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December 31, 2014

Erin O'Dell-Keller
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Agency Building 3
Albany, NY 12223-1350

Dear Ms. O'Dell-Keller,

We would like to thank you and the staff of the New York State Department of Public Service (DPS Staff) for reviewing our proposed Public Involvement Program Plan for the proposed Lighthouse Wind Farm (the "Project"). We have received your letter of December 1, and have made changes to the proposed Public Involvement Plan according to your recommendations. Responses to each of the items in your letter follow and the revised PIP is enclosed.

DPS Comment

General Observations and Recommendations

The organization of the PIP plan would benefit from an outline numbering scheme, for example: numbering "Project Summary" as Section 1, "Identification of Specific Stakeholders" as Section 2, etc. Subcategories in each section should also get their own identification, such as: "Methodology for Identification of Stakeholders" as Section 2a. This numbering convention will make it easier for a reader to follow along, particularly when the description of one section references another.

Response

Apex has revised the formatting in accordance with your recommendation.

DPS Comment

General Observations and Recommendations

The PIP should include an introduction that provides the background to the case (i.e., Apex Clean Energy Holdings, LLC is proposing to submit an Application to construct a 201 MW wind energy Project under Article 10 of the Public Service Law...). In addition, the introduction should indicate that a PIP is required under Article 10 and should describe the purpose of the PIP.

Response

Apex has added an Introduction section that includes the information requested.

DPS Comment

General Observations and Recommendations

Many of the comments below ask for more background information, either regarding the Project or the Article 10 process/requirements. Depending on the amount of public involvement done prior to the start of the Article 10 process, the PIP may be the first document the public sees regarding a Project. As such, the Applicant should write the PIP as if the reader has minimal knowledge of Article 10 and the Project. While this does not mean that the PIP has to be a recitation of the Article 10 regulations, it should put the Project and the outreach activities into context.

Response

Apex has added information throughout the PIP in regard to the Article 10 process as it relates to each section being discussed.

DPS Comment

Project Summary

Recommendation: The Applicant should consider adding more information to put the Project in context by:

- a. indicating the size of the Project footprint/study area;
- b. describing, at a high level, what the Project consists of (e.g., wind turbines, collection lines, access roads, substations, etc.); and
- c. giving a clearer picture about the purpose and benefits of the Project (i.e., why is this Project being proposed and why is it important, necessary, and/or beneficial, etc.).

Response

Apex has added this information to the Project Description, including local benefits, electrical generation, and a description of how the Project is consistent with, and helps achieve, New York State Energy Policy policies and goals encouraging utility scale renewable energy development.

DPS Comment

Project Summary

The map is very difficult to read since it is also being used to display area zip codes. Recommendation: The Applicant should include a map that focuses on the Project area, where municipal boundaries are distinguishable. The figure should be labeled. If available, please provide DPS Staff with a map showing the Project area including individual turbine locations, and location of electric lines, substation, switchgear and interconnection points. The original map can be moved to the section on Language Access where there is a discussion of zip codes.

Response

Apex has created a new map for this section focusing on the Project area with distinguishable municipal boundaries and labels. The map is Figure 2 Initial Project Study Area & Local Municipalities. The locations of individual turbines, electric lines, substation, and switchgear have not yet been determined. The locations of those project components will be determined in part by information gathered during our public involvement efforts. The point of interconnection at the Kintigh Substation is included on Figure 3 Transmission and Interconnection.

DPS Comment

Identification of Stakeholders, Methodology

This section should describe what methodology was used to identify potential stakeholders such as environmental groups, local businesses, consumer organizations, Native American tribes, etc. For example, are there any organizations associated with Lake Ontario that should be included in the involvement plan?

Recommendation: The Applicant should describe the proactive measures it will take to identify potentially interested parties, particularly in the early stages of the Project (e.g., consultation with DPS and municipal officials, review of county records, internet searches, etc).

Response

Apex has added information regarding the methods used to identify stakeholders, and updated the stakeholder lists to reflect additional stakeholders that were identified. We expect that we will continue to

learn of more stakeholders as we contact new groups and continue public outreach efforts. These stakeholders will be added to the master list and included in the PIP summaries submitted to DPS.

DPS Comment

Identification of Stakeholders, Affected Agencies

Recommendation: Identify “Department of Public Service” as the NYS Department of Public Service and the “Department of Defense” as the U.S. Department of Defense. If applicable, public airports and heliports within the required distances should be added to the list of stakeholders. These corrections should be made in the Stakeholder and Consultation Register as well.

Response

Apex has made changes so as to identify “Department of Public Service” as the NYS Department of Public Service and the “Department of Defense” as the U.S. Department of Defense. These corrections have been made in the Stakeholder and Consultation Register as well.

According to the NYSDOT Aviation Bureau Public Use Airport Map (2007), there are four airports in Niagara County and one airport in Orleans County. Hollands International Field is located 7.5 miles southwest of the Project site, the Roylton Airport is located approximately 10.5 miles south of the Project site, the North Buffalo Suburban Airport is located approximately 15 miles southwest of the Project site, the Niagara Falls International Airport is located approximately 20 miles to the southwest, and the Pine Hill Airport is located approximately 12.5 miles southeast of the Project site. These all fall outside of the required distances.

Frontier Skydivers operate out of the Hollands International field Airport and has been added to the list of stakeholders.

DPS Comment

Identification of Stakeholders, Host Municipalities

Recommendation: Given that the Villages of Barker and Lyndonville are within the Towns of Somerset and Yates, respectively, they should be considered as host municipalities.

Response

It is anticipated that the project boundary will not include the Villages of Barker or Lyndonville and therefore they were not included as host municipalities in the Draft PIP. Based upon the recommendation of DPS Staff, we have included the Village of Barker and the Village of Lyndonville in the category of Adjacent Municipalities.

DPS Comment

Identification of Stakeholders, Adjacent Municipalities

The one mile and five mile buffer zones are unclear since the Project study area has not been discussed. As such, it is difficult to understand why the Town of Newfane was included as an adjacent community, but Hartland (south of Somerset) and Carlton, Ridgeway and Gaines (east and south of Yates) were not.

Recommendation: The relationship of these municipalities and the study area needs to be better defined. Also, the PIP should describe how it intends to incorporate the interests and concerns of these municipalities while.

Response

Apex has added a section to the PIP, Study Area, which better defines the initial Project Study Area. The Project Boundary with an initial Study Area showing one and five mile buffers is depicted on Figure 2 Initial Study Area & Local Municipalities. The Towns of Carlton, Hartland, Newfane, and Ridgeway as wells as the

Villages of Barker and Lyndonville fall within the 5 mile buffer of the proposed Project area and have been added to the stakeholder list as Adjacent Municipalities.

DPS Comment

Identification of Stakeholders, Adjacent Landowners

The Applicant states that it will identify adjacent landowners that are within 500 feet of the permanent improvements. However, there is no mention of identifying adjacent landowners within 2,500 feet of the proposed turbines or homeowners within 5,000 feet of the proposed turbines. Specific host and adjacent landowners are not identified in the PIP.

Recommendation: The Applicant should note why it has not been included at this stage (e.g., final Project footprint is pending additional fieldwork and stakeholder input). However, landowners in proximity of the Project study area should be included in outreach activities.

Response

As discussed with DPS Staff, there is an interest in having the project developer advance a mechanism for identification and notification of non-participating landowners within areas that could be affected by project impacts, such as within potential zones of turbine shadow flicker, areas of potential changes to existing ambient noise levels, and nearby to potential major construction support locations including storage areas, temporary concrete batch plants, operations center, etc., where elevated levels of construction impacts, such as traffic are likely.

More advanced project design will occur later in the Article 10 process and after initial and subsequent public involvement has occurred, and the stakeholder input incorporated into conceptual layouts. As more specific project component locations are determined, Adjacent Landowner stakeholders will be further identified.

The general public notice and outreach identified in the PIP will be targeted to the broader Project Area community throughout the project development and Article 10 process.

DPS Comment

Identification of Stakeholders, Public Interest Groups/Other Stakeholders

Recommendations:

- a. The Applicant should also identify environmental groups or business organizations that may be interested or impacted by the proposed Project. The Project is adjacent to Lake Ontario so it is reasonable to assume that there are environmental organizations with an interest in activities near the shoreline.
- b. The Applicant should identify whether private or public airport/heliport and communication operations (radio, etc.) are located in the vicinity of the Project. If so, they should be added to the list of stakeholders to be consulted.
- c. The Applicant should identify whether there are Native American tribes in the vicinity of the Project. If so, a representative of the community should be included on the stakeholder list.

Response

Modifications have been made to the PIP to include additional environmental groups and business organizations that may be interested or impacted by the proposed Project.

One privately operated airport (Tiger Paw Aerodrome) was identified within the Project Area, south of County Route 82 and east of Marshall Road and has been added to the stakeholder list.

Based upon data from the NYS GIS Program Office for Native American Reservations, there are no Native American reservations in the Project Study Area. The two closest reservations are the Tuscarora Nation, located 17 miles southwest of the Project area and the Tonawanda Reservation, located 16.5 miles south of the Project area. This has been noted in the PIP.

As stated in the PIP, it is expected that additional stakeholders will be identified throughout the PIP outreach process and added to the stakeholder list for inclusion in distribution of project information and collection of feedback.

DPS Comment

Environmental Justice Community

Recommendation: This section should provide a brief description of what is meant by “environmental justice community,” i.e., a specific percentage of the population in a given area reports themselves as members of minority groups or have a household income below the federal poverty level. Also, this PIP should note the distance to the nearest EJ community in relation to the Project study area and indicate that the community is not expected to be impacted by the Project.

Response

Apex has added a brief description of what is meant by “environmental justice community” and noted the distance to the nearest EJ community in relation to the Project study area and indicated that the community is not expected to be impacted by the Project. The closest environmental justice area lies in Lockport, NY, over 10 miles southwest of the proposed project area. This U.S. Census block qualifies as an environmental justice area because at least 23.59% of the population has household incomes below the federal poverty level.

DPS Comment

Preliminary Stakeholder List

Recommendations:

- a. There should be a separate list of all identified stakeholders, separate and distinct from the list of consultations: not all stakeholders will be participating in individual consultations so the list in Appendix A is incomplete.
- b. The preliminary stakeholder list should be organized by stakeholder group (i.e. agency, municipal officials, public interest groups, etc.) and include contact names and mailing addresses. It should also include local regional offices of the government agencies.
- c. The stakeholder list should also include the addresses of the local document repositories.

Response

The PIP has been modified so that Appendix A consists of a list of all identified stakeholders and Appendix B consists of a list of consultations. The Preliminary Stakeholder List in Appendix A has been modified to organize stakeholders by stakeholder group and contact names and mailing addresses have been included where individual contacts could be identified. Local and regional offices for government agencies have been added, and the local document repositories have been listed with addresses.

DPS Comment

Language Access, Languages Spoken Other Than English

The PIP states, on page 3, that, “languages other than English are not spoken by more than 5,000 people....”

Recommendation: The Applicant should explain the significance of the 5,000 figure. The data in the Appendix should be summarized and provide a percentage of people in the two counties that speak a language other than English at home.

Response

Apex has added an explanation of the significance of the 5,000 figure as it relates to NYCRR § 1000.4(d) According to US Census data, languages other than English are not spoken by more than 5,000 people in any of these ZIP code postal zones.

In addition to the required analysis by ZIP Code, a table has been added showing the percentage of people in each county that speak a language other than English at home.

DPS Comment

Language Access, Translation and Communication

Due to the fact that English is spoken in the vast majority of households, all Project communication will be conducted in English. If an individual community member requires assistance understanding Project documents or information, efforts will be made to ensure translation is provided as needed.” Appendix B indicates that there are a fair number of individuals within the listed postal zip code areas that speak English less than “very well.”

Recommendation: The Applicant should provide more details on how translation will be provided if needed for any of these individuals to provide input regarding the Project, either in person or in writing. For example, will the website feature an option such as Google Translate that will translate content into other non-English languages? The Applicant could also consider a statement printed on publications in the predominant non-English language indicating how to get a translated copy.

Response

Within the project area, there is no postal ZIP code area in which even 1% of speakers speak English less than “very well”, and therefore Applicant does not believe English translation or foreign language issues will deter public involvement. Apex intends to determine the best method of translation based upon the stakeholder(s) involved as needed. For example, if a seasonal group of migrant workers would like information and to provide feedback, we would likely have an in-person meeting with the group. Or, if this seasonal group is out of the area at certain times of outreach, translated written communication may be created and sent to them.

DPS Comment

Plan for Consultations

- a. What was Appendix A should now be referenced here as Appendix B. The Applicant should create a list of stakeholders that is separate and distinct from the “register,” which details the consultations the Applicant will have with certain stakeholders. As such, Appendix A should now be a list of all stakeholders (with addresses) and Appendix B would be the register (currently labeled as Appendix A).

Response

Appendix A is now a list of all stakeholders and Appendix B is the Consultation Register.

DPS Comment

Methods of Outreach

Page 4 of the PIP notes that the development team will conduct semi-regular individual meetings with key government and community leaders, as identified in the stakeholders list, to keep them informed and updated on Project progress.

- b. The Applicant should clarify what is meant by “semi-regular” meetings.
- c. The Applicant should indicate how Apex staff will be available to answer questions by directing them to the section on Outreach Contacts.

Response

The language has been changed to clarify the expected frequency of these meetings, and a reference has been made directing them to the relevant section on Outreach Contact.

DPS Comment

Schedule of Consultations

- a. Collecting feedback for Project scoping and development should be scheduled to occur during Project scoping phase, preferably before development of the Preliminary Scoping Statement (PSS) document, so that the scope of studies presented in the PSS, including topic areas, data needs, methodologies and protocols for studies and analysis, are conducted as appropriate to address the regulatory, planning, scheduling, communication and coordination needs and interests of the various stakeholders and interest groups whose input is being sought..

Response

Consultations will be conducted both to share updated information with project stakeholders and to collect feedback to inform the development of the Preliminary Scoping Statement, including topic areas, data needs, and methodologies and protocols for studies and analysis. This will help ensure that studies and analyses are conducted as appropriate to address the regulatory, planning, scheduling, communication, and coordination needs and interests of the various stakeholders and interest group whose input is being sought. This section has been updated to include the recommended information. The Applicant understands the need to convey to these stakeholders the timing of PSS submission and the 21-day comment period during the PIP consultation.

DPS Comment

Schedule of Consultations

- b. In the table on page 4, the Applicant should explain what is meant by the term “invite”? Are the stakeholders being asked to come to an event such as an open house or is this an “invitation” to learn more about the Project through the website, notifications and printed materials? It is particularly important to distinguish between consultations and other outreach activities since the table on page 4 indicates the general public will be involved but the Consultation Register is focused on agency and municipal officials. It may be less confusing if the schedule of consultations was paired with the list of activities beginning on page 7.

Response

This section has been modified to remove the word “invite.” The consultations will be performed with individual stakeholders or stakeholder groups who will also be informed via public events, the website, notifications, and printed materials.

DPS Comment

Schedule of Consultations

- a. The goals of the outreach described in the table on page 4 seem to be to provide information to the public, rather than gather information and input from the public.

Response

The desired goal of outreach has been modified to include gathering information and input from the public.

DPS Comment

Schedule of Consultations

- a. The goals of the outreach described in the table on page 4 seem to be to provide information to the public, rather than gather information and input from the public.

Response

This has been modified, please see previous response.

DPS Comment

Outreach Contacts

Page 5 of the PIP provides contact information for an Albany office and states that: "The phone number listed below will be answered during business hours and will accept messages after business hours." The number listed is (716) 562-4262.

Recommendations:

- a. The Applicant should indicate that there is a local office in the Project area as well and provide the contact information.
- b. The Applicant should consider providing a toll-free number for the convenience of stakeholders that may not reside in the Project area.

Response

There is currently no local office in the project area. The Lighthouse Wind project maintains a local phone number for the convenience of local stakeholders. This phone number is not tied to a specific local physical location or office, but it will always direct the caller to the appropriate Lighthouse Wind project team member. Applicant will establish a toll-free telephone number for stakeholders.

DPS Comment

Desired Goal of Consultations with Identified Stakeholders

Pages 4 and 5, regarding Desired Goals of Consultation with Identified

Stakeholders: The general outline of outreach provided in this section as drafted is geared toward informing and providing information to stakeholders, which is one of the requirements of the regulations at 16 NYCRR 1000.4(d). The other requirements of the proposed Public Involvement Program plan should be identified, namely "engag[ing] and solicit[ing] input from" stakeholders. DPS Staff suggests that the plan should be expanded to include efforts to identify the interests of stakeholders, and to solicit specific information regarding particular resources, locations, and issues of concern to the affected communities, agencies, and interest groups. Specific goals should include identification of ways to responsibly assess the potential for impacts on resources, locations and issues as part of drafting the Project scoping outline (Preliminary Scoping Statement). Feedback to interest groups can identify how the scoping documents are geared to develop information that is responsive to their expressed interests. Then detailed analysis of impacts, and appropriate impact minimization and mitigation responses to identified impacts can be developed for reporting in the Application.

Recommendation: The Applicant should expand the statement of “Goal of Consultations” to inform, engage and solicit input from stakeholders, including identification of specific interests to advance development of Project design and the scope of impact analysis and study methodologies for the Project Scope of Studies.

Response

The PIP has been modified to expand the goals of consultation and further explain input will be solicited from stakeholders.

DPS Comment

Measuring Success

Recommendation: As noted above regarding the table on page 4, there should be a greater emphasis on engaging the public and stakeholders with a goal towards soliciting their issues and concerns. Feedback from the stakeholders can be instrumental in developing appropriate study areas and can ultimately impact the final Project.

Response

The PIP has been updated in several areas to address this item.

DPS Comment

Tracking Public Involvement Program Activities

The Applicant indicates that it will provide opportunities for commenting on the Project via mail, surveys and telephone.

Recommendation: As noted above, DPS encourages the use of a toll-free number to gather public comment.

Response

The Lighthouse Wind project maintains a local phone number for the convenience of local stakeholders. Applicant will establish a toll-free telephone number for stakeholders.

DPS Comment

Identification of Content

In describing the Lighthouse Wind Farm website, it is noted on page 6 of the PIP that “The following additional content may be included on the site: wind energy blog, opportunities to share feedback, opportunities to volunteer or participate in other ways, opportunities to share information through Facebook and Twitter, and opportunities to sign up for an email newsletter to be sent out at least twice per year.”

Recommendations:

- a. The site should also include: the address of the local office, copies of all publications such as factsheets and newsletters, and addresses of local document repositories.
- b. What is anticipated by “volunteering” at events? The site should make it clear that an RSVP or volunteering is not necessary to participate in the public event.

Response

As stated previously, there is not currently a local office. The website has been updated to include copies of the fact sheets and newsletters will be available on the site when published. The addresses of local document repositories have been added to the website.

Volunteering is one option for stakeholders who support the project and would like to get more involved in advancing it. The webpages have been modified to clarify that volunteering is not necessary.

DPS Comment

Identification of Content

- a. The Applicant should provide more details on how blogs, Facebook and Twitter will be used to gather public comment. The Applicant indicated that these items may be included on the site. Would representatives from Apex participate in these activities? Would representatives from Apex respond to questions posed in this format by stakeholders or the general public? If yes then the Applicant should describe how this data would be entered as feedback to be used for studies and addressing Project details.

Response

In the section General Outreach Activities Scheduled to Take Place Prior to Submittal of Application, there are several outreach activities that may or may not be implemented based upon what is learned during stakeholder identification and engagement with respect to the best methods of disseminating information to the public. How each of these is handled will be based upon the feedback given by the public as to the use of social media and details of the implementation of Facebook, Twitter or other such mechanisms. For those communicating with Project representatives via the Internet, our existing website is configured so that we can collect and incorporate their feedback.

DPS Comment

Identification of Content

- d. Will the electronic newsletter be posted on the site as well? If someone signs up for the newsletter, will they also receive other notifications for the Project via email? Is there a separate sign-up opportunity for interested parties who want to receive a hard copy of the newsletter and other postal mail notifications? Regarding the email newsletter, please add the following emails to the distribution list:

andrew.davis@dps.ny.gov
john.quackenbush@dps.ny.gov
erin.odell-keller@dps.ny.gov
lorna.gillings@dps.ny.gov
scott.dean@dps.ny.gov.

Response

An electronic version of the newsletter will be posted to the site. Individuals who share an email address via the Project website or through another means will be signed up to receive all e-notifications, updates, newsletters, and announcements. Individuals may unsubscribe to these emails at any time. This information has been incorporated in the modified PIP. The requested emails have been added to the distribution list.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation

This section would benefit from a brief description of the stages in the Article 10 process so that the outreach activities are put into context in relation to the Project stages.

Response

The PIP has been modified to include the requested description.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation, General Outreach

- a. Phone poll – The Applicant should state at what stage of the Project will the phone poll be conducted and whether it would be prior to the submission of the PSS.

Response

As stated in the PIP, these outreach activities “may be implemented prior to the submittal of the application.” Whether or not a poll will be done has not yet been determined, and therefore, no date for the poll has been set.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation, General Outreach

- a. Office Hours – The Applicant should clarify the days and times staff will be available to respond to the public.

Response

No office has yet been established in the project area. We continue to look for suitable space for an office that is located in the area. Once established, dates and hours will be posted to the website.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation, General Outreach

- a. Document repositories - The Applicant should indicate that hard copies of application materials are available for public review and provide the addresses of the locations.

Response

The PIP has been updated to make this change.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation, General Outreach

- d. Dissemination of PSS – The Applicant should clarify that notice of the PSS will be placed in newspapers whose circulation covers the host and adjacent municipalities. Reference the chart on page 9.

Response

The PIP has been updated to make this change.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation, General Outreach

- e. Additional Public Events – The Applicant should state whether there will be an additional open house in the host community that does not have the Applicant’s office space. The Applicant should also note whether the public information sessions will also be held at the Applicant’s office space or held in multiple locations throughout the Project area. In addition, the Applicant should consider providing a workshop on the Article 10 process and Intervenor funding.

Response

As stated previously, there is not yet a project office established. There have been two open houses held to date. The first was held on October 13, 2014 at the Barker Fire Hall, 1660 Quaker Road, Barker, NY. Barker is within the Town of Somerset. A second open house was held on December 9, 2014 at the Yates Town Hall in Lyndonville. Lyndonville is within the Town of Yates. There is not currently another open house scheduled. It is our intention to hold any public sessions in spaces that can appropriately accommodate the anticipated number of attendees and to alternate locations between the two Towns in which the Project is proposed. Based upon feedback already received at the open house and via email we agree with your recommendation to hold a workshop on the Article 10 process and Intervenor funding.

DPS Comment

Public Consultations, Outreach and Activities to Encourage Participation, General Outreach

- f. The calendar shows the information sessions running from the fourth quarter of 2014 through the second quarter of 2015 but the Project continuing through the end of 2016. The calendar should be clarified to show that events, meetings, etc., will continue throughout the life of the Project as discussed in the certification and compliance sections.

Response

The General Calendar of Outreach has been updated to address this.

DPS Comment

Dissemination Plan for Event Information

- a. The Applicant should include how and when event information will be disseminated through the use of email and mailing lists that will be created throughout the course of the Project. It is unclear how this section differs from the Notification section on page 10.

Response

This section of the PIP has been updated to include this information.

DPS Comment

Dissemination Plan for Event Information

- b. Did the Applicant investigate the use of radio spots/public service announcements for disseminating event information? If so, the radio stations should be identified in the PIP.

Response

The Applicant has not investigated the use of radio spots/public service announcements for disseminating event information. To the extent that feedback from the public outreach indicates that dissemination of information via radio would be effective, the Applicant will investigate methods to accomplish this outreach for public events.

DPS Comment

Educational Materials

Recommendation: The Applicant should provide the timeframes for developing the materials listed in this section and note when they will be available to the public.

Response

These materials have been developed and are available to the public. Additional materials may be developed to respond to additional specific stakeholder feedback.

DPS Comment

Notifications

Recommendations:

- a. Content of notices – should include location of document repositories.
- b. Who will receive notices – what about landowners? Assuming they do not opt into the email or text alert program, how will they be notified?

Response

The location of the document repositories will be included on notices. The PIP has been modified to include this information.

Notices will be sent to anyone who opts in to the Project’s email or text alert program. Notices will be mailed (or emailed, according to preference) to all Host Landowners, Adjacent Landowners, Community Stakeholders, and Governmental Stakeholders (see Appendix A). Notices will also be available in local newspapers and on the website. The PIP has been modified to include this information.

DPS Comment

Appendix A

Appendix A states that proposed meetings with County & Town officials will take place “no later than two months after submittal of PSS – In-person meeting or via telephone....”

Recommendations:

- a. Notice to officials should identify the applicable 21 day comment period for review of the PSS, and the Applicant should offer to meet with officials before or during the review period so that participation in the PSS scoping comment is encouraged, as appropriate.

Response

Appendix B (previously referred to as Appendix A) has been modified to include this in the notification. Additionally, the Applicant will attempt to meet with officials prior to the PSS to identify specific issues to be included in the PSS and also to ensure that public officials are aware of the PSS comment timeframes.

DPS Comment

Appendix A

- b. The reference to identifying “local laws potentially applicable” should also include reference to local and regional land use plans, comprehensive plans and related documents that address specific local issues and community goals.

Response

Appendix B (previously referred to as Appendix A) has been modified to include this reference.

DPS Comment

Appendix A

Comments regarding general consultation with stakeholders and listed goals of consultation noted in Appendix A: The Project area is at least partially within the New York State Department of State designated Coastal Boundary area, and the involved towns have Local Waterfront Revitalization Program (LWRP) documents applicable to “actions” and major Projects within the jurisdictional area.

Recommendation: The revised PIP plan should specifically refer to the Project locations within LWRP and Coastal Boundary areas; and outreach should include efforts to identify planning, design and development interests specified in LWRP documents and related code and planning provisions.

Response

An additional figure, Figure 6, Lighthouse Wind – Coastal Boundary and LWRP Communities map has been added showing a map of the proposed Project in relation to the LWRP and Coastal Boundary areas. As per the previous response, this will be one of the land use plans identified and reviewed in the consultation process and a determination of whether Project facilities will be located within the LWRP.

DPS Comment

Appendix A, Municipal Highway Authorities and NYS DOT

- a. Consultations should solicit capital Project planning information and details of any major roadway construction plans, schedules and information that may affect transportation and routing of oversized equipment deliveries, Project phasing or construction schedules, etc.

Response

Appendix B. (previously referred to as Appendix A) has been modified to include this reference.

DPS Comment

Appendix A, Municipal Highway Authorities and NYS DOT

- b. Identify appropriate contact personnel at NYS DOT – central and regional offices as appropriate, to fully engage and consult with this agency.

Response

Appropriate contact personnel at NYS DOT central and regional offices have been identified and added to the stakeholder list.

DPS Comment

Appendix A, NYS Office of Parks, Recreation and Historic Preservation

- a. The Project Area boundary appears to abut Golden Hill State Park and the Project Area is traversed by a proposed “Greenway Trail” near the shore of Lake Ontario in Yates, and along old railroad grade through Somerset (NYS OPRHP, New York Statewide Trails Plan, 2010).
- b. Consultation with NYS OPRHP should include contacts with the Historic Services Bureau (for cultural resources survey matters), as well as State Park and Resource Management staff, to identify interests, issues and concerns of those bureaus of the State agency.
- c. The Applicant should show the limits of and label Golden Hill State Park on the map included on page 1 of the PIP.

Response

It is expected that prior to our consultation with OPRHP that we will discuss with them the involvement of the Historic Services Bureau, and State Park and Resource Management. The limits of Golden Hill State Park are included in the modified PIP and it is labeled.

DPS Comment

Appendix A, NYS Department of Public Service

- a. DPS is the primary agency responsible for coordinating the regulatory review process under PSL Article 10. Interaction with DPS will be more effective if developer adopts a more proactive engagement effort than simply meeting the minimum requirements by submitting documents and providing notifications as required by Article 10 regulations.

Response

The Applicant agrees that a proactive engagement effort with DPS Staff, as well as others, will be beneficial to both Applicant and DPS and the overall project development process through Article 10. With this goal in mind, the Applicant has held meetings with DPS Staff in the past year to introduce the Project, the Applicant and the Project team, and discuss the Article 10 process and PIP submission. We anticipate similar consultations prior to submission of the PSS.

DPS Comment

Appendix A, Department of Defense

- a. DPS Staff suggests that DOD input on the general Project area should be sought early on to guide development of Project layout and design from the beginning, rather than adjusting layout after learning about any potentially significant design problems.

Response

Applicant appreciates the suggestion in regard to DOD and plans for an early consultation with them.

DPS Comment

Appendix A, Other Interest Groups

- a. The Great Lakes Seaway Trail National Scenic Byway traverses through the Project area for several miles on NYS Route 18. DPS Staff recommends that the applicant reach out to the Seaway Trail management to establish contact and engage in outreach efforts as appropriate to that agency's interests (Offices in Sacketts Harbor, NY).

Response

Applicant has added Great Lakes Seaway to the list of stakeholders.

DPS Comment

Appendix A, Other Interest Groups

- b. The developer should establish contact with the owner/operator of the Tiger Paw Aerodrome, 10601 West Lakeshore Road, Lyndonville NY. This airfield is located within the Project study area in the Town of Yates.

Response

Tiger Paw Aerodrome has been added to the list of stakeholders and will be contacted.

DPS Comment

Appendix D

The referenced studies and fact sheets, attached to the PIP as Appendix D, regarding property values, health effects, etc. refer to broad information and are not specific to the surrounding areas associated with the Project.

Recommendations:

- a. The publications should be updated to reflect information developed as part of the PIP – i.e., toll-free number, document repository locations, etc.
- b. Although the referenced studies and fact sheets contain useful data, it would be beneficial for DPS Staff to receive an outline of potential studies to be performed for this Project with a description of how the Applicant intends to gather input and respond to stakeholder interests and concerns during development of these studies.

Response

Notifications for meetings and opportunities to comment or present feedback on filed documents will include the locations of the document repositories. The PIP has been modified to include this information.

It is anticipated that the outline of studies will be generated during the consultations prior to the PSS and throughout the review process. Applicant will provide DPS with that information as it is formed. The purpose of the PIP is to obtain information from the stakeholders regarding these studies, to inform the stakeholders prior to filing the PSS, and to obtain further feedback in the 21-day review and comment period of the PSS.

DPS Comment

Appendix G

In Appendix G, Draft Form Letters and Notices, it is noted that an Open House regarding the Project was conducted on October 13. It would have been advantageous to DPS Staff if a notice was provided to DPS for this event. Early consultation with stakeholders is encouraged and recommended in 16 NYCRR 1000.4 (c)(2).

Recommendation: DPS Staff recommends that the Applicant provide notification to DPS Staff prior to any scheduled outreach events in the future. Please provide an agenda of the October 13 activity, describing any presentations made by the Applicant. Also, provide copies of any presentation documents used during this event. Finally, provide documentation noting questions and feedback from individuals that made comments during this Open House.

Response

This recommendation was received earlier from conversations and email with DPS staff. As such, they were notified of the upcoming open house in Yates on December 9. Based upon further recommendations in the comments on the PIP, we have added them to the notification system and will contact them in regard to future public events. Materials used at the event are the same as are included in Appendix D of the PIP.

DPS Comment

Additional Comments and Recommendations

1. The Project description section should identify the location of reasonable alternative sites, where applicable and a preliminary Study Area. If this is not applicable, the PIP should indicate why this does not apply and how it impacts the outreach program.

Response

The PIP has been modified to include information on a preliminary Study Area and alternative sites.

DPS Comment

Section

2. The PIP should also provide information on the impact of the Project on major routes of transportation during construction and operations. While specific information is not available at this point, the PIP should acknowledge that this will be investigated during the Project and the public will be kept informed as the Project moves forward.

Response

It is anticipated that the proposed transportation routes will be determined during the consultations prior to the Preliminary Scoping Statement and throughout the review process. Applicant will identify stakeholders based upon the proposed routes and consult with those stakeholders.

We believe that the information conveyed in this letter and the attached revised PIP Plan addresses each of the comments detailed in your December 1, 2014 letter. If you have any questions or comments on the enclosed information or the Project, I would be happy to meet with you to discuss the matter further.

Please feel free to contact me at (518) 429-0229.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Fitzgerald", with a long horizontal flourish extending to the right.

Daniel Fitzgerald
Project Manager, Lighthouse Wind
www.lighthousewind.com