

Hon. Kathleen H. Burgess
Secretary to the Commission
NYS Siting Board on Electrical Generation
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Kevin Casutto - Presiding examiner
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September 5, 2016

Re. Galloo Island Wind Project 15f0327
Stipulations for Article 10

Dear Secretary and Hearing Examiners:

As we were unable to obtain any assistance with receiving any Intervenor funds, we are now without legal representation for the time being. As you look at the Article 10 Party List, only three of the fifteen parties are not lawyers or lawyered up. This is not what I would call a level playing field, and definitely not the true intent of the Article 10 process.

Most politicians are lawyers and most believe that they have a high standing within the community which is not always the case from the public's viewpoint. A quick perusal of the Internet regarding the politicians in New York State suggests that along with being prolific in government, many lawyers are experienced in corruption within the government.

It appears in this particular instance the State of New York and the Town of Hounsfield are working towards making sure that this wind farm is built no matter what the consequences to any other community or individual that has concerns.

I took your suggestion and reached out to Mr. Scee, the Hounsfield Town Supervisor. After several days he returned my email saying "he would consider my request". That was it, just consider and nothing else.

Section 1 of the Town of Hounsfield Ethics Law states: "The purpose of this law is to establish minimum standards of conduct to help ensure that the business of government is free from improper influence that may result in opportunities for private gain. The Town of Hounsfield recognizes that public officials must exercise their official duties solely in the public interest, and must avoid even the appearance of conflict of interest. The standards and guidelines set forth in this law are intended to minimize unwarranted suspicion and to avoid potential conflicts of interest before they arise. Notwithstanding any omissions in this law, it is the responsibility of public officials to come forth with information regarding personal involvement in matters before the Town and to avoid associations or actions that may interfere with the proper discharge of their public duties."

Following are the Items that I consider to be important in the process of approving any Wind Farm on Galloo Island.

Excerpt from the Zoning Law of Hounsfield - Section 110: Statement of Findings and Purposes.

The purpose of this Local Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Town of Hounsfield, conserve and improve land values, encourage quality development consistent with the Comprehensive Plan of the Town of Hounsfield, ensure wise use of utilities, and promote the general health and welfare of Town of Hounsfield residents. This Local Law is designed to protect existing development while providing some control of growth so that future land development will not be detrimental to the Town of Hounsfield or its residents.

Please find following our requests for Stipulations for the Apex proposed Wind Farm on Galloo Island

1001.3

There is a lack of current and accurate New York State Census Bureau information regarding Galloo Island. There needs to be an on the ground survey for a determination of an environmental justice area of Galloo Island. This is required by New York State.

This is a very unique area and the requirement for the number of households has never been met and will never be attained. Reference the census numbers of years past and the inaccurate numbers currently.

1001.4

There needs to be accurate and current information of land use on Galloo Island. The public roads, in particular "Lighthouse Road", that run throughout the Island and the local zoning that affects these roads needs to be considered. The easement affects the roads that the public would be using for traveling between Gill Harbor and the properties on the southern end of the island.

1001.6

Regarding public safety issues there are no setbacks listed or determined for all easements from Gill Harbor to the Galloo Island Lighthouse property and the DEC fog signal building property at the southern end of the island for phenomena such as ice throw from the turbines, physical turbine failure.

Both properties are located very near the proposed wind towers and the turbine blades. As proposed, these easements will be effected by the proposed wind towers and/or the turbine blades.

1001.15

The lighthouse compound needs to be included in section 15 E 2. The sound noise is of utmost importance at the lighthouse property which is adjacent to the proposed Wind Farm on Galloo Island. The sound noise will certainly not significantly diminish from the turbines to the lighthouse since they will be placed within a matter of feet not miles from the lighthouse. The shape of the lighthouse tower is analogous to an upside down megaphone hence the sound noise will actually be increased as it is dispersed downwards through the structure.

The ambient noise at the lighthouse is considerably less than a rural area due to it being over six miles from the nearest onshore rural road with virtually no other structures or human population within close proximity. I believe it to be 20dBa or closer to rustling leaves.

The light flicker from the turbines needs to be studied and measured at the lighthouse tower height to record the effects of the flicker as it pertains to vertigo for persons viewing the island in the direction of the turbines from the tower which could affect the safety of going up and down the spiral staircase for the residents of the lighthouse and guests/visitors to the Galloo Island Lighthouse compound which is listed on the National Register of Historical Places.

Galloo Island Lighthouse is the first lighthouse on the U.S. side of Lake Ontario and was instrumental in safely facilitating the billions of dollars of commercial trade through the Great Lakes into the middle of America.

We purchased the property with the intention of opening a unique Bed & Breakfast before any public plans for a Wind Farm on Galloo Island.

1001.21

There is no construction protection plan for the lighthouse tower and dwelling to protect them from the blasting that will occur during construction of the proposed Wind Farm, or for any repairs that may be required to the building. The building will be 152 years old; it is on the National Historic Register which makes it a New York treasure that has lasted eight times longer than the expected twenty year life span of a wind turbine.

There are many lighthouse enthusiasts that would very much like to be able to add Galloo Island Lighthouse on their Lighthouse Passport issued through the U. S. Lighthouse Society. There are many lighthouse aficionados that will be very vocal about their displeasure if the proposed Wind Farm adversely affects Galloo Island Lighthouse and precludes its' restoration and renovation.

1001.24

Apex needs to address the visual impact assessment that cannot be mitigated. Please reference NYSHPO Letter. There needs to be a definitive answer as to what will be done regarding the Galloo Island Lighthouse view shed that is being adversely affected by the wind turbines, not possibly being affected, will be affected.

1001.28

It is unknown if there is an impact on Environmental Justice until a survey and study are completed. New York State does not have any reliable information for Galloo Island in regards to environmental justice nor has a survey ever been completed. Apex cannot make a statement that the Wind Farm is not expected to have any impact on the lighthouse compound or the owners.

1001.29

Technology changes and the wind turbine method of generating power will more than likely be obsolete in possibly less than 20 years. Even though the proposed wind farm will be on private land, the eyesore and possible environmental contamination will still be on the island.

Whatever entity develops the wind farm or sells the wind farm project in the future, should be required to remove the Wind Farm in its entirety and be responsible for the clean-up of the entire Galloo Island lands when it is decided to abandon the project. That responsibility should not left for someone else to manage as are Automobile junk yards because that is what the wind farms will become. See local zoning.

1001.31

There should be a consensus amongst all the various local government agencies regarding the creation of Wind Farms that are viewed across hundreds of miles, not just one or two local agencies ignoring the neighboring communities that would also be affected either adversely or advantageously. There should not be a “shopping around” by the wind companies of communities with the least stringent laws and amenable politicians regarding the wind farms and their effects on the greater community.

Other facts to be stipulated

Easement from Gill Harbor to the southern end of Galloo Island

There is a great deal of confusion on the part of Apex Energy regarding the easement to travel from the Coast Guard Station at Gill Harbor to the Lighthouse which has been in effect for decades. This easement is also available to NYDEC and was a requirement that it be in effect or They would not accept the property at the south end of the Island known as the wildlife reserve. This easement has been litigated for decades and the outcome always has upheld the legality of the easement.

The ACHP has done a review of the USCG 106 review that was done several years ago and has determined that it was done incorrectly. They have requested that the USCG address this matter, to which the USCG has refused, claiming this was a one-time problem and they will do better in the future.

This same incorrect 106 review was sanctioned by NYSHPO with barely anything more than a rubber stamp approval. My request through the Freedom of Information act did not produce any documents indicating or explaining the process of the removal of the light by the USCG. There appear to have been no studies on the reasons for the removal of the light or the adverse effects that removal would have on an historic property and the easement associated with that property and the property that had been transferred to the DEC adjacent to our property. The USCG did not follow their own manuals outlining the appropriate procedures and their responsibilities as stated in the National Historic Lighthouse Preservation Act.

Apex cannot just claim there is no easement to the road to the southern end of the island without doing any research into the USCG 106 review that was not done properly by the USGC or without any research regarding the specific request of the DEC before accepting the Fog Signal property in regards to the easement to their property. The USCG ultimately removed the light in the Galloo Island Lighthouse tower in 2014, without contacting us, the owners of the lighthouse.

Mitigate the problem of the adversely affected view shed

One Idea that may benefit the Town of Hounsfield that is several miles away from Galloo Island, is something that was done during WWI and WWII. The Navy had their battleships painted in what was called dazzle camouflage.

Sincerely,

Anthony and Cara Dibnah

Please note: We will not be available by telephone and only sporadically by email from September 7th to October 5th, 2016.