, 2012, we submitted a request (copy enclosed) to the Town Planning Board notifying the Planning Board of the continued operation of 7 meteorological towers in the Town and requesting confirmation regarding receipt of the notice. To date we have not received any confirmation regarding receipt of this notice and we would appreciate confirmation that this notice was received.

We look forward to continuing the dialogue on the Cape Vincent Wind Farm project.

Sincerely,



Richard F. Chandler
Director, Business Development
BP Wind Energy

Cc: Richard Macsherry
Brooks Bragdon
Mickey Orvis
Clif Schneider
John L. Byrne, III
Bob Brown
Cyril Cullen
Bob Cardarelli
Karen Bourcy
Rockne Burns
Paul Docteur