

Request for Intervenor Funds

Instructions: Provide all applicable information by filling in the text boxes as indicated. If necessary, attach additional information in a separate document.

This request is to be submitted either electronically (preferred) or by regular mail.

To submit this request electronically, save your changes and attach it to an e-mail sent to:
secretary@dps.ny.gov

To submit this request by regular mail, print it and mail it to:
Secretary,
NYS Board on Electric Generation
Siting and the Environment
3 Empire State Plaza
Albany, NY 12223

Copies must also be submitted to the Presiding Examiner and other parties to the proceeding.

TO THE SECRETARY:

I hereby provide a request for intervenor funds in the following Article 10 case before the NYS Board on Electric Generation Siting and the Environment:

Case Number: 15-F-0327

Title of Case: Application of Galloo Island Wind, LLC for a Certificate of Environmental Compatibility and Public Need pursuant to Article 10 to construct a Wind Energy Project

Name of Party: Village of Sackets Harbor

Contact Person: Dennis G. Whelpley, Esq.

Firm Name: Conboy, McKay, Bachman & Kendall, LLP

Contact Address: 407 Sherman Street, Watertown, New York 13601

Contact Telephone Number: 315-778-1645

Contact E-mail Address: whelpley@cmbk.com

Amount of Funds Requested: \$20,000.00

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

The basis of eligibility for intervenor funds is as follows: (Check one)

- Eligible Municipal Party** [County, city, town or village located in New York State that may be affected by the proposed major electric generating facility]
- Eligible Individual Local Party** [Person residing in a community who may be individually affected by the proposed major electric generating facility]
- Eligible Group Local Party** [Persons residing in a community who may be collectively affected by the proposed major electric generating facility]

1(a) Provide a statement of the number of persons the requesting party represents:

According to Census Bureau, the Village had a population of \$1,434. However this does not include the 10's of thousands of seasonal residents, tourists and other visitors who come to the Village because of its historic, cultural and aesthetic assets.

1(b) Provide a statement of the nature of the interests the requesting party represents:

A precise statement of the nature of interest is set forth in the Village's Filed Comments on the Preliminary Scoping Statement, which is incorporated herein by reference.

2(a) Provide a statement of the efforts that have been made to obtain funds from other sources:

None

2(b) Provide a statement of the availability of funds from the resources of the requesting party:

The only funds available is the Village's general fund, which is dedicated to running the Village, maintaining its infrastructure and providing municipal services. It has no funds available that have not otherwise been budgeted.

2(c) Provide a statement of the availability of funds from the resources of sources other than the requesting party:

None as none

3(a) Indicate the type of funds being sought: (Check one)

- Pre-Application Stage Funds** [Generally available upon the filing by the Project Applicant of a Preliminary Scoping Statement (PSS)]
- Application Stage Funds** [Generally available upon the filing by the Project Applicant of an Article 10 Application]

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3(b) State the amount of funds being sought:

\$20,000.00

4(a) If expert witnesses, consultants, attorneys, or others are to be employed, provide to the extent possible, the name and qualifications of each person to be employed:

Bernier Carr & Associates has been the Village's engineering firm since 1970

Examples of their activities for the Village include:

- Zoning Law Development
- Planning Board - Technical Advisor on previous wind farm application
- Recreational Facilities Engineering
- Building Engineering
- Water District Engineering
- Sanitary Sewer
- 2016 Main Street Renovation Project
- Boat Ramp Renovation
- Market Square Park Improvements

Kris Dimmick, P.E. PWLF
Vice President Operations
Bernier Carr & Associates
327 Mullin Street
Watertown, New York 13601

Education:

SUNY College of Environmental Science and Forestry
Master of Science - Environmental Resource Engineering, 1991

Registration and Certification:

Professional Engineer: New York (License No. 067230)
Public Works Leadership Fellow - Donald C. Stone Center for Leadership
Excellence in Public Works (APWA), September 2011

Mr. Dimmick was the Town of Hounsfield's Engineer for the first proposed Hounsfield Wind Project and was actively involved in the State Environmental Quality Review Act process (SEQRA), site plan review process and adoption of the Town Planning Board's SEQRA Findings and Conditional Approving Resolution, both of which addressed in detail the Village's historic, cultural and aesthetic resources. In addition, he has acted as the municipal engineer for Wind Farm Projects under both local zoning laws and Article 10 proceedings for the Towns of Denmark, Cape Vincent, Lyme and Clayton.

Dennis G. Whelpley, Esq., has been the Village Attorney since 1986 and has served as a municipal and government attorney for over 35 years. He has represented many Northern New York municipalities and public benefit corporations on a variety of matters, including an emphasis on zoning and land use matters and planning. He was the lead counsel for the Town of Hounsfield for over 25 years and was the attorney advising and representing the Town of Hounsfield on conducting its environmental and zoning reviews of the first proposed wind farm on Galloo Island. He represented the Town of Hounsfield in the Article 10 proceeding of the first proposed wind farm on Galloo Island. Mr. Whelpley represented the Development Authority of the North Country in the since abandoned Article 10 permit application for the Cape Vincent Wind Farm project.

Mr. Whelpley is a 1980 Cum Laude graduate of Albany Law School and is a member of the New York State, Northern District of New York and U.S. Court of Military Appeals Bars. Further biographical information on Mr. Whelpley is available at your request.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 4(b) If expert witnesses, consultants, attorneys, or others are to be employed and it is not possible to provide the name of each person to be employed, provide for each person that cannot be named a statement of the necessary professional qualifications for the person:

The Village may need to employ an environmental consultant specializing in visual impacts analysis, especially on historic assets. The majority of the Village is listed on the Natalina Historic Register. The need for such expertise will be determined after review of proposed studies by the Applicant, after consultation with the Applicant to provide the plans and statements raised in the Village's comments to the Preliminary Scoping Statement.

- 5 Provide, if known, the name of any other interested person or entity who may, or is intending to, employ any such expert witnesses, consultants, attorneys, or others:

None are known at this time.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

6(a) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed statement of the services to be provided:

Bernier Carr Associates' (BAC) basic charge is to:

1. Review and critique the Preliminary Scoping Statement (PSS) for the Galloo Island Project
2. Evaluate potential impacts to proposed mitigation to protect the historic character to the port of Sackets Harbor
3. Evaluate impacts of traffic of workman and materials brought to docks using heritage streets;
4. Evaluate potential impacts to proposed mitigation to manage parking impacts with the Village.
5. Attend the stipulation phase of the Article 10 process to defend the Village's law and recommendations.

The Village is also requesting BCA review the critiques of the PSS filed the New York Statement Department of Public Service and the New York State Department of Environmental Conservation. Highlights of the DPS and NYSDEC recommendations pertaining to the visual impacts of the project on the Village.

Mr. Whelpley will file for party status and advise the Village on the following concerns: He will also review the Preliminary Scoping Statement and final Environmental Records for the first proposed Galloo Island project including the numerous applicable appendixes, plans, and finding statements of the NYSDEC and the Town of Hounsfield, exam and advise the Village as to applicable laws and regulations including, but not limited to, PSL Article 10 proceedings and Section 106 of the National Historic Preservation Act. Consult with Village officials regarding Article 10 proceedings and comments on the Preliminary Scoping Statement. Prepare and file those comments and prepare and file this request for Intervenor Funds. Periodically review posted filings in this matter and keep the Village officials informed of the case status. Attend all Siting Board conferences and telephone conferences with the Applicant and tis attorneys and representatives, PSC and other involved agencies, staff, other parties and Federal agencies that have jurisdiction over the proposed project. Confer and consult with the Village's engineer and other potential consultants, provide legal advise and counsel to Village Officials concerning Article 10 proceedings.

6(b) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed basis for the fees requested, including hourly fee, wage rate, and expenses:

Hourly Rate: \$160.00 Principal Engineer
\$120.00 Project Engineer
\$50.00 Administrative Support

Travel Time \$250.00
Travel/Reimburseable Cost \$200.00

Activity Cost

Review PSS \$1,740.00
Village Port, Street and
Parking impact \$2,560.00

Total Activity Cost \$4,300.00

Attend Stipulation Hearing
One Day \$1,280.00

Total \$5,580.00

Conboy, McKay, Bachman & Kendall, LLP

Will bill the Village in accordance with its normal billing practices with the Village. The current hourly rates run from \$115.00 for paralegals to \$275.00 per hour for Mr. Whelpley's time. Out of pocket disbursements will be billed at our customary practice of at cost, without mark up. Estimated attorney time is 40-50 hours in the pre-application proceeding.

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- 6(c) For all expert witnesses, consultants, attorneys, or others to be employed during the Pre-Application Stage, provide a detailed statement specifying how such services and expenses will make an effective contribution to review of the Preliminary Scoping Statement and the development of an adequate scope of appropriate studies for the application to be submitted and thereby provide early and effective public involvement:

The Village's filed comments to the Preliminary Scoping Statement provide a concise response to this request and are incorporated by reference herein in their entirety.

Mr. Dimmick's work will address two major issues brought up by the Village and State agencies in their review comments on the PSS.

1. Review and critique the Preliminary Scoping Statement (PSS) for the Galloo Island Project
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4. Evaluate potential impacts to proposed mitigation to manage parking impacts with the Village.
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- 6(d) For all expert witnesses, consultants, attorneys, or others to be employed during the Application Stage, provide a detailed statement specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility and will facilitate broad participation in the proceeding.

Not Applicable

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

7(a) For any study to be performed, a description of the purpose of the study:

The Village does not propose any independent studies at this time, but reserves the right to do so in the future.

7(b) For any study to be performed, a description of the methodology and a statement of the rationale supporting the methodology:

The Village does not propose any independent studies at this time, but reserves the right to do so in the future.

7(c) For any study to be performed pursuant to any proposed methodology that is new or original, explaining why pre-existing methodologies are insufficient or inappropriate:

The Village does not propose any independent studies at this time, but reserves the right to do so in the future.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 7(d) For any study to be performed, provide a description of the timing for completion of the study and a statement of the rationale supporting the timing proposed:

The Village does not propose any independent studies at this time, but reserves the right to do so in the future.

- 8(a) For any study to be performed, a statement as to the result of any effort made to encourage the applicant to perform the proposed studies or evaluations and the reason it is believed that an independent study is necessary:

The Village does not propose any independent studies at this time, but reserves the right to do so in the future.

- 9 For all expert witnesses, consultants, attorneys, or others to be employed, provide a copy of any contract or agreement or proposed contract or agreement with each such expert witness, consultant, attorney, or other person.

As stated above, both the Village Engineer and Attorney have long professional relationships with the Village. It is proposed that both will continue to bill the Village on a time basis at the rates currently charged on all matters. No new contracts are anticipated or required by the Village.

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- 10 Provide a statement of any additional justification for the funding request not already addressed above: