

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

Date: October 19, 2017

Document title: **Galloo Application Incomplete**

Submitted by:

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October 19, 2017

Mr. John B. Rhodes, Chair
NY Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

RE: GALLOO ISLAND WIND, LLC. 15-F-0327

Dear Chairman Rhodes:

I am writing to you because as chair to the Siting Board you have the statutory responsibility to determine if the Application provided by Apex Clean Energy for their Galloo Island Wind Facility is complete. I am therefore requesting that you carefully consider Apex Clean Energy's application, because there are serious survey deficiencies that require further investigation by the Applicant to ensure that the record is properly informed.

Apex's application should be considered incomplete until those deficiencies can be properly addressed. Although I have outlined a number of concerns in previous filings to DPS, the most important study deficiency relates to quantifying avian migration activity over Galloo Island each spring and fall. This issue, if you recall, was also specified in the Power NY Act of 2011. Additionally, at the Pre-Application Conference for the Galloo project held on July 28, 2016 the presiding examiner remarked the avian report should be updated from eight to ten years ago¹.

First, Galloo Island and its neighbor Little Galloo Island, are special and unique habitats that are home to important, valuable avian and bat resources. There are a whole series of state and associated records and policies that testify to their importance, e.g., New York Open Space Management Plan, Lake Ontario Islands Wildlife Management Plan, NYSDEC Lake Ontario Bird Conservation Area, FEIS for NY Clean Energy Standard and Audubon Important Bird Area.

In spite of the special status associated with Galloo and Little Galloo Islands, Apex plans to develop a large-scale, industrial wind project. With that development, however, comes a responsibility incumbent on all of us, not just the Siting Board, that we evaluate the risks of their project properly. Due diligence, in the case of assessing Galloo's special resources, requires a little more to examine risks and impacts, not less.

¹Transcript July 28, 2016 Pre-Application Conference, p.38, line 9.

Apex's application relies principally on old, now out-of-date avian studies conducted from 2007-2009 for the first wind development attempt on Galloo, the Hounsfield Wind Farm. The supplemental studies undertaken in 2015 provide no additional insight into the Galloo project's risk to migratory birds and bats - none! For this reason alone Apex's application at this time should be deemed incomplete.

Apex's failure to properly assess impacts to migrating birds and bats relates to two specific issues, failure to consider that Galloo's proposed turbine models are 176 ft taller than those that were the basis for the 2008-2009 studies. Secondly, the decade old, 2008 radar study should have included two full migratory seasons of baseline assessment², and it should also have included the use of recent improvements in radar technology.

Apex's single 2008 radar study focused the potential impacts on a turbine rotor zone with a maximum height of 410 ft. The number of birds and bats that flew through this zone in spring 2008 was greater than 30 other radar studies Apex referenced for comparison - none were greater. With Apex's 586 feet tall wind turbines, larger rotors and higher blade tip speeds, exposure of these high densities of avian migrants to potential turbine collision mortality will be far greater with Apex's current proposal.

In addition, increased turbine height negates much of the assessed impacts of bat activity within the rotor zone reported in Apex's 2008 Migrating Bat Study. In 2008, Apex placed microphones at various heights on meteorological towers in an effort to describe bat activity within the rotor zone. That may have been useful with 410 ft turbines, but with the 586 ft turbines now proposed by Apex those results would only be useful in describing bat activity BELOW the rotor zone. Consequently, using old, outdated surveys will provide no insight into the risks to bats from Apex's proposed wind project and do not properly inform the record.

With respect to the 2008 radar study, Apex tried to rehash their 2008 data in its application to reflect this increase in rotor height, but by their own admission they concluded it was invalid³: *"Due to the challenges of comparing data using different radar technologies, the statistics resulting from the reanalysis are not considered valid measures of avian or bat activity and therefore should not be used as*

² See Section 5.0 Expanded Pre-Construction Surveys in Guidelines for Conducting Bird and Bat at Commercial Wind Energy Projects, NYSDEC , Div. Fish, Wildlife & Marine Resources, August 2009, 31pp.

³ Galloo Application - Appendix EE, Avian Risk Assessment for the Galloo Island Wind Project, Jefferson County, NY

indices of risk.". Furthermore, the USFWS in reviewing Apex's 2008 radar study also concluded⁴, "Given these and other factors, the Service believes the study does not adequately characterize wildlife movement and risk at this site." A number of other conclusions from experts add to the concern that Apex's radar study must be redone:

1. Radar has made great technological advancements since 2008.
2. USFWS data shows birds and bats flying out over the lake in the Galloo Island area, and these large numbers of migrants would be directly subject to collision mortality with Galloo's turbines.
3. These are not just a few birds and bats, but *thousands* of targets flying over Galloo each hour of the migration seasons during the night.
4. Generally, the highest densities of migrants are within or near the rotor swept zones.
5. Coastal areas, including islands are very important as refuges for these migrants to seek shelter during poor weather and/or during specific time periods such as dawn, when they must seek shelter on land (they can't float on the water).
6. The islands around Galloo Island are a unique area in the Great Lakes, and while we have evidence of migrants moving through the area, a multiple year radar study in the area would greatly improve our understanding and better inform the record.
7. This would allow for better siting of turbines, and provide a baseline to understand the impacts of the proposed turbines on migrants. It would also provide clues as to how to address a turbine operations to minimize and avoid risks (e.g., setting appropriate cut-in speeds, shutting down during sensitive periods etc.), so that if there were large fatalities in violation of laws and acts such as the Endangered Species Act or Migratory Bird Treaty Act, action could be taken more quickly to protect and preserve wildlife.

David Stilwell, USFWS Cortland Field Office Director, summed the Service's concerns clearly: "***It is our position that the existing radar data for the project site is outdated and was collected and analyzed in a way that is inferior to the equipment and methods used by the Service and are currently available.***" "***Therefore, we recommend additional radar surveys be conducted on the island to more accurately understand the potential risk of the project to wildlife.***"

Chairman Rhodes, I can understand the need to move ahead with New York's ambitious renewable energy agenda. I can also understand that Article 10 has not been as expedient as the wind industry and state

⁴ Letter from David Stillwell, USFWS Cortland, NY Field Office, July 12, 2017.

officials may have hoped. However, the Galloo Island Wind Project is perhaps the most sensitive ecological site as any planned or operational wind farm site in the entire State of New York. I believe that special status requires that all of us ensure that Galloo will have the best environmental assessment of risks, and not to base that decision on an outdated, bare minimum assessment. Apex has to do more to properly inform the record.

Thank you for your careful and thoughtful consideration.

Respectfully yours,

A handwritten signature in cursive script, reading "Clifford P. Schneider". The signature is written in black ink and is positioned below the closing of the letter.

Clifford P. Schneider
Pro Se
Wellesley Island, NY 13640