

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits & Pollution Prevention

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June 21, 2016

Cat Mosley, Public Affairs Manager
Apex Clean Energy
310 4th Street NE~Suite 200
Charlottesville, VA 22902
By e-mail to: info@gallooislandwind.com

Dear Ms. Mosley:

The New York State Department of Environmental Conservation (NYSDEC) would like to provide the following comments and recommendations on the Galloo Island Wind Energy Facility's *Preliminary Scoping Statement Document*, dated June 2016. These recommendations have taken into account the US Fish & Wildlife Service's (USFWS) 13 May 2003 document titled: [Service Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines](#) (available at the following URL: <https://www.fws.gov/habitatconservation/wind.pdf>) and the 23 March 2012 USFWS document titled: [U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines](#) available at the following URL: https://www.fws.gov/habitatconservation/wind_guidelines.pdf).

NYSDEC has also evaluated the provided Galloo Island Wind Energy Facility documentation with careful consideration of the NYS Environmental Conservation Law (available at: <http://public.leginfo.state.ny.us/>) as it applies to the mission of the Department to “*conserve, improve, and protect New York State's natural resources and environment and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being*”. In addition, the April 2016 NYSDEC document titled: *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects* (Guidelines, available at the following URL: <http://www.dec.ny.gov/energy/40966.html>) was consulted for this review.

The unique environmental characteristics and settings of the proposed Project area on Galloo Island within the Town of Hounsfield, Jefferson County, require careful consideration with respect to the construction of a large wind energy project. Galloo Island has also been identified in the 2006 New York State Open Space Conservation Plan (NYSOSCP) as Priority Project #129, the 2009 NYSOSCP as Priority Project #89, and the Draft 2014 NYSOSCP as Priority Project #128 due to the unique environmental characteristics and settings of this location.

Recommendation: To ensure an accurate assessment can be made of potential impacts this project may have, GIS data should be provided to the NYSDEC for all aspects of the project as detailed in NYSDEC's 2016 Guidelines.

Pg. 9 1.5 impact Avoidance and Mitigation Measures

- This section should include impact avoidance and mitigation for loss of habitat and direct mortality to breeding, wintering, and migrating birds and bats, particularly state and federally listed threatened and endangered species.

Pg. 12 2.2 Overview and Public Involvement

This section states "Stony Island is the nearest land mass, located approximately 2.5 miles east of Galloo Island". This should be updated to read:

- Little Galloo Island is 43 acres and is approximately 1.0 miles from Galloo Island

2.9 Alternatives

Pg. 41 (4) Alternative Turbine Layouts

- Based on Figures 3 and 5, it would appear there are 3 turbines proposed to be sited in State wetlands and others in the 100 foot adjacent areas of those wetlands. Those proposed turbine locations would result in permanent wetland impacts. These impacts could be largely or wholly avoided by using alternate sites.
- This section also fails to recognize there is land owned by the State of New York on Galloo Island that could be used recreationally.

Pg. 43 (f) No Action Alternative

- There is a redundant section title at the top of the page.
- This section fails to address the changes to the aesthetic view from the mainland by the addition of commercial/industrial wind towers, if any, which needs to be determined and verified through a visual assessment. No action would keep the current aesthetic view while building the facility will change what is seen from shore.

2.22 Terrestrial Ecology and Wetlands

Pg. 95 (d) Characterization of Vegetation, Wildlife, and Wildlife Habitats, Table 6

- NYSDEC has not yet received the results of any 2015 bird and bat surveys, and requests draft reports be submitted as soon as possible, and prior to the Article

10 Application. This will allow staff time to review information collected on wildlife use of the site and make any additional study recommendations, should any be warranted. Most surveys are time sensitive, and if further field work is needed, adequate lead time will be necessary for the Applicant to prepare work plans and execute the surveys in an appropriate manner.

- Pg 97-98 Amphibians and Reptiles and Terrestrial Invertebrates
Reference is made to onsite surveys to be conducted in 2016. NYSDEC is unaware of any such surveys, and it is unclear what types of surveys are intended. NYSDEC requests copies of work plans and any other material related to wildlife, habitat, and ecological surveys planned for 2016.

Pg. 100 (f) Impacts to Vegetation, Wildlife, Wildlife Habitats, Wildlife Travel Corridors, and Protected Species

Wildlife Travel Corridors

- Since the 2008 and 2009 diurnal bird movement studies at the Hounsfield Wind project were conducted, state listed threatened common terns began nesting on Little Galloo Island. Without an opportunity to review the 2015 studies, NYSDEC cannot evaluate the potential impacts of the project to this species, or agree with the statement that “no significant impacts to travel corridors are anticipated”.

Pg 100-102 Threatened, Endangered, and Protected Species

When referencing and evaluating New York State Species of Greatest Conservation Need (SGCN) in this section and all others of the Application, the SGCN list found in the 2015 State Wildlife Action Plan (SWAP) should be used. The SWAP is available at: <http://www.dec.ny.gov/animals/7179.html>

It should also be noted that an Incidental Take Permit may be needed for unavoidable impacts to state-listed species as a result of construction and operation of the project, per 6 NYCRR Part 182.

Pg 103 (h) For Proposed Wind-Powered Facilities, (1) Avian and Bat Impacts

DEC requests that reports describing of all 2015 survey work be submitted as soon as possible, prior to the Article 10 Application, to facilitate a timely review and opportunity to provide feedback on the results. As indicated in the PSS, all 2015 bird and bat reports have been completed, and therefore should be ready to provide to resource agencies without further delay.

Pg. 106 (m) Wetland impacts

- The second sentence of this section indicates that “It is assumed the turbines themselves will be sited outside of wetlands...”, however Figures 3 and 5 appear to show three proposed turbines sited in wetlands and several others in wetland adjacent areas. Wetland impacts should be avoided if possible.

2.23 Water Resources and Aquatic Ecology

(b) Surface Waters

- Pg. 109, in the first full paragraph the PSS states; “The Facility Site lies within the Lake Ontario drainage basin (USGS Hydrologic Unit 4150200) ...”
- The correct 8-digit Hydrologic Unit Code (HUC) for Lake Ontario is 04150200. There are no odd numbered HUC’s used by the USGS. For more information on the proper usage of HUCs please visit the following website:
http://nhd.usgs.gov/wbd_facts.html

Watershed Definitions			
Name	Level	Digit	Number of HUCs
Region	1	2	21
Subregion	2	4	222
Basin	3	6	352
Subbasin	4	8	2,149
Watershed	5	10	22,000
Subwatershed	6	12	160,000

Pg. 109, in the second full paragraph, the PSS states; “Lake Ontario is an important habitat for a number of fish and aquatic species, and provides sportfishing for walleye, smallmouth bass, largemouth bass, brown trout, Chinook salmon, Coho salmon, Atlantic salmon, northern pike, and a stocked lake trout population.”

- Lake Ontario also provides excellent opportunities to fish for Steelhead or Steelhead Salmon (a migratory form of the Rainbow Trout).
- Pg. 109, in the second full paragraph, the PSS also states; “The most significant concerns for impacts to fish and aquatic species from construction of the Facility would arise during construction of the docking facilities and water intake line.”
 - A comprehensive study of aquatic species which may be affected by the construction of the docking facilities and water intake line will be needed to adequately assess any potential impacts the construction of this facility may have.
 - Blasting, if needed for the docking facility/barge landing, could have significant effects on the aquatic environment especially the Significant Coastal Fish and Wildlife Habitat around nearby Little Galloo Island and Stony Island.

Avian Surveys

Upon completion of avian surveys, it is highly recommended that all maps associated with the results of avian surveys include the following information:

- The project boundary
- The proposed layout of each wind tower/turbine
- The Breeding Bird Survey (BBS) and Diurnal Bird Movement Survey (DBM) observation transects/points
- Results of the BBS and DBMS showing the date, location, and behavior of each individual endangered, threatened and special concern species observed
- The layout of roads, electric interconnection and transmission lines, etc.
- Any state or federal lands on Galloo Island shall also be displayed
- Regulated wetlands
- All associated infrastructure (e.g. buildings, laydown areas, parking areas, borrow pits or areas, batch plant, docking areas, helicopter landing pad, etc.)

Significant Coastal Fish and Wildlife Habitat

Galloo Island is in close proximity to Little Galloo Island and Stony Island which are both listed by the New York State Department of State as having Significant Coastal Fish and Wildlife Habitat.

Recommendation: The Galloo Island Wind Energy Facility should evaluate the potential impacts this project may have during construction, operation, maintenance, and potential decommissioning of the facility on the nearby Significant Coastal Fish and Wildlife Habitat of Little Galloo Island and Stony Island.

Figure 3.0 Preliminary Facility Layout

The Barge landing area for the Galloo Island Wind Energy Facility has moved to the northeast tip of Galloo Island in substantially shallower water as compared to the original Hounsfield Wind Farm Project as depicted in Figure 3.0.

The NYSDEC respectfully requests reasoning and justification for this new location for the Barge Landing and a determination as to whether blasting of the bottom and shoals of Lake Ontario will be necessary to construct the Barge Landing.

The location of the Interconnect Lines are directly below the Access Road which is contrary to the original Hounsfield Wind Farm Project and could be problematic during times of repair for either the Access Roads or the Interconnect Lines.

Project Impacts

The Galloo Island Wind Energy Facility's Preliminary Scoping Statement fails to mention the importance of the Atlantic flyway for migratory birds and raptors (found at the following URL: <https://www.fws.gov/birds/management/flyways.php>) and the presence of Galloo Island within this major migratory corridor. The Project Area may also contain habitat utilized by the federally and state-listed endangered Indiana bat (*Myotis sodalis*) as well as the federally and state-listed threatened northern long-eared bat (*Myotis septentrionalis*) which could potentially reach this island in the summer months.

Given the Project area's importance to wildlife species on the broader landscape, consideration should be given to the cumulative impacts of this project on bird and bat species and their habitats with respect to the other wind energy projects that are currently operating and proposed to be constructed in the Lake Ontario/St. Lawrence River plains area. The potential for cumulative impacts to bird and bat species and their habitats from all of the projects in this region may be exponentially raised to serious levels.

Due to the significant characteristics and environmental settings of this island (as mentioned in the 2006 NYSOSCP, 2009 NYSOSCP, and the Draft 2014 NYSOSCP as a Priority Project numbers 129, 89, and 128 respectively), NYSDEC highly recommends thorough wildlife, habitat, and wetland pre-construction surveys be conducted on site and in the surrounding area over multiple years and during all seasons, following the most recent USFWS and NYSDEC guidance. It is recommended that regional and local expert knowledge also be incorporated into the study design. The study design should include survey work that characterizes the use of the area by migrating, breeding, and wintering bird and bat species, and identifies the potential impacts from the project on them. A multi-year post-construction study evaluating the direct and indirect impacts of

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the operating project on bird and bat species should also be developed in consultation with USFWS and NYSDEC.

Sincerely,

/s

Stephen Tomasik
Project Manager
Major Projects Management Unit
Division of Environmental Permits

c: Honorable Kathleen H. Burgess
Service List