

**NEW YORK STATE
BOARD ON ELECTRIC GENERATION
SITING AND THE ENVIRONMENT**

In re the Matter of

**Application of Atlantic Wind LLC for a Certificate of
Environmental Compatibility and Public Need Pursuant
to Article 10 for Construction of the Deer River Wind
Energy Project in Lewis and Jefferson Counties.**

CASE 16-F-0267

Exhibit GS-02

DRW's response to information request THARP-03

Case 16-F-0267

Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Deer River Wind Energy Project in Lewis and Jefferson Counties.

INTERROGATORY/DOCUMENT REQUEST

Request No.:	THARP-03
Directed To:	Atlantic Wind LLC
From:	Bridget O'Toole, Esq.

Information Requested:

Subject: **Environmental Justice**

1. State the methodology by which Atlantic Wind's environmental justice analysis was performed.

Response: As stated in Exhibit 28(a) of the Application, environmental justice (EJ) data were obtained from the New York State Department of Environmental Conservation (NYSDEC), specifically NYSDEC's Geospatial Information System (GIS) Tools for Environmental Justice,¹ which includes Potential EJ Areas based on data from the 2000 US Census. Metadata for NYSDEC's Potential EJ Areas indicate that to qualify as a Potential EJ Area, census block groups must have met one or more of the following criteria in the 2000 US Census:

- *51.1% or more of the population are members of minority groups in an urban area;*
- *33.8% or more of the population are members of minority groups in a rural area, or;*
- *23.59% or more of the population in an urban or rural area have incomes below the federal poverty level.*

Based on NYSDEC's GIS data, the closest Potential EJ Areas by Census Block Group, are the Village of Lowville and Town of Martinsburg (Group 360499503005), the Village of Carthage and Town of Wilna (Group 360450609005), and the City of Watertown (Group 360450612001), all of which met the third criteria.

Under 6 NYCRR § 487.3 of New York's EJ regulations, "Impact Study Area" is defined as "the geographic area of at least a one-half mile radius around the location of a proposed major electric generating facility in which the population is likely to be affected by at least one potentially significant adverse environmental impact resulting from the construction

¹ New York State Department of Environmental Conservation. 2018. Maps and geospatial information system (GIS) tools for environmental justice. <https://www.dec.ny.gov/public/911.html>. Accessed July 13, 2018.

and/or operation of the facility that is different in type, scope, or magnitude compared to the population located in the broader geographic area surrounding the facility.” *The Census Block Groups identified as Potential EJ Areas and listed above are located between 6.5 and 8.5 miles outside the Impact Study Area.*

As shown elsewhere in the Application, in light of the distance between the Facility and Potential EJ Areas, no “potentially significant adverse environmental impacts” resulting from construction and/or operation of the Facility are expected. Any visual impacts to the Potential EJ Areas are not “different in type, scope, or magnitude compared to the population located in the broader geographic area surrounding the facility” per 6 NYCRR § 487.3 and so are not relevant from an EJ perspective. Because the construction and/or operation of the Facility is not expected to have “a potentially significant adverse environmental impact” on an EJ Area or Potential EJ Area, a full environmental justice analysis pursuant to §1001.28 and defined by 6 NYCRR Part 487 was not required.

2. State the name and qualifications of the person who performed the environmental justice analysis for the Project.

Response: *Karol Phillips, a wetland scientist and environmental professional at Stantec, prepared the response with oversight provided by Joan Glynn, a Senior Principal at Stantec who specializes in social impact analysis issues such as environmental justice, community services, community access and socioeconomic impacts.*

3. State the source of the data used to prepare figure 28-1, DMM Item No. 89.

Response: *See Response to Item 1 above.*

4. State the basis for the accuracy of the data used to prepare figure 28-1, DMM Item No. 89.

Response: *As noted in the response to Item 1 above, the Applicant obtained the data used to identify Potential EJ Areas from NYSDEC’s Geospatial Information System (GIS) Tools for Environmental Justice. This tool contains data from the 2000 U.S. Census broken down by census block groups which meet the State’s criteria for Potential EJ Areas.*

The NYSDEC EJ Area tools do not provide data more recent than the 2000 Census. Unfortunately, other more recent data available from the U.S. Environmental Protection Agency (EPA) Environmental Justice Screening and Mapping Tool (Version 2018; EPA EJ Screen),² does not provide a clear breakdown of data from the 2010 Census for all of the criteria used in New York’s EJ analysis. As a result, those data were not used for Exhibit 28 of the Application. However, the Applicant has reviewed the data available from the EJ Screen for the demographic and poverty criteria New York has adopted to Potential EJ Areas—specifically data from the 2010 census and the 2012-2016 American

² U.S. Environmental Protection Agency. 2018. Environmental Justice Screening and Mapping Tool “EnviroMapper”. <https://ejscreen.epa.gov/mapper/>. Accessed September 25, 2019.

Community Survey (ACS)—and come to the same conclusion regarding EJ impacts as was made in the Application.

The EPA EJ Screen indicates the Impact Study Area is nearly completely contained within Block Group 36049950300, Pinckney and Harrisburg. In this Block Group, based on the 2010 Census (Method: Quantile), 4.73% of the population is minority, and based on the 2012-2014 ACS, 15.10% of households are below the poverty level. This Block Group thus does not meet NYSDEC's criteria for Potential EJ Areas of 33.8% or more minority population or 23.59% or more below the poverty level. In the adjacent Block Group to the south, 36049950500 in Montague, 3.80% of the population is minority and 15.45% of households are below the poverty level. This Block Group also does not meet NYSDEC's criteria for Potential EJ Areas. Results of review of the EPA EJ Tool do not change the conclusion of the analysis presented in Exhibit 28 that the construction and/or operation of the Facility is not expected to have "a potentially significant adverse environmental impact" on an EJ Area or Potential EJ Area.