

EIGHT POINT WIND ENERGY CENTER – DPS CASE NUMBER 16-F-0062
 RESPONSE MATRIX ADDRESSING DPS STAFF COMMENTS (FEBRUARY 29, 2016)

PIP Section	Comment Number	Topic	DPS Comment	Response in Final PIP
Cover	1	Case Number	On the cover page, the Applicant should indicate the case number, 16-F-0062	Case Number 16-F-0062 added to Cover Page
2.2	1	Substation / Switchyard	The Applicant indicates that the project will include a switchyard adjacent to NYSEG’s Bennet Substation and a 9 mile interconnection line. However, there is no description of the location of the substation and proposed adjacent switchyard, or the proposed line. The substation is included in the figures, should be described in the text as well. The Applicant should clarify that the existing Bennett Substation and the location of the proposed adjacent switchyard are outside of the municipal boundary of the City of Hornell.	Location clarified in Final PIP (Section 2.2 and Figures 2 and 3)
	2	Employment	The Final PIP Plan should provide an estimated number of temporary and permanent local employment opportunities that will be generated by construction and operation of the project. In addition, for temporary local employment opportunities that will be generated during project construction, the Final PIP Plan should indicate the estimated duration of employment.	Employment estimates provided in Final PIP (Section 2.2)
	3	Estimated tax payments	The proposed PIP Plan states that “the Project is estimated to provide more than \$31 million in property taxes to local governments..” The text should specify the applicable time period for estimated tax payment – provide annual payment amount, or specify lifetime of project and total estimated lifetime payments.	Duration clarified in Final PIP (Section 2.2)
2.3	1	Study Area acreage	The proposed PIP Plan indicates that the Study Area includes 324,510 acres of land. Clarify in the Final PIP Plan whether this amount includes the 98,000 acres in the Project Area?	Study Area acreage clarified in Final PIP (Section 2.3)
3.1	1	Missing text	There appear to be words missing from the sentence that starts with “developed this PIP to ensure...” The Applicant include the entirety of this paragraph in the final PIP Plan.	Missing text inserted in Final PIP (Section 3.1)
	2	Public Involvement	In the fourth bullet, the Applicant notes that a goal is to understand stakeholder interests. This should be expanded or rephrased in a way that indicates that the Applicant will provide opportunities for	Revised in Final PIP (Section 3.1)

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			public involvement and will work with the stakeholders to address their interests/concerns, i.e. issues identified will be taken into account as the project moves forward.	
4.1	1	Town/County Clerks	It is impractical to assume that Town Supervisors and the County Administrator will serve as Point of Contacts for their respective boards without obtaining prior authorization. The Applicant should add the Town/County clerks to the stakeholder list, as well as the clerks for the respective boards/legislatures to ensure proper dissemination of notices.	Revised to include appropriate Clerks in Final PIP (Section 4.1 and Appendices)
4.10	1	Gas companies	Identified utilities do not include owners/operators of major gas transmission infrastructure in the Project Area. Pipeline companies should be contacted regarding location of facilities, design standards for construction near existing infrastructure, facility design and safety considerations. Gas transmission pipelines in the Project Area include: <ul style="list-style-type: none"> • Columbia Gas Transmission, LLC • Dominion Transmission, Inc. • NFG Supply corp. • Tennessee Gas Pipeline Co. • Wyckoff Gas Storage Co. LLC 	Revised to include gas transmission utilities in Final PIP (Section 4.10 and Appendices)
4.14	1	Project layout / Adjacent landowners	According to the proposed PIP Plan, adjacent landowners (landowners directly abutting or within 500 feet of a leased parcel) will be added individually to the stakeholder list once a project layout is developed. The Applicant should explain when it intends to develop a project layout and how it plans to include adjacent landowners during early project planning phases (i.e. preliminary scoping and stipulations).	Clarified in Final PIP (Section 4.14)
4.15	1	Events	This section refers to a single public involvement event designed for residents in the study area. However, given the number of municipalities included in the Project and Study Areas, the Applicant	Clarified open houses and revised notification format in Final PIP

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			<p>should hold events in more than one location. Hosting events at different times, different days and at separate locations will provide the maximum opportunity for public involvement and accommodate schedules of municipal officials, residents and non-residents who may not be able to attend the single Open House identified in the proposed PIP Plan.</p> <p>Depending on the timing of the separate open houses, the Applicant should consider another mailing to announce the additional event(s). In addition, the Applicant should consider using this initial widespread mailing to disseminate outreach materials with more detailed project information than a postcard announcing the open house.</p>	(Section 4.15, Section 5.3.2 and Section 5.6)
5.0	1	Objectives	The Final PIP Plan’s stated objectives should be expanded to include engagement with stakeholders to understand the interests of various stakeholders as they relate to the proposed Project. The Applicant’s plan should be seeking specific objective information that will inform the Preliminary Scoping Statement, specifying detailed study plans to advance development of an Application.	Clarified overall objectives in Final PIP (Section 5.0)
	2	Plan extension	The Final PIP Plan should extend through the length of the Article 10 process – including the phases that occur after the submittal of the Preliminary Scoping Statement. As written, the proposed PIP Plan only identifies activities leading up to the development of the PSS. DPS Staff recommends including activities/plans for all phases in the Final PIP Plan, providing a description of the materials that will be distributed, as well as information on the activities the Applicant anticipates conducting throughout the length of the project with an estimated schedule and timeline of events in relation to the project milestones.	Clarified in Final PIP (Sections 3.2, 5.1 and Appendix B)

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5.2.1	1	Topics for consultations	The statement regarding agendas or topics for consultation should be expanded to include identification of consistency or conflicts with plans, planning documents or other development of preservation goals. Likewise, opportunities for advancing goals or objectives of other development may be identified (e.g., pole-sharing arrangement for expansion of communication or broadband systems in rural areas; co-location of facilities in utility corridors; development of multiple-use trails with proposed facility access roads; etc.)	Consultation topics revised in Final PIP (Section 5.2)
	2	Notification	DPS staff recommends a minimum of two weeks notification prior to public events such as open house and public hearings. The public needs sufficient time to make arrangement to attend such events. In addition, for events published in local newspapers, the Applicant should identify papers serving the entire Study Area, including the municipalities in Pennsylvania.	Notification timeframe revised in Final PIP (Section 5.2.1) Pennsylvania newspapers added in Final PIP (Section 5.2.1 and Section 5.6)
5.3.1 /5.3.2	1	Town Board meetings and Open Houses	The Applicant needs to provide more details on these activities, such as providing dates or an estimated time-frame for when it intends to conduct the initial Town Board meeting presentations and the anticipated date or time-frame for the planned open house event. Clarify whether this open house event is the only one planned in advance of the filing of the PSS or whether the Applicant has planned or may plan additional events. The Final PIP Plan should provide flexibility to engage and hold public events as needed to address community interests and provide opportunities responsive to local needs.	Town Board meeting presentation information updated and revised in Final PIP (Section 5.3.1 and Appendix C). Open houses clarified in Final PIP (Section 5.3.2)
	2	Presentation	In addition to the one-on-one and small group informational discussions anticipated by the Applicant during the open house events, DPS Staff recommends that representatives of Eight Point Wind, LLC initiate any such event with a brief presentation providing an overview of the project, Such an introduction would	Presentation format clarified in Final PIP (Section 5.3.2)

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			offer attendees the opportunity to learn the basics of the project plans and allow for more meaningful discussions between the Applicant and attendees during individual and small group interactions, without having to re-introduce the general project plans to each attendee.	
	3	Intervenor funding	The outreach activities should include information on Intervenor Funding and the process for stakeholders to apply for funds	Clarified in Final PIP (Section 5.3.2 and Section 5.4)
5.3.3	1	Project Representatives	Once a local office is established, will the Applicant have a representative stationed at this location? If so, contact information for the local representative should be included in this section.	Clarified in the Final PIP (Section 5.3.3)
5.3.4	1	Local Phone Access	The Applicant should provide a local or toll free number that connects to an Eight Point Wind, LLC employee, and the hours of operation. If a voicemail only system is employed, the Final PIP Plan should indicate the timeframe in which the public can anticipate a response to their inquiries.	Phone coverage and response clarified in the Final PIP (Section 5.3.4)
5.3.5	1	Local Office	The Final PIP plan should provide an estimated date or time-frame for when Eight Point Wind, LLC intends to secure and occupy a local office within the Project Area. Additionally, the Applicant should describe how it intends to inform the public of the location of the office, the date it will open, and the regular business hours that the office will maintain.	Office information updated in the Final PIP (Section 5.3.5)
5.4	1	Schedule	A preliminary schedule with milestones and opportunities for public involvement should be included to the best of the Applicant's ability. Also, Eight Point Wind, LLC should state an approximate time when materials will become available on the project website.	Preliminary schedule for events and materials availability added to the Final PIP (Section 5.3.1, 5.3.2, 5.3.5 and 5.4)
	2	Intervenor funding	As noted previously, the Applicant should include a display and/or handouts at the open house(s) regarding Intervenor Funding	Display topic list updated to include intervenor funding in Final PIP (Section 5.4)
	3	Presentation	The Applicant should consider providing a copy of the PowerPoint presentation on the project website.	Presentation availability clarified in Final PIP (Section 5.4)

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5.5	1	Contact info	The Applicant’s contact information on the website should include the local project office address, phone number, and hours of operation when this information becomes available.	Revised in the Final PIP (Section 5.5)
	2	Content	The website should provide key milestone dates/timeline for the project, as well as a schedule for public outreach events. The outreach information should describe the purpose/goal of outreach and identify activities that are planned to encourage participation.	Revised in the Final PIP (Section 5.5)
5.6	1	Mailing	The Applicant should use the mailing regarding the open house(s) as an opportunity to provide project information to stakeholders in the Study Area	Clarified in the Final PIP (Section 4.15 and Section 5.6)
	2	Open houses	While the Applicant has noted that it will hold a webinar or meet on-on-one with people unable to attend the open house, people may be uncomfortable with these options and prefer to attend a public meeting. As stated before, DPS Staff recommends the Applicant hold at least two open house events in different locations to provide adequate opportunities for public involvement. The Study Area covers a many municipalities and hosting multiple events will ensure that all interested persons have a chance to interact with Project representatives.	Open houses clarified in the Final PIP (Section 5.3.2 and Section 5.6)
	3	Newspapers	The newspaper notification of the open house should include daily and weekly papers that cover the Study Area, not just the Project Area.	Newspaper coverage updated and confirmed in the Final PIP (Sections 5.2.1 and 5.6)
5.7	1	Plan extension	The activities described in Section 5.4 focus on the pre-application phase of the project. The Final PIP Plan should extend through the length of the Article 10 process – including the phases that occur after the submittal of the Preliminary Scoping Statement. The Applicant should indicate additional activities it has planned or may consider beyond the required notification of filings. DPS Staff recommends that the Applicant, at a minimum, notify the	Revised in the Final PIP (Sections 5.2.3, 5.7 and Appendix B)

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			stakeholder list (by mail and list serve) when the Preliminary Scoping Statement and Application are filed.	
	2	Document repositories	The list of document repositories should be noted under its own section (e.g. 5.7.1) so that it is noted in the Table of Contents and can be easily found within the Final PIP Plan. Also note that outreach materials, such as factsheets, newsletters, etc. may be filed at the document repositories	Revised and clarified in the Final PIP (Section 5.7.1)
	3	Comment tracking report	The Applicant needs to clarify whether the comment tracking report will be filed with the Secretary and/or included on the project website.	PIP Meeting Report (Appendix C) incorporates comments. Separate Comment Tracking report has been deleted to avoid unnecessary redundancy.
6.0	1	Environmental Justice	The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data	Clarified in the Final PIP Section 6.0 that the NYSDEC website's Environmental Justice area determinations are based on 2000 Census data, and does not have 2010 available. A similar review of EPA's EJSCREEN was conducted based on 2008-2012 Census Bureau's American Community Survey 5-year summary data to provide a more current context for the NYSDEC EJ results.
7.0	1	Language Access	The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data	Revised in the Final PIP using 2010 Census data and 2010-2014 Census Bureau's American Community Survey 5 year estimate. (Section 7.0)

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Figures	1	State Forest Land	<p>The figures provided in the proposed PIP plan (figures 1-3) do not clearly distinguish that the three polygons outlined in yellow within the project boundary (also outlined in yellow) represent State Forest Land, specifically Greenwood State Forest, Rock Creek State Forest and Turkey Ridge State Forest. All three of these State Forest Lands are within the Canisteo River Basin Unit and managed by the NYSDEC Division of Lands and Forests Region 8. DPS Staff anticipates that the areas within these polygons are designated as being excluded from the Project Area, however there is no explanation for their exclusions in the text of the proposed PIP plan, specifically Section 2.3. Figures 1-3 and Section 2.3 should be revised as necessary to clearly identify the significance of the three polygon areas outlined within the project boundary and figures for future project related documents should also be designed to clarify the meaning of these areas.</p> <p>DPS Staff recommends that Eight Point Wind, LLC review the Canisteo River Basin Unit Management Plan, available for download on the NYSDEC website, and consult with NYSDEC Division of Lands and Forests Region 8 staff during the planning and design phases of the project in order to minimize impacts to the environmental resources within the State Forest Lands and Canisteo river Basin during construction and operation of the facility.</p>	<p>Figure 2 and Figure 3 have been revised in the Final PIP to clearly reflect the areas as State Forest Lands which are excluded from the Project Area.</p> <p>Appendix B has been revised in the Final PIP to reflect NYSDEC Region 8 consultation concerning State Forests, natural gas infrastructure and the Canisteo River Basin Unit.</p>
	2	Additions	<p>Maps of Eight Point Wind Energy Center Project Area and Study Area (figures 2 and 3) should be modified to include additional geographic information including:</p> <ul style="list-style-type: none"> • Identify location of the Village of Canisteo municipal boundary; and • Label roads in the Project Area and vicinity to help demonstrate Project limits 	<p>Modifications have been made to Figure 2 and Figure 3 in the Final PIP to identify roads and the Village of Canisteo boundary.</p>

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	3	Substation icon	The square icon representing the Bennett Substation appears to cross into the boundary for the City of Hornell. The figures should clarify that this portion of the Project lies outside of this municipality.	Modifications have been made to Figure 2 and Figure 3 in the Final PIP to clarify.
Appendix A	1	Addition	As noted in Section 4.1, the list should include town clerks to ensure dissemination of notices to board members.	Revised and included in the Final PIP Appendices
	2	Addition	The Mayor for the City of Hornell should be added to the list of adjacent municipalities	Revised and included in the Final PIP Appendices
	3	Addition	The local repositories should be included in the stakeholder list	Revised and included in the Final PIP Appendices
	4	Addition	Kelly Tyler, Buffalo Office Program Manager from NYSEDA, is listed but not the Chair. Please include Richard L. Kaufman as well.	Revised and included in the Final PIP Appendices
	5	Addition	It is unclear from figure 3 whether the Hornell Airport falls within the Study Area. If so, it should be added to the list of stakeholders.	The Hornell Municipal Airport is included in the Study Area and is listed as a stakeholder in the Final PIP Appendices
	6	Format	A general note – the stakeholder list in the Appendix would be easier to read if it was organized in the same manner as Section 4.	Appendix A of the Final PIP has been reformatted to more accurately track with Section 4.
Appendix B	1	Addition	DPS staff recommends adding Allegany County Planning Department to the list of Adjacent Municipalities to be contacted, since the Project Area directly abuts the Steuben – Allegany County Boundary	Revised and included in the Final PIP Appendices
	2	Addition	For purposes of consultation, DPS Staff recommends including the Gas Pipeline companies (noted in 4.10)	Revised and included in the Final PIP Appendices
	3	Consultation	There are numerous active and inactive oil and natural gas wells located within the Project Area, including three oil well fields containing densely populated well installations on the western side of the Towns of Greenwood and West Union. Additionally, there are natural gas storage wells located in the Town of Greenwood.	Revised and included in the Final PIP Appendices Appendix B has been revised in the Final PIP to reflect NYSDEC

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			<p>DPS Staff recommends that the Applicant consult with NYSDEC Division of Mineral Resources Region 8 and the owners/operators of the oil and natural gas wells and natural gas storage wells within the Project Area during project planning and design, in order to minimize impacts to the integrity and operation of existing wells and potentially utilize existing access roads, marshalling yards, and other construction related land uses.</p>	<p>Region 8 consultation concerning State Forests, natural gas infrastructure and the Canisteo River Basin Unit.</p>