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September 15, 2017

Hon. Kathleen H. Burgess
Secretary to the Commission
Three Empire State Plaza Albany, New York 12223-1350

Ms. Ashley Moreno
Presiding Examiner
Three Empire State Plaza Albany, New York 12223-1350

Mr. Michael Caruso
Associate Examiner
Three Empire State Plaza Albany, New York 12223-1350

Secretary@dps.ny.gov

RE: GALLOO ISLAND WIND, LLC. Case No. 15-F-0327

Dear Secretary Burgess, Presiding Examiner Moreno, and Associate Examiner Caruso:

Please find below our concerns and comments regarding the current proposed Galloo Island Wind Farm and how we believe we and the property we own which is listed on the National Register of Historic Places, have been adversely affected because of the desire of individuals to place a wind farm on Galloo Island - a course that has been on-going since at least 2007.

We believe that our property has been and is still considered as an impediment to the development of Galloo Island. That development is currently in the form of a wind farm proposed to be built by Apex Clean Energy.

The suspect matter of the light being removed from Galloo Island Lighthouse

We would like to bring to your attention information, or lack of information is more accurate, that has been made available during our research into questionable actions that have taken place over the past several years that we believe have occurred to remove impediments from the development of Galloo Island in order to build a wind farm, namely the removal of the light from the lighthouse tower.

Some documents that one can believe should exist and must contain the supporting information that is required for certain actions to have occurred, such as the removal of a light from an Historic Property, have been unavailable to us when requested through FOIA procedures either through the intimidation of exorbitant costs (\$28,000) or the inability to be located by the U. S. Coast Guard. The only way it seems possible to obtain the information we have requested may be through a subpoena.

This problem began when the light was removed from Galloo Island Lighthouse without our knowledge by the USCG in 2011/2012, about the same time as it was becoming apparent that the first proposed wind farm was beginning to fall apart. We have requested documentation regarding the removal of the light through the Freedom Of Information Act from the USCG. The several requests have produced no documents as to why the light was removed, who requested the removal, what studies were done by the USCG and who if anyone reviewed our Deed which states that the light can only be maintained, repaired or replaced.

Nowhere in our Deed from GSA does it state that the USCG can remove the light from Galloo Island Lighthouse, but it does state that the USCG is to contact us if they want access to our property which obviously they did not do. We were unaware that the light had been removed until 2014, over two years after it was removed and we only found out through a casual comment from a local real estate agent.

After contacting the USCG with little success we believed it was necessary to contact the ACHP (Advisory Council on Historic Preservation) as our lighthouse is listed on the National Register of Historic Places. The USCG is required to contact the ACHP, a Federal office that reviews the Federal Section 106 program, whenever there is a proposed modification to a listed property. Again, this was not done; the USCG never contacted the ACHP. Representatives of the ACHP indicated that they would have been able to help us with our concerns had they been informed by us while the USCG was going through the required Section 106 review. But of course, we did not know that the USCG had decided to remove and had actually removed the light from the tower.

The review and investigation of the ACHP years later came to the conclusion that the USCG did a faulty Section 106 review, but all they could do was admonish the USCG to do better in the future. The USCG explained that this was an unusual case; they do not know why their own procedures were not followed.

This may indeed have been just an oversight of the USCG in an isolated instance that they did not contact the owners of the property and did not contact the ACHP. It might indeed just be a failure of the local Historic Sites Restoration Coordinator of the NYSHPO (New York State Historic Preservation Office) in Waterford, New York to fully investigate the potential negative ramifications of the light being removed from the tower in relationship to the restoration, renovation and access to the Lighthouse. But when those two statements are read in light of a proposed wind farm on the island, the removal of any impediments to the building of that wind farm, such as right of way over an access road to the Lighthouse by its owners and other easements pertaining to the visibility of the light, interpretation of those statements can take on a different slant. In addition, the fact that the USCG has either not been forthcoming or is unable to provide documentation of their decision to remove the light is troubling.

Interestingly, we also were never contacted by the NYSHPO regarding any comments or concerns we may have regarding the removal of the light. When we contacted NYSHPO in 2014, we were told that they did nothing but approve the request from the USCG to remove the light from the lighthouse based on NYSHPO's assumption that the USCG had done their due diligence. When we brought this issue up to NYSHPO, they were very surprised to learn that we had never been contacted by the USCG.

The entire NYSHPO file concerning its review of the USCG Section 106 request regarding the removal of the Galloo Island Lighthouse light is only 10 pages long and consists of the nine pages of the request marked "Received" on January 10, 2011 and the one page reply from NYSHPO dated January 12, 2011 concurring with the USCG that there would be no adverse affects to our property. All of this was done without our knowledge or input.

Our deeded easements to our property.

Access to the Galloo Island Lighthouse is via an access easement from Gill Harbor to the southern part of the island. That easement is evidenced by an easement agreement that was recorded in the County Clerk's office in 1973 (the "Easement"). Galloo Island Wind, LLC has asserted that the Easement has been terminated. However, that is not the case. That assertion is not true. The Easement is held by us, has not been terminated by us, and remains in full effect.

Recently, we have become aware of a document that was filed with the Jefferson County Clerk's Office on April 27, 2017 signed only by Philip Kemper, Vice President of Galloo Island Corp, who also owns the majority of the island and by Everett Perrin, Realty Specialist, USCG which claims to terminate Easement. This document was not effective to terminate the Easement since the USCG has not owned any property on Galloo Island since 2000 when the lighthouse and surrounding area was sold to us. Any and all easements that benefited the USCG property were deeded to us in 2000. As such, the 2017 document signed by the USCG was not effective to terminate the Easement since, at the time it was signed, the USCG had no legal interest in or to the Easement.

The Easement, and other easement rights benefitting our property could detrimentally affect a wind farm. Not just the access road from Gill Harbor to our property on the southern end of the Island, but also the easement that exists for an almost 360 degree arc of visibility. Thirty 500 ft+ wind towers would defiantly impact such easement for visibility.

If the light was taken out of the Galloo Island Lighthouse tower in order to facilitate the development of the rest of the island, that action also has put in peril the Preservation Easement that our property benefits from being on the National Register of Historic Places.

It is undeniable that there appears to be methodical steps that have been put into action to remove any impediment that our property and property rights may have on a proposed wind farm on Galloo Island.

Denied Intervenor funds

A related matter that is still of concern and in our view that was not adequately addressed is the matter of the Siting Board refusing to grant us Intervenor funds to help defray the costs of expenses for the Article 10 process. The Siting Board made the decision to deny us funds due to our dwelling not being habitable at this time. It did not cite any definition, rule, statute or law that is used in the Article 10 process that requires that a residence must be occupied or habitable.

Contained in the Resolution of the New York State Board on Electrical Generation Siting and the Environment Section 1000.2 (s) – Definitions: "Local Party: Any person residing in a community who may be affected by the proposed major electric generating facility at the proposed location, or any alternative location identified, who is a party to the proceeding. For the purposes of this definition, the term "residing" shall include individuals having a dwelling within a community who may be affected."

Sackets Harbor officials appear to have defined a dwelling as a building that has been issued a certificate of occupancy. Our lighthouse was never issued a certificate of occupancy as is the case in many of the older buildings in Jefferson County. A certificate of occupancy is only needed if there are major alterations made to a property. We are constrained by the amount and type of work that can be done in

the restoration and renovation of the lighthouse. Our desire is to make only repairs, which would not need a building permit.

We were encouraged by the Siting Board to contact the Town of Hounsfield for assistance. Hounsfield Town Supervisor Mr. Timothy Scee stated "If improvements have been made to make it livable I will let the assessor know that he can visit the island to revise your assessment."

We think an arbitrary decision was made to deny us Intervenor Funds due to these technicalities of which there is no legal basis, only interpretation by the Siting Board with the input of others involved that would not want us to benefit from the Intervenor funds.

The lighthouse has been historically established as a dwelling and as a residence; keepers have lived there for over 150 years. Our intention has always been to restore and renovate the Keepers quarters and tower to use as a Bed and Breakfast as well as for our own enjoyment of the wildlife and fishing grounds of the area. We established a file with the local NYSHPO to monitor the restoration and renovation process to conform with the requirements of our Deed. Life has a way of interrupting plans, so does the proposal of a wind farm since 2007. Our contention is that the owners of a property that needs repair and renovation should not be disallowed from the Intervenor funds. Most dwellings that are being built, repaired or renovated are not occupied by their owners.

There are only two owners of private property on Galloo Island which are us who oppose the wind farm and Galloo Island Corp (owned by the Kempers) that is involved with Apex Clean Energy to insure the proposed wind farm is successful. The other parcels on the island are owned by the State of New York or the Federal government. As an owner of property in New York we are able to vote, obliged to pay taxes on our property, but cannot obtain Intervenor funds.

The Siting Board encourages everyone to be involved in the Article 10 process but we believe those with the experience, money and the lawyers will most likely be the ones that can realistically determine the outcome of the process, not your average lay person whose property will be adversely affected and receives no benefit from a wind farm. We are the only private party that requested Intervenor Funds, and the only private party on the island to oppose the wind farm.

In Conclusion

Who would believe they would stand to benefit by the removal of the light from Galloo Island Lighthouse? There are several contenders. Any person or any company that might want to build, for example a wind farm on the island, might view the removal of the light as removing an impediment to their plans for success.

We believe that any person or entity that desired to renew the development of a wind farm on the island were well aware that we would vigorously object to the removal of the light so it was imperative that we be kept, literally, in the dark until they believed it was too late for us to achieve a remedy to the removal of the light or protect our access easement to our property.

There is great opposition to this project from the public, primarily because of the significance of the adverse effects a wind farm would have on the view shed and the wildlife in the area that would forever be altered by the project. Time will tell what forces will prevail, what interests people have in preserving

a future that includes many of the attributes that they enjoy and cherish now.

Personally we would prefer to watch eagles and hawks soar up the thermals unimpeded by the churning wind turbines, cormorants and gulls hunt for fish and busy themselves with nests on the island, bats hunt for insects at dusk rather than watch 30 odd wind turbines churning out electricity for the benefit of New York City. It does appear clear that many who live in the area, visit the area, have second homes in the area or just believe that creatures other than man also need to thrive would rather enjoy the joys of nature.

One can understand and accept that the flat plains of Texas may be suitable for wind farms, but not a complicated, fragile and important ecosystem in the Great Lakes that will forever be altered.

The status of our access easement and the viewshed has not been resolved and should be required to be resolved before any wind farm is built on Galloo Island. The Siting Board should consider this information and these comments as reasons that permission to build a wind farm on Galloo Island be denied Apex Clean Energy.

There is a great deal of federal and state money made available to wind farms. We will be forwarding these comments and concerns to the following and others due to the questionable actions that have occurred in this matter that we believe have also been perpetrated against the Federal Government and State of New York in addition to the owners of Galloo Island Lighthouse and to a listed property on The National List of Historic Properties.

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Respectfully,

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