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Sent via email: secretary@dps.ny.gov
& Regular Mail

Honorable Gary A. Brown, Chairman
Secretary, NYS Board of Electric Generation Siting and the
Environment
State of New York, Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

RE: 12-F-041-0 Cape Vincent Wind Power

Dear Chairman Brown:

On behalf of the Town of Lyme, please accept the following comments and recommendations relative to the Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to construct an approximately 200-285 Megawatt Wind Electric (Case 12-F-0410) generating Facility in the Town of Cape Vincent, New York.

A review of Cape Vincent Wind Power Preliminary Scoping Statement (PSS) has raised several issues relative to how the Generator Interconnect Lines will affect the health, safety, welfare, environment, and development in the Town of Lyme. The majority of the issues noted are related to outdated information, incomplete analysis and research, failure to research alternative options that are more environmentally friendly; and failure to address the community's health and safety concerns.

The comments are as follows:

1. Section 1.3.1 refers to the Rural Natural of Jefferson County. It fails to mention that the county is the fastest growing county in the state. Further study needs to be completed on how the Generator Interconnect line will affect the town's development, tax base and over all long term economic health. The Town of Lyme is located strategically on Lake Ontario and includes a well recognized recreational fishing area known as the "Golden Crescent". Included within the Town is Chaumont Bay and Three Mile Bay, well noted and promoted in New York State as a prime fishing area. The Town, therefore, enjoys a recreational reputation quality which is enhanced by the many miles of water frontage in the Town. The economy of the Town is thus, recreation based. In the summer the economy is driven by seasonal residents who come to the shores to vacation homes and in the winter by hundreds of ice fishermen who take advantage of the fishing resources available in the nearby waters. Since outdoor activities and reaction are a large part of what drives the economy and population of the Town, anything which would affect that is of concern to the Town of Lyme.
2. In section 1.3.11 the PSS makes reference to the number of vacant home in Lyme as 61%, but fails to mention that most of these homes are seasonal and that some of those lie along the proposed Generator Interconnect Line route. It also fails to recognize that these homes are occupied seasonally. These seasonal homes are substantial homes and they add substantial tax base to the Town. Anything that would decrease the value of these seasonal homes and the attractiveness of them to people, affects the economy of the Town. The presence of the major industrial overhead power line differs in character than the residential power lines already existing and is believed will have a negative impact on the Town in this regard. The town is concerned about the impact the lines will have on property values, and the short and long term health effects that the residents will incur. Since Exhibit A is extremely outdated, the CVWP failed to note all the newer residents that will be impacted by the Generator Interconnect Lines. Thus we believe a thorough study is required to determine the health, safety and home value impact along the three proposed routes.

3. Section 2.4.1 - NYS Coastal Policies.

- a. Policy No. 2 states "State agencies will avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt the reasonably foreseeable development of water dependent uses.

The siting of the Generator Interconnect Line over and along the Chaumont River will deter development because of the Electric Magnetic Field (EMF) and view shed issues along the Right-of-Way, over the river and bordering properties. In addition further investigation is required since the Chaumont River Corridor Waterfront Revitalization Project is in Phase I and CVWP failed to recognize the power line affect on that development program. The Town is in the process of developing a local Chaumont River Corridor Waterfront Revitalization project with New York State. The impact of the proposed development by CVWP on the development and the use of the waterfront needs to be thoroughly evaluated.

- b. Policy 19- Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

The siting of the Interconnection lines over the Chaumont river could well block access to the water front, The placing of the lines stops development by removing sections, on both sides of the river, from development. The Interconnect Right-of-Way effectively removes area from water front access and development. Alternative routes or methods of crossing the river need to be studied. If overhead lines are allowed to be built, it will detract from people wanting to use the water resources.

- c. Policy 21- Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

The Generator Interconnect Lines do not enhance recreation activities and will not encourage or facilitate use of the water front along the Chaumont River because the Interconnect Line Right-of-way will block access to the river, and

development. The Chaumont River Corridor Waterfront Revitalization Project plan should be given priority to the uses of water resources over power line Rights of Way.

- d. Policy 22- Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

The Generator Interconnect Lines do not provide for water related recreation. While the Chaumont River Corridor Waterfront Revitalization Project Plan will address water related activities along the river, it requires a complete review before non recreational development proceeds.

- e. Policy 23- Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation.

The State of New York has recognized the region and portion of the Town of Lyme as being a significant resource to the State. Indeed, a portion of the Town of Lyme has been designated to be on the Seaway Trail. The designation of the Seaway Trail was used to promote tourism and attract visitors to the area. Additionally, the recreational opportunities for fishing, as well as other water related activities in the town, abound because of the large amount of water frontage. The vast town shoreline has been designated as a part of the Golden Crescent and the fishing and recreational opportunities are well advertised and promoted. It brings many people to the area to enjoy these recreational opportunities. Additionally, the Town is involved in a study with the State of New York known as the Chaumont River Corridor Waterfront Revitalization Project. The Chaumont River Corridor Waterfront Revitalization Project Plan aims to fulfill this particular policy requirement. The CVWP response to this policy requirement indicates that they have not checked for areas or sites that are of significance in

the history, architecture, archaeology or culture of the state, its communities, or the nation; as reference in the policy. Therefore, this policy requirement needs further research relative to the requirements of the policy.

- f. Policy 24- Prevent impairment of scenic resources of statewide significance.

CVWP has not adequately addressed how it intends to meet this policy requirement since the Chaumont River corridor is a statewide scenic resource located on the Seaway Trail. Chaumont Bay is part of what is known as the Golden Crescent. CVWP needs to conduct a thorough cost analysis of different options that will meet this requirement. In addition it needs to work with the community to address its concerns.

- g. Policy 25- Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

CVWP's response has failed to address this requirement. Their response indicates that they will make little or no effort to meet the requirements of this policy. Extensive research needs to be completed and a plan put forth on how this requirement will be met. The CVWP has failed to address impacts on the State designated Seaway Trail or the recreational opportunities which abound in the Golden Crescent as so designated.

- h. Policy 26- Conserve and protect agricultural lands In the State's coastal area. No plan has been devised or presented that addresses the Agriculture & Markets guidelines for Agricultural Mitigation for Wind power Projects. A study of the impacted areas needs to be completed and a mitigation plan devised. Jefferson County as a whole and the Town of Lyme have been known historically as dairy areas. There is only one remaining dairy farm in the Town of Lyme. The proposed line either crosses or is adjacent to such dairy farm and it is believed will affect other types of farming activities in the Town. These have not been adequately addressed.

- i. Policy 27- Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

A study needs to be conducted of options that route the Generator Interconnect Lines around coastal waterways or in alternative non-intrusive manner.

- j. Policy 44- Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

CVWP acknowledges that tidal or freshwater wetlands may be affected but has offered no further studies or mitigation plan. This is another of the many Coastal Waterway studies that need to be completed.

4. **Section 2.4.2** Land uses, including but not limited to, residential, schools, civic facilities, agricultural, commercial, coastal areas, scenic resources, recreational and public lands within one mile of the Project facilities will be identified.

The response in this question has failed to analyze impacts on persons with special medical needs, including those with defibrillators, pacemakers or other electronic devices that could be affected by EMF. Also, there is no analysis suggestion of how the development might affect persons who are sensitive to a change in their environment such as those with autism and epilepsy. This is particularly true in areas adjacent to the Town of Lyme which, in some cases, towers are closer than 1,250 feet to the Town line and residents in the Town of Lyme may be affected by things such as shadow/flicker. Research needs to be completed on identifying and addressing how those impacts will be minimized.

5. Section 2.5 - "National Grid completed facilities studies for the previous 210 and 130 MW projects in 2008 ("2008 FS") and is currently re-evaluating the Transmission Owner Attachment Facilities ("TOAF") and

System Upgrade Facilities (SUFs) for the combined project."

CVWP should pay for any system upgrades or CVWP and National Grid need a mitigation plan to prevent the cost of these upgrade from being passed on to NYS customers. Same comment applies to Section 2.5.3.

6. Section 2.9.1 "Ability to inject power into the New York State grid without overly costly grid upgrades."

The cost of the grid upgrades have not been identified (see section 2.5). No cost analysis of the upgrades referenced in Section 2.5.3 has been completed. These studies need to be complete and their impact on NYS rate payers assessed.

7. Section 2.9.2 "Project will result in some stream crossings and some unavoidable wetland areas that are crossed by roads and/or collections lines. It is impractical to eliminate all impacts to wetlands and further efforts to avoid wetlands beyond the current proposed Project would likely result in longer access roads and trenching for electrical interconnects, thereby increasing land disturbance impacts."

Studies should be conducted to review alternatives to impacting sensitive areas. Studies should be conducted for alternatives to impacting sensitive areas in the purposed Generator Interconnect lines routes.

8. Section 2.9.2 "The installation of overhead lines, as proposed, will reduce impacts to soil and water resources but will increase visual impact during operation. To minimize adverse visual impact, most overhead lines will be carried on single metal poles or equivalent structure."

It is believed that the poles being proposed will be much higher than existing power lines. Since these poles being proposed will be located in very important scenic vistas within the Town, including the Seaway Trail and the Golden Crescent, it is important to minimize or eliminate visual impacts. It is for these reasons the Town of Lyme Law requires that the lines be underground. If lines are going to be proposed to

be overhead, even in part, they should not be allowed to be overhead, even in part, they should not be allowed to be overhead in those areas closest to the waterfront areas where the scenic vistas are most important. A visual impact study should be conducted based upon actual towers proposed to be used and actual tower locations.

9. Section 2.9.2 "CVWP studied the feasibility of using a buried line. For a project of this size, this would require the interconnection cable to not simply be buried, but to be encased in concrete. The result would remove the transmission line from view, but would require high construction costs that would contribute to making the project uneconomic. In addition, underground placement would generally require greater disturbance to wetland features which are located along the various routes identified."

CVWP has indicated that some unavoidable wetland areas would be impacted with overhead lines. However they have not identified studies that have been, or will need to be, conducted to assess which option (buried or overhead) has the least impact on sensitive areas. In addition a cost analysis, maintenance cost, environmental, and health assessment of the two options, needs to be conducted. Any study should pay particular attention to the most sensitive areas such as population centers and recreation areas which are adjacent or close to the water.

10. Section 2.15.5 Other Material Issues Raised by the Public and Affected Agencies. CVWP response to public question. "Pacemaker users or others with magnetic implants should not exceed 5 Gauss at any time. In 2004 a team measured magnetic fields at the base of a wind turbine at the Windrush wind farm. They measured 0.0004 Gauss. (Windrush, 2004)."

This is an extremely old study. There should be research conducted to validate that the Windrush study is still the most up-to-date and valid study. It should also include the effects of all the newer electronic devices that have come into use in recent years and are used to assist handicapped person as well as those with special medical needs.

11. Section 2.20 Cultural Resources - Exhibit 20 describes the efforts to date to identify and assess any impacts to Historic and Cultural Resources. The studies have identified areas of significance in the Town of Lyme. They also raise the issue of view shed impacts on these historic spaces by ultra-modern kinetic wind generation equipment. The studies need to be expanded to include turbine and transmission line changes contemplated by the current applicant and the current project layout. The level of intensity of this work should be appropriate to evaluate impacts of both overhead and buried transmission facilities.

12. Section 2.22 Terrestrial Ecology and Wetlands - Exhibit 22

This entire section suggests post construction monitoring in many instances. Studies of existing Wind Farms should be completed prior to Certification to put in place proper mitigation plans.

13. Section 2.24 Visual - Exhibit 24

The Visual Resource Assessment (VRA) studies are not complete. All studies and suggested studies should be completed and existing studies updated prior to Certification.

14. Section 2.35.1 - Potentially Significant Adverse Impacts "Significant exposure to high strength EMF has not been consistently shown to have negative health consequences. Due to a lack of credible evidence proving any impact from significant exposure to high strength EMF, as discussed in the NYSPSC Policy referenced above, generator interconnection lines are not considered to be hazardous to public health."

The Town of Lyme remains concerned and requests that any response on this issue be based on the most updated information worldwide.

15. Section 3: Transmission Line

The VRA studies are not complete. All studies and suggested studies should be completed and existing studies updated prior to Certification. All studies should be based on actual proposed materials for the project.

16. General Comments:

- a) The proposed Generator Interconnect line parallels the DANC waterline in several areas. This is the source of water for several communities from Cape Vincent to Glen Park. A study should be undertaken to examine the potential impact of accidental damage during construction and any post construction maintenance issues.
- b) Exhibit A base map is out dated. Based, however, on Exhibit A, it would appear that there are certain towers that are within 1,250 feet of Town of Lyme boundaries. Based on the Town of Lyme laws, these towers may be too close and an analyses needs to be done on this on how those towers will affect properties in the Town of Lyme. These specific towers being cited are towers numbered and we will get the numbers.
- c) All unfinished, suggested, and planned studies need to be completed prior to Certification.
- d) The Town of Lyme wishes to have its own expert evaluate these studies.

The Town of Lyme appreciates the opportunity to comment on the Preliminary Scoping Statement and trusts that the Siting Committee will take these comments under consideration as it moves forward. The Town of Lyme stands ready, willing and able to discuss these issues with the Siting Committee should the Siting Committee want other information in which to have further discussion on these matters.

Very truly yours,



Scott Aubertine, Supervisor

CC. Richard Chandler
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