

# TOWN OF CAPE VINCENT

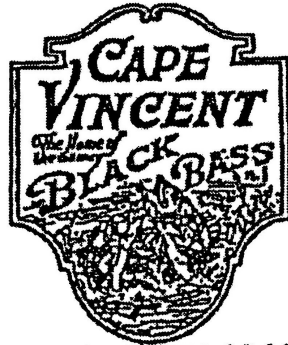
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February 12, 2013

Honorable Jeffrey C. Cohen  
Acting Secretary, NYS Board of Electric Power Generation Siting and Environment  
3 Empire State Plaza  
Albany, NY 12223-1350

## Re: Case12-F-0410 Cape Vincent Wind Power

Dear Acting Secretary Cohen:

Once again we are writing with concerns regarding BP's Public Involvement Plan.

In their revised Public Involvement Plan (PIP) for the Cape Vincent Wind Power project, BP indicated the purpose of their PIP was to *"inform, engage and solicit additional input from statutory parties, the local community, general public and other stakeholders."* Our concern in this letter is solicitation of input, specifically public comments.

BP goes on in their PIP to outline how they will collate and organize the input from stakeholders and how they will make this information available to the public on their website:

*"Cape Vincent Wind Power will prepare a monthly spreadsheet-style tracking report identifying PIP activities conducted by CVWP for the preceding time period, providing summaries of feedback received in such activities and summaries describing any actions taken by CVWP in response to given feedback." "The reports will be posted on CVWP's website and filed with the Secretary for posting in the case file."*

As of February 10, 2013, there is no spreadsheet, no summary of public comment and no response to those comments by BP on their website. However, on the Public Service Commission's website there were 222 "Public Comments" posted as of that same date. The large majority of those comments are critical of BP's proposal, although some are generally supportive of industrial wind development and specifically supportive of BP's Cape Vincent Wind Farm project.

The Town of Cape Vincent is uncertain how these endorsements and support of BP's project will be used and how these comments might influence the Siting Board's eventual decision. Our concern lies with the relationship between BP and a number of those people posting comments who support the Cape Vincent Wind Farm project.

From our examination of the comments, many of the pro-project comments appear to be made by individuals with lease agreements with BP. These individuals not only received money from BP, but their financial agreements have the following cooperation clauses stipulated in the agreements:

BP Lease Agreement *“Owner (lessee) shall assist and fully cooperate with Grantee (BP), at no out-of-pocket expense to Owner, in complying with or obtaining land use permits and approvals, tax-incentives, or tax-abatement program approvals, building permits, environmental impact reviews, or any other permits or approvals required for the financing, construction, installation, relocation, replacement, maintenance, operation or removal of Windpower Facilities in the Project (whether located on the Property, on adjacent property, or elsewhere), including execution of applications for such permits or approvals if required.”*

BP Good Neighbor Agreement: *“Owner agrees to cooperate fully and promptly with Grantee (BP) and its successors and assigns, at Grantee's sole cost, and to join in all applications for permits, licenses and governmental approvals or requests for other instruments which Grantee may deem necessary for purposes of the intended use or development of the Wind Farm.”*

None of the other stakeholders or interested members of the general public whose comments we have examined on the PSC's website have similar contractual constraints. These arrangements clearly influence the public dialog. How can benefit or harm to the community be properly evaluated on the basis of the comments of those who stand to directly gain financially from project approval? We believe payments to leaseholders and BP's contract language requiring cooperation should at the very least separate and identify these project supporters from the remaining general public.

Specifically, we would recommend that BP make available to the Siting Board and its staff and the public a list of their leaseholders and individuals with good neighbor agreements, so that we can all better understand the special influence that BP has on those voices that support their efforts.

Please understand the Town is not suggesting BP's paid supporters should not be heard in the Article 10 process. They should, of course, be heard. However, to better gauge the relative public support for the Cape Vincent project, it is incumbent on the Siting Board and staff to know what proportion of BP's project support is linked to their financial agreements.

Respectfully yours,

Urban Hirschey – Town Supervisor



Brooks Bradgon – Deputy Supervisor

*Brooks Bradgon*

John Byrne – Town Council

*[Signature]*

Clifford Schneider – Town Council

*Clifford Schneider*

Michelle Oswald – Town Council

*Michelle Oswald*

Richard Macsherry – Planning Board Chairman

*Richard Macsherry*

Robert S. Brown – Planning Board

*[Signature]*

Cyril Cullen – Planning Board

*Cyril Cullen*

Paul Docteur – Planning Board

*Paul Docteur*

Dennis Faulknham – ZBA Chairman

*Dennis Faulknham*

Ed Hludzinski – Zoning Board

*E. A. Hludzinski*