

Reports
06-E-0135

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Hon. Jaclyn A. Brillong
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1305

Re: Case 06-E-0135 – Petition of Noble Bliss Windpark, LLC for a Certificate of Public Convenience and Necessity and an Order Providing for Lightened Regulations.

Dear Secretary Brillong:

This letter, with attachment, is submitted by Noble Bliss Windpark, LLC (herein called “the Company”). The Certificate of Public Convenience and Necessity (“CPCN”) granted by the Commission in the above captioned proceeding contained a number of conditions.¹ Condition (2)(e) required the Company to “continue to cooperate” in connection with the development of a “historic resources mitigation plan” and directed the Company to present a “final historic mitigation program plan” to the Office of Parks, Recreation and Historic Preservation (“OPRHP”) and other involved agencies within 60 days of certificate issuance.

Attached hereto is the final historic mitigation program plan dated November 3, 2006, presented to OPRHP and other involved agencies.² The plan includes any comments received by the Towns. The Company has continued to cooperate and consult with OPRHP and DPS in

¹ Case 06-E-0135 - Noble Bliss Windpark, LLC, *Order Granting a Certificate of Public Convenience and Necessity and Providing for Lightened Regulation* (Issued and Effective November 9, 2006).

² The plan has been circulated to the OPRHP, the Department of Public Service (“DPS”), the Department of Environmental Conservation (“DEC”) and the United States Army Corps of Engineers (“USACOE”).

development of the plan, and believes that the State agencies are in agreement. The plan still awaits final review and approval from the USACOE.

The Company believes that it has hereby complied with the cited provision of the Commission's CPCN Order.

Respectfully submitted,

READ AND LANIADO, LLP
Attorneys for the Company

By:


Jeffrey B. Durocher

JBD/lac
Attachment

cc: Andrew Davis, DPS
John Bonafide, SHPO
Stephen Tomasik, DEC
Kevin Bruce, ACOE

Noble Bliss Windpark Project
Proposed Historical Resource Impacts Mitigation Plan
November 3, 2006

Background

It has been determined that the proposed Noble Bliss Windpark will have an adverse visual impact on National Register Eligible (NRE) properties and historical landscape in their Areas of Potential Effect (APE) in the host Town of Eagle and the surrounding towns of Arcade, Centerville, Freedom, Gainesville, Hume, Java, Pike and Wethersfield in Wyoming, Allegany and Cattaraugus Counties.

The practicality of direct mitigation of these impacts is limited due to the size of project facilities and their broad regional visibility. Therefore, Noble proposes to undertake a number of "indirect mitigation" activities that can help preserve historical resources in the affected communities and make them accessible to local residents and visitors. The following discusses the development of a mitigation program that includes activities that are appropriate to the state of preservation of historical resources in the Host Communities.

Consultation with Town Officials

Noble has begun a dialogue with local officials, including Town Supervisors and Historians and interested Town Council members, and plans to include the Wyoming County Historical Society and the Wyoming County Arts Council in an effort to develop working criteria for Mitigation Plan activities.

Project Criteria

Noble has proposed the following working criteria for any proposed "historical mitigation" project or activity. These criteria provide that the subject of any such project should:

- 1 Be consistent with the guidance of NYSOPRHP (SHPO)
- 2 Have historical significance
- 3 Serve a public historic purpose
- 4 Be a "good investment"
- 5 Be appropriate to the state of preservation of local historical resources

Candidate Projects

Based on Noble's reading of local needs and interests, and the Guidance implied in the SHPO (Mr. Bonafide's) letter to Mr. Quirke (dated October 3, 2006), we have developed the following candidate projects located within the defined ZVI and described in the report entitled Architectural Survey (Five Mile APE) For The Proposed Noble Bliss Windpark Project, Town of Eagle Wyoming County, New York prepared by Panamerican Consultants Inc. (the "Panamerican Report")

1. Town of Eagle

- Collect and archive local historical records, including photographs
- Evaluate restoration of a building located at 3388 Main Street in the hamlet of Bliss for use as Historical Society headquarters and community center.
- Record and edit an oral history of the hamlet, narrated by its Historian, Frank Noble

2. Town of Eagle

- Evaluate for possible restoration the former church located at Washburn Road, northeast corner, at Cadwell's Corners

3. Town of Eagle

- Evaluate for possible restoration, Eagle Valley Lodge, located at 3415 Liberty Street in the hamlet of Bliss.

Scope of Evaluation Work

- Determine the suitability of each building as a candidate for restoration in consultation with SHPO, Town officials and relevant local Historical Societies.
- Discover ownership and availability of the buildings for a public use.
- Evaluate the structural integrity of the candidate buildings
- Prepare a proposed scope of work and cost estimates of the selected building.
- Evaluate the feasibility of undertaking construction of the renovation.

Guidance from NYS OPRHP and DPS

State Historic Preservation Office and DPS staff have suggested that this draft Mitigation Plan concentrate resources on 3 efforts:

1. Conduct a feasibility study of restoring a local public building of historical significance, for preservation and/or reuse as a home for Town historic collections or other community purpose.
2. Develop a public historical records archiving program, including training of local residents and grant writing for resources to sustain the program.
3. Develop a local history curriculum at the Letchworth and Pioneer Central School Districts.

Proposed Projects

1. 3388 Main Street Bliss "Rowley & Cross Store"

Two of the proposed projects are located in the Hamlet of Bliss in the Town of Eagle. The hamlet was virtually destroyed by fire in 1919. The fire was probably the most notable event in the hamlet's history. The property at 3338 Main Street "Rowley & Cross Store" was constructed immediately following the fire and is interesting for that reason in that it references the hamlet's determination to survive and prosper. The abandonment of the community by the Rochester and Southern Railroad, however, proved to be a fatal blow to the revival prospects of the hamlet. Other businesses also rebuilt in the hamlet immediately following the fire, and are included in the Panamerican Report as the Bliss Block. Town of Eagle officials have requested that SHPO consider the property at 3338 as the Town's preferred candidate for renovation as the property is readily available through purchase and occupies a central location in the hamlet for establishment of an historical center. The use of this building as a repository for artifacts related to the fire, and more generally as a Historical Society and Community Center may work well as a focus point to gather and review materials relevant to the fire and provide a venue for teaching and preserving this most important phase of the community's history.

Eagle Town officials have entered into discussion with New York State Archives (a program of the State Education Department) regarding the possibility of grant funds that could be applied to this project. The Town is quite confident that the project will be regarded as a likely candidate for funding as a part of the agency's programs for the archiving of historical documents and records retention. Noble has agreed to provide grant writing resources for this effort and to undertake coordination with SHPO so that any funding from Archives could be added to Noble's commitment for funding. This approach would seem to provide for a cooperative opportunity between New York State agencies and result in a more complete and comprehensive overall project.



In accordance with Noble's draft mitigation plan, a survey of the interior of the premises has been conducted by Noble personnel and a report containing several photos of the building interior and an exterior photo circa 1930, is attached as Exhibit A.

2. Former Church Cadwell's Corners

The second project proposed in the Town of Eagle is another former church building constructed in 1860, and is located at a rural site. The structure is described in the Panamerican report as being in a vernacular style; a wooden structure with a stone foundation. The building is largely intact. Noble personnel have called on the owner of this building and inquired whether the building could be made available as a possible candidate for restoration. The present owner has advised us that the building will be included in the owner's estate and that ownership will transfer to a family member upon owner's demise. We have been further advised that it is the intent of the heirs to construct a house on the site of the church. Details of the plan are so far not yet available as we have been unable to engage the heirs in discussion. We will continue our efforts to more clearly determine the status of this building, but prospects do not appear to be promising.



3. Eagle Valley Lodge

The third project proposed in the hamlet is one of the very few structures of possible significance and interest that pre-dates the 1919 conflagration. The building, currently identified as the Eagle Valley Lodge is a former church building in Gothic Revival style, with tall, pointed arch windows. The current owner of this building is in the process of converting the building to residential apartments. The owner has no interest in restoring the structure, and is presently removing the original tin ceilings and selling the material on E-bay.



4.. Archiving

Local historical records and relics of the Town of Eagle are available from townspeople and organizations such as local Fire Departments. Little in the way of cataloguing exists. Noble proposes to hire a professional firm, Jettner and Sickler, Consultants, Records Management, Schenectady, NY to work with the local historical societies and historians to inventory, catalogue and archive the historical collections available in Eagle and surrounding towns. This firm can also train local residents in archiving techniques and assist in the preparation of grant applications such as the Local Government Records Management Improvement Fund (LGRMIF) and other Documentary Heritage Program grants, to sustain town archiving programs over time. A retired Librarian with a master's Degree in Library Science and reputed as having archival experience is a resident of the Bliss Hamlet and has expressed interest in working with the Town of Eagle officials and the Town Historian on this project.

5. Local History Curriculum Development

Noble proposes to fund several Curriculum Days at Letchworth and Pioneer Central High Schools to develop curriculum on local history.

Process and Budget

The proposed total Budget for historical resource impact mitigation is as follows:

\$180,900

During the life of the Noble Bliss Windpark project Noble will make substantial PILOT and Host Community Agreement payments to the Town. It is our intention that projects commenced under this Mitigation Plan will continue to benefit from further investment of a portion of these payments to the Town.

Summary

At this time, the proposed project at 3388 Main St., Bliss (No.1 above) appears to be the most feasible candidate for restoration, considering the following:

1. The building is immediately available at an acceptable price (\$10,000)
2. The building's history is relevant in the context of the historical significance to the vicinity of the 1919 fire, and subsequent rebuilding of the community
3. The building contains remnants of period interior and exterior architecture in good condition
4. The building is ideally situated for the intended use as a Historical Center and archival repository.
5. The intended use would likely qualify the project for grant funding from New York State Archives.

Noble has identified and been in contact with Letchworth Cable Access (Wyoming County public television) to discuss the production of an oral history that would be narrated by the Eagle Town Historian, Frank Noble. Letchworth would perform research, format questions, and conduct videotaped interviews; they would then professionally edit and transcribe the history.

Noble has been attempting to contact a competent, experienced historical reconstruction artisan/contractor in cooperation with Eagle Town officials. We have also contacted the western New York Landmark Society, but have not yet identified an appropriate source to proceed with a detailed analysis of the building, an out line of the scope of work and preparation of a project cost estimate. This effort will continue.

EXHIBIT A

The following is an account of a walk-through of the Rowley & Cross Store building located at 3388 Main St., Bliss NY.

The interior of the first floor has been updated in recent years. There are suspended ceilings and paneling in most of the rooms. A large section behind the front apartment shows signs of incomplete construction. The backroom includes the original ceilings, wooden plank (slat) walls and hardwood floor. There appears to be significant water damage. The suspended ceilings in the first floor, front apartment have collapsed due to water leakage from the roof through the second floor.

The porch and stairway providing access to the second and third floors is in an unsafe state due to disrepair.

The second floor is quite different than the first. Very little updating has been undertaken. Closets contain original wallpaper, and most walls appear to be original. Moldings around all doors and windows are original hardwood with very interesting finished edges. A large, arched portal with pillars of original hardwood cabinetry exists between the living and dining rooms. The dining room side has built in cabinetry.

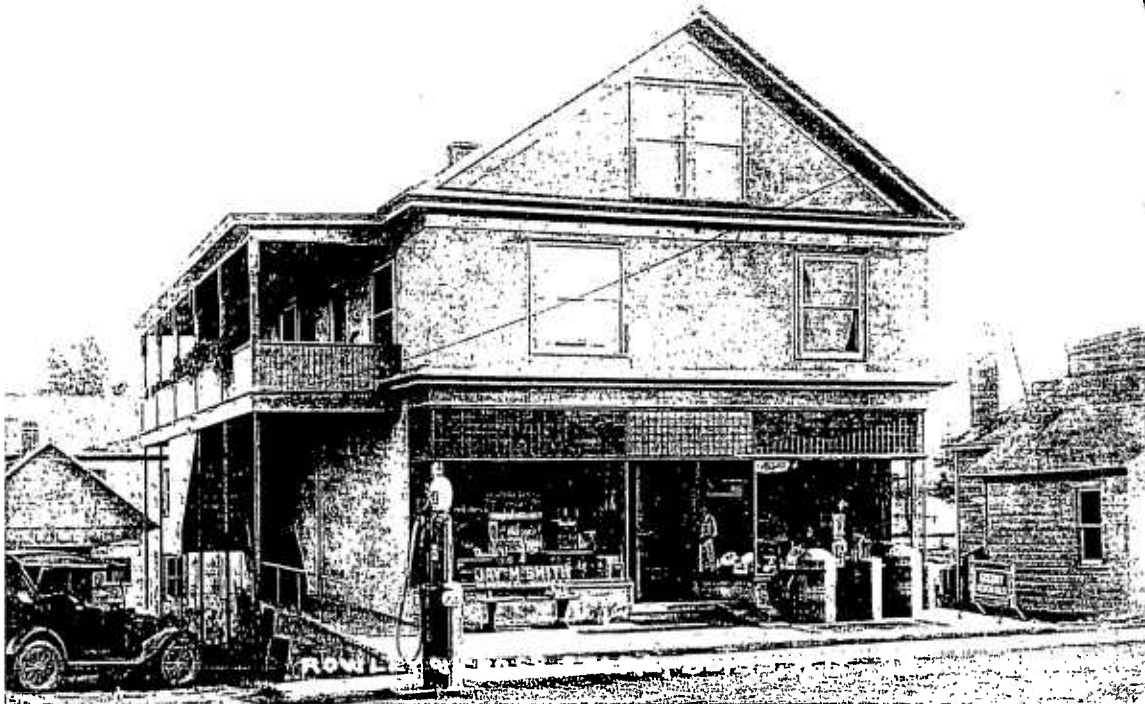
The kitchen on the second floor has been somewhat updated, although the original moldings remain on the windows. The floors are hardwood, with "linoleum rugs". These rugs are in disrepair due to water damage. Doors in this area have original, glass knobs.

The roof has leaked into most of the bedrooms. There is a bathroom with a clawfoot tub - this room also has extensive water damage.

There are stairs leading to a third floor, however, with no lighting available it was not possible to investigate that area.

It appears that originally, the first floor was used as two or three large rooms constituting the store, with an apartment upstairs. There is the appearance of fire damage to the back of the store area at some point.

EXHIBIT A
Interior Photographs of 3388 Main St., Bliss, NY "Rowley & Cross Store"



Circa 1932



Rowley & Cross Store, 2006



South East (back)



North West (front)



Close up detail of back of house



South West (back)



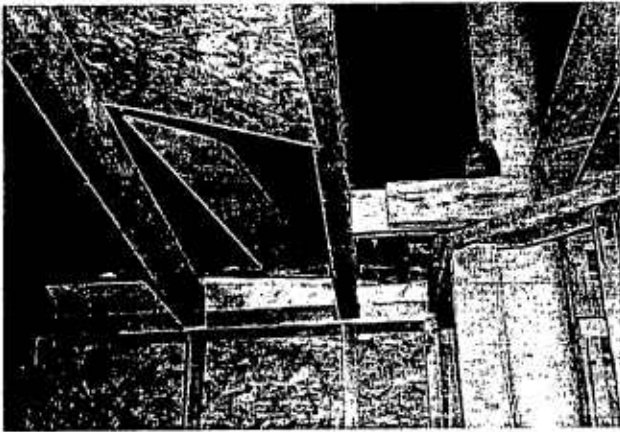
Downstairs Front Room



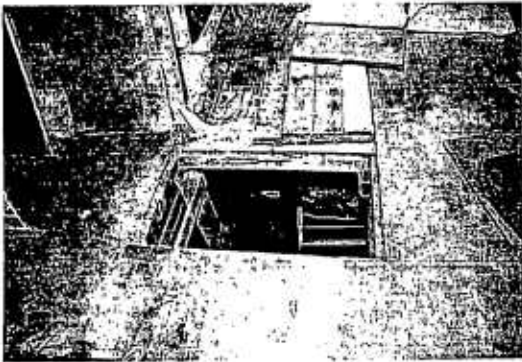
**Back room downstairs original
wall/chimney**



Front Apartment back room



Unfinished backroom 1st floor, original ceiling with unfinished walls for drop ceiling



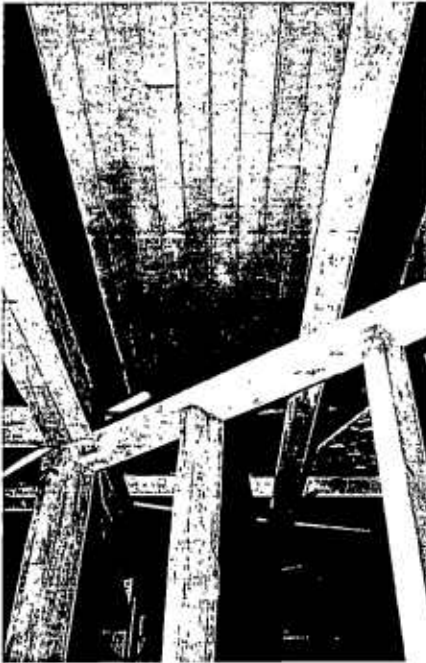
Hole in 1st floor to the basement



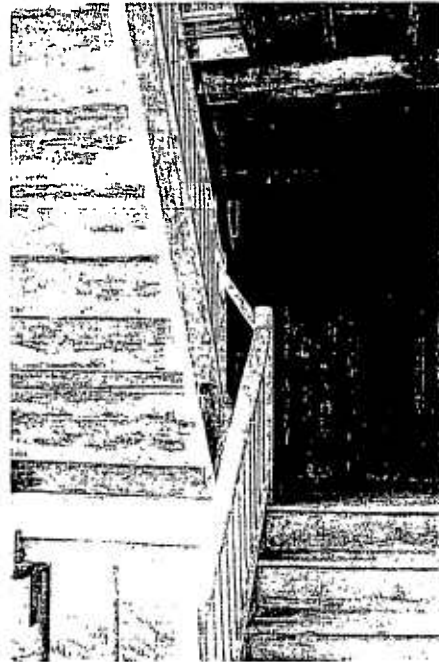
Original wood floor 1st floor



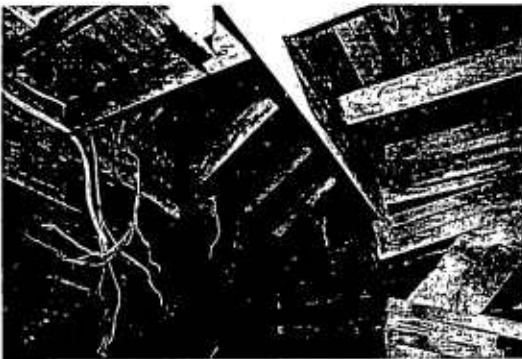
1st floor backroom original ceiling, walls



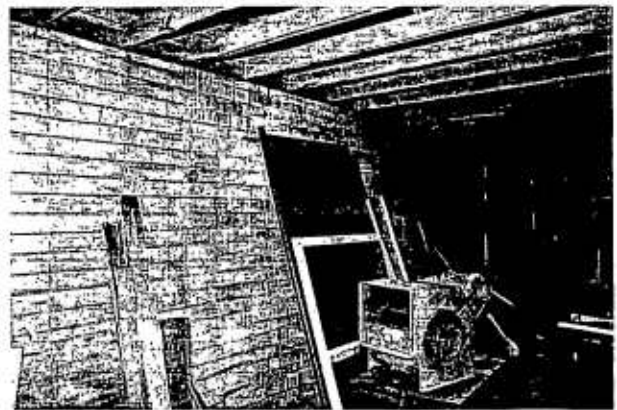
1st floor ceiling



Exterior porch to 2nd floor



2nd floor entrance to third floor



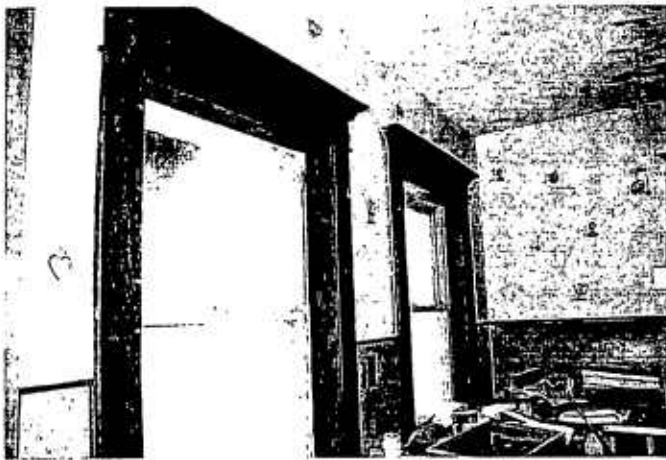
1st floor backroom, original walls



2nd floor Living Room



Built in cabinets in bedroom closets



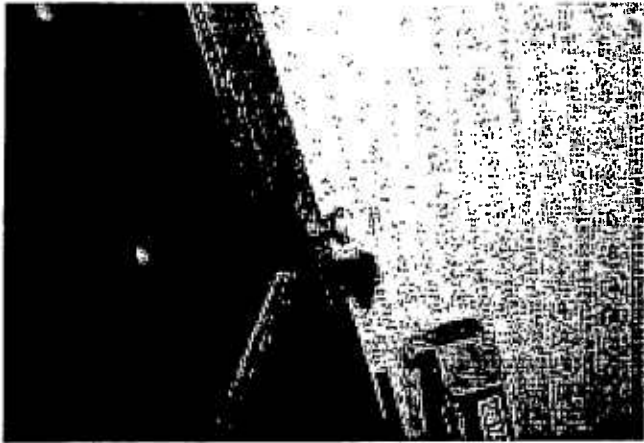
Original molding in kitchens



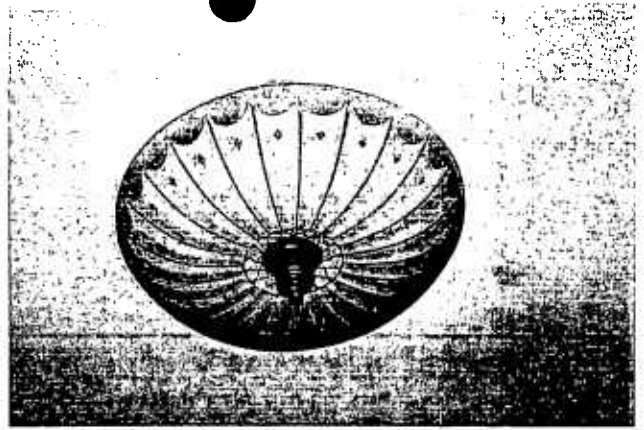
Built in hardwood cabinets in kitchen



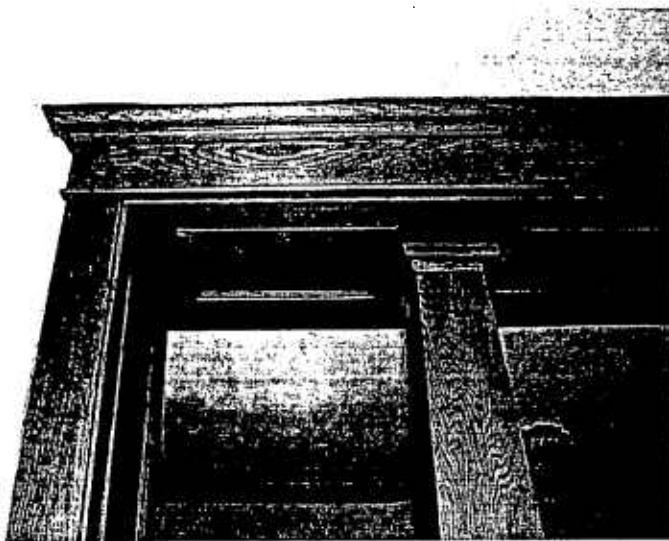
Built in archway/cabinets in dining room



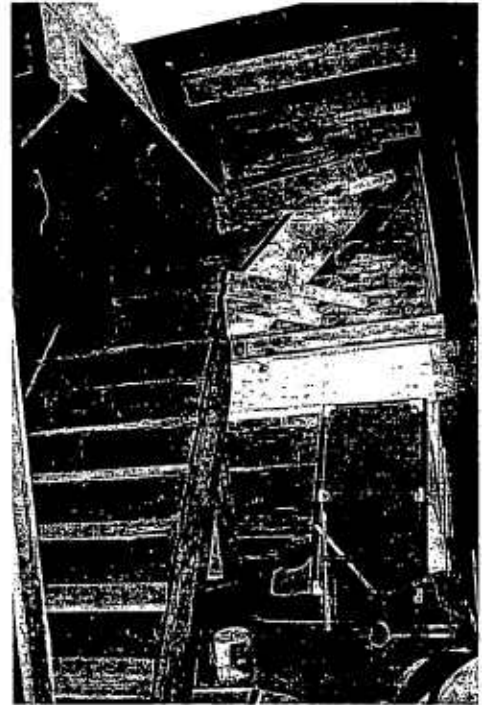
Original glass doorknobs



Original ceiling lights



Detail of hardwood molding



Staircase to third floor