

Comment Number	Date of Comment	Commenter	Entity or Agency	PSS Section/Exhibit Section	Comment	Applicant Response
<i>State Agency Comments</i>						
1.	April 3, 2018	Tara Wells (Senior Attorney)	New York State Department of Agriculture and Markets (NYSDAM)	Section 1.5 - Introduction - Impact Avoidance and Mitigation Measures	Section 1.5 discusses the Applicant's intention to avoid specific environmental impacts, including muck farm resources in the southeast portion of proposed project area. The project should avoid completely the identified mucklands associated with muck farms. No project components, including but not limited to temporary turning radius enlargements at road intersections, shall be permitted on muck farms or areas where muck soils are used for agricultural production.	As part of the scoping process, the Applicant will consult with NYSDAM to determine the actual location of muck soils in relation to project components, and then work to avoid and minimize impacts to muck farms or areas where muck soils are used for agricultural production. The Final PSS will reflect that, in the event that any unavoidable impacts are proposed, a discussion and analysis of the potential impact and proposed mitigation measures will be included in Exhibit 22 of the Application. The Applicant notes that, consistent with the preliminary layout provided in the PSS, wind turbines are not proposed in the southeastern portion of the Town where muck farms and mucklands are known to be present. As part of its ongoing stakeholder engagement efforts, the Applicant, during the pre-application conference, extended an invitation to NYSDAM technical staff to discuss further the issues identified in the agency's comments, and/or to arrange for a site visit.
2.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 1.5 - Introduction - Impact Avoidance and Mitigation Measures	Section 1.5 further discusses the implementation of mitigation plans to minimize impacts to various resources. In addition to those listed, the Applicant should prepare and include in the Application an agricultural drainage identification and repair plan. As most of the agricultural fields within the project area are flat, most of the fields are artificially drained by a series of shallow surface ditches. Subsurface drain systems may be present as well but to a lesser extent. The Department recommends the Applicant contact the County Soil and Water Conservation District office, the USDA Natural Resources Conservation Service (NRCS) local office, and effected farm owners and/or operators to determine the location of potential drainage features and other conservation practices which may be permanently impacted by project facilities-particularly areas in agricultural fields requiring excavation. Work associated with the implementation of these types of conservation practices is usually documented in the form of "as-built" drawings in agency "cooperator files" for each participating farmer. Department staff are willing to assist the Applicant in identifying individual farms and individual crop fields where engineered conservation practices and/or drainage features have been installed. These features are usually identified during the Department's routing assessment conducted in the field allowing for timely decisions to be made on avoidance routing and/or conservation practice mitigation and repair planning. It is recommended that this be done in conjunction with Department staff prior to the submission of the Application.	The Applicant appreciates the detailed comment, which will be used to develop the scope and methodology for agricultural-related analyses. As requested, the Applicant will coordinate with NYSDAM staff, the Albion NRCS office, and the Orleans County SWCD office. Ultimately, a discussion of how agricultural resources will be protected from drainage-related damage will be provided in the Article 10 Application and referenced accordingly in the Final PSS. Revisions will be made to the Final PSS at Sections 2.4 (Land Use), 2.21(o)(Soils/Drainage Tiles), and 2.22(q)(Agricultural Impacts), to reflect the issues identified by NYSDAM.
3.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.3/Exhibit 3 - Location of Facilities - Proposed Major Electric Generating Facility Locations	Section 2.3(a)(1) includes facility components which will be identified in the Application. The Application should also include road intersections anticipated to be modified (enlarged) for the purpose of turbine component transport.	The location of anticipated temporary public road improvements will be identified and mapped within Exhibit 25 of the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
4.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.5/Exhibit 5 - Electric System Effects - Facility Maintenance and Management Plans	Section 2.5(i)(1) discusses unscheduled maintenance and repairs associated with wind turbines. Maintenance and repair procedures involving the repair or replacement of major turbine components and the associated utilization of access roads located on agricultural lands should be included in the Application. The Applicant should provide specific steps to ensure the protection of agricultural resources, particularly during maintenance and repair activities when large	Maintenance and repair procedures and the associated utilization of access roads on agricultural lands will be in Exhibit 22(q) of the Article 10 Application. The Final PSS will be revised to reflect that this information will be included in the Application.

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5.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Soil Types Map	<p>The Applicant should include information in the application identifying prime farmland, prime farmland if drained, unique farmland, farmland of statewide importance, and farmland of local importance. The Applicant should provide a map showing these soils and a table listing the number of acres of each of these soil groups that will be permanently and temporarily impacted by the project. In addition, the Applicant should identify and label the locations of vulnerable agricultural soils on construction drawings. Vulnerable agricultural soils are those identified as fragipans, lacustrines, dense basal tills, soils with a seasonally high-water table, or soils with less than 5 feet of depth to bedrock and identified on construction drawings using the following codes:</p> <p>A. "VE" (designate general area of vulnerability of erosion due to project facilities factor(s) of slope and/or the texture of the exposed soil).</p> <p>B. "V/W" (designate the general area of vulnerability to soil horizon wetness as described above).</p> <p>C. "VB" (designate the general area of vulnerability due to shallow depth to bedrock).</p> <p>D. "V/OR" (designate the location of unavoidable organic farmland soils or muck soils).</p>	<p>As stated in the PSS, the Application will include a map identifying any locations in the Facility Area where the land is designated as prime farmland, prime farmland (if drained), and farmland of statewide importance as well as the locations of drainage tile in designated farmland.</p> <p>Based on correspondence with the NRCS, no soils in New York State are categorized as 'unique farmland'. Further the term 'Farmland of Local Importance' is not defined by USDA, nor is the Applicant aware of New York State defining this term. It may be defined in some instances by local agencies (e.g., county agricultural board, local regulations). If such designations are defined locally and are relevant to the proposed Facility, they will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p> <p>The preliminary design drawings will include an overview sheet showing the soils in relation to the Facility components. Additionally, Exhibit 21 will include mapping and discussion of soils as required by 16 NYCRR 1001.21. It is anticipated that the preliminary construction drawings would include the information listed by the commenter regarding vulnerable agricultural soils per any certificate conditions.</p>
6.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Soil Types Map	<p>Section 2.21 (o) discusses a plan for a full-time Agricultural Monitor, which will be included in the Application. The Department strongly recommends that the Applicant develop and incorporate an Agricultural Monitoring Plan which provides for an independent Agricultural Monitor to ensure agricultural mitigation activities are properly implemented during project construction and site restoration activities, as most of the project area is comprised of agricultural land or land in agricultural production. The Agricultural Monitor must possess a working knowledge of soils, soil science, agronomy and agricultural restoration requirements as set forth by the Department and be familiar with construction activities in agricultural settings. In addition to the <i>Department Guidelines</i>¹, the Agricultural Monitor must ensure adherence to any special conditions, construction design plans and specifications; have stop work authority and have the ability to direct contractors to make on the spot corrections when non-compliance is observed.</p>	<p>The Application will describe the proposed agricultural monitoring plan, including the use of an agricultural monitor. The Final PSS will be revised to reflect that this information will be included in the application. Final PSS</p>
7.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Agricultural Impacts	<p>PSL §1001.22(q) requires an analysis of the temporary and permanent impacts of construction and operation of the facility and the interconnections on agricultural resources, including the number of acres of agricultural land to be temporarily impacted, the number of acres of agricultural land that will be permanently converted to nonagricultural use, and mitigation measures to minimize the impacts to agricultural resources. The Applicant should provide an</p>	<p>The Application will include temporary and permanent impacts of construction and operation of the facility and the interconnections on agricultural resources, including the number of acres of agricultural land to be temporarily impacted, the number of acres of agricultural land that will be permanently converted to nonagricultural use, and mitigation measures to minimize the impacts to agricultural resources. The Final PSS will be revised to reflect that this information will be included in the Application.</p>

¹ New York State Department of Agriculture and Markets *Guidelines for Wind Power Projects*; Rev. 7-10-13.

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					<p>assessment of impacts to engineered land and water management features and other agriculturally-related drainage improvements including, but not limited to the following:</p> <p>A. Land and Water Management Features</p> <ol style="list-style-type: none"> Subsurface drainage areas (indicate each field) Open Ditch Diversion Terrace Buried waterlines Water sources (developed springs, etc.) Unnamed water flow <p>B. Depth of Cover of electrical collection system, if it varies from the agricultural standard of a minimum of 48 inches.</p> <p>C. Access roads, laydown areas, and other project facilities identified at the time of the submission of the Application indicating their proposed locations and the location and size of culverts to the extent required.</p> <p>D. Proposed location of any other proposed project components. Active agricultural lands should be avoided when siting any project-related above ground facilities.</p> <p>E. General locations for the buried electrical collection system for trench breakers, including a notation of the distance between breakers based on percent slope, or an appended generic chart of trench breaker spacing by degree or percent slope.</p> <p>F. General locations for subsurface intercept drain lines to control soil saturation and/or aid trench breakers in minimizing water piping and excessive flow in the backfilled underground collection ditch, based on the vulnerable agricultural soils data and site monitoring. Such locations will generally coincide with "V/W" vulnerable agricultural soils and breaks in slopes.</p>	The Applicant intends on consulting with NYSDAM personnel to clarify all aspects of this comment in the context of the proposed Facility.
8.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Agricultural Impacts	The Application should include a description of measures, specific to agricultural resources, to be implemented to avoid or mitigate impacts to agricultural resources. Such measures should include siting considerations, demonstrated avoidance of Prime Farmland Soil and Soils of Statewide Importance, facility component co-location (eg., routing buried collection adjacent to access roads), and soil disturbance restrictions associated with wet or saturated conditions during construction and restoration.	A description of measures to avoid and minimize impacts to agricultural resources, as required under 16 NYCRR 1001.22(q) will be provided in the Article 10 Application. This description will include the considerations and issues identified by this comment, if applicable. The Final PSS will be revised to reflect that this information will be included in the Application.
9.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Agricultural Impacts	The Application should also include a detailed plan for post-construction agricultural monitoring to be conducted for a minimum of two growing seasons in accordance with the Department's <i>Crop Productivity Monitoring</i> protocol ² .	The Application will describe the proposed agricultural monitoring plan. The Final PSS will be revised to reflect that this information will be included in the Application.
10.	April 3, 2018	Tara Wells (Senior Attorney)	NYSDAM	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning - Decommissioning and Restoration Plan	PSL §1001.29(b) and (c) include requirements for a plan for site restoration and decommissioning. The Applicant should prepare a site restoration and decommissioning plan, which will include restoration of agricultural land and the removal of all above ground structures and foundations to a depth of at least 4 feet in agricultural land.	As stated in the PSS on page 151 of Section 2.29 (Site Restoration and Decommissioning), this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application. Applicant notes that the Town of Barre Wind Law requires a decommissioning and site restoration plan which adheres to the NYSDAM Guidelines, where applicable, and which includes removal of components to a depth of at least three feet, or greater where required by applicable regulations or guidelines.

² New York State Department of Agriculture and Markets *Crop Productivity Monitoring Procedures*; 2/93.

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					Underground collection lines that are buried at a depth of 4 feet or more will be abandoned in place.	
11.	April 5, 2018	Michael Higgins (Project Manager)	New York State Department of Environmental Conservation (NYSDEC)	Section 1.5 - Introduction – Impact Avoidance Measures	Turbines should be sited to avoid sensitive habitat and areas occupied by federally and state-listed threatened and endangered species (T&E). Specific impact avoidance, minimization and mitigation measures for direct and indirect loss of habitat, and direct mortality of T&E species, New York State Species of Concern (SSC), and Species of Greatest Conservation Need (SGCN), should be provided. These measures include proper siting of turbines and other project components outside of sensitive and occupied habitat, date restrictions on construction activities to avoid impacts to breeding birds and bats, and turbine curtailment at certain times and under certain environmental conditions to avoid direct impacts to bats.	Based on the results of multiple site-specific studies and analyses, the Application will identify various resources, specify avoidance and minimization measures, describe and quantify resource impacts, and propose mitigation measures. The Final PSS will be revised to reflect that this information will be included in the Application.
12.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.3/Exhibit 3 – Location of Facilities – Facility Shapefiles	<i>(d) Facility Shapefiles</i> NYSDEC requests that GIS shapefiles compatible with ESRI's ArcGIS suite of software (e.g. ArcMap) showing all project and survey components as described in NYSDEC's <i>Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects</i> (Guidelines) be submitted as soon as they are available. Shapefiles should depict the location of all Facility components including: extent of current Facility site; turbine array locations; new access and maintenance roads; existing roads that should be widened/changed; electric collection and transmission lines (specified above ground and/or underground); laydown and storage area(s); substation(s); temporary and permanent meteorological tower(s); any other temporary or permanent infrastructure constructed in support of the Facility; and all areas to be cleared around turbines, access roads, electric lines, and all other Facility components. Shapefiles showing all wildlife and habitat survey locations as applicable and labeled by year should include: breeding bird survey transects; eagle/raptor survey locations; winter raptor survey locations and driving routes; viewsheds for eagle/raptor and winter raptor observation points, indicating the area visible from each point; bat acoustic monitoring and/or mist net locations; aerial raptor nest survey area and transects; all delineated wetland boundaries and adjacent areas; stream crossings, and; any other survey information pertinent to the Facility. Shapefiles depicting preliminary project component locations/layout should be updated and resubmitted to NYSDEC as project development and review progresses.	The Applicant will work with the NYSDEC to provide GIS (e.g. using ArcGIS suite of software) shapefiles as available and appropriate, as outlined in the PSS. In addition, Facility-specific and survey-specific shapefiles will be provided concurrently with the filing of the Application, so long as permitted by applicable protective orders, and the Applicant will work with NYSDEC and NYSDEC to determine the final list of shapefiles to be provided. The Final PSS will be revised to reflect that this information will be included in the Application.
13.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.4/Exhibit 4 – Land Use – Map of Existing Land Uses	Maps in this section should identify all existing natural gas and oil wells, including all associated natural gas distribution lines, oil collection lines and storage tanks, including active, inactive, abandoned and plugged wells.	Page 91 of the PSS states, "With respect to natural gas production, according to the NYSDEC (2015), the Facility Area contains approximately two exploratory dry gas well (see Figure 5)." Per the citation in the PSS, this was determined through use of NYSDEC Division of Mineral Resources GIS data. The Applicant will work with the NYSDEC to determine if the department has additional data than can be used for mapping/analysis purposes in the Application.
14.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages	<i>(b) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations</i> <i>(5) Environmental Impacts</i>	The Applicant intends on consulting with NYSDEC personnel to clarify the intent and information requested by this comment.

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				of Proposed and Alternative Locations	The analysis of long-term unavoidable impacts associated with operation and maintenance of the Facility should include on-going mortality of birds and bats for the life of the project.	
15.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.11/Exhibit 11 – Preliminary Design Drawings – Site Plan	<i>(a) Site Plan</i> Preliminary Design Drawings should include specific locations of all active, inactive, abandoned and plugged natural gas and oil wells and all associated natural gas distribution lines, oil collector lines and storage tanks. All site plan drawings showing wetland and stream resources should be displayed at a scale of 1":50'. In addition to showing ground disturbance limits, the preliminary design drawings for the project should also include vegetation clearing limits around all project components.	As indicated above in the response to comment #13, the PSS provides data regarding exploratory dry gas wells, which was determined through use of NYSDEC Division of Mineral Resources GIS data. The Applicant will work with the NYSDEC to determine if the department has additional relevant data, which will be depicted on the Preliminary Design Drawings. The Applicant will agree to provide wetland and stream related site plan drawings at a scale of 1":50', and to depict the requested clearing limits on site drawing, relevant data, which will be depicted on the Preliminary Design Drawings. The Applicant will agree to provide wetland and stream related site plan drawings at a scale of 1":50', and to depict the requested clearing limits on site drawings.
16.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.11/Exhibit 11 – Preliminary Design Drawings – Landscaping Plan	<i>(d) Landscaping Plan</i> The landscaping plan should include a vegetation impact map depicting the project footprint and extent and location of tree removal, including depiction of indirect impacts to forests, which extend at least 300 feet into the forest from the cleared edge. Shapefiles depicting this information should be provided to NYSDEC.	Impacts to existing vegetation and plant communities will be addressed in Exhibit 22. The Application will include a map showing the Project Facilities, overlaid with GIS landcover data, identifying the extent and location of tree removal. The Final PSS will be revised to reflect that this information will be included in the Application.
17.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.11/Exhibit 11 – Preliminary Design Drawings – Typical Design Detail Drawings	<i>(g) Typical Design Detail Drawings</i> Design drawings should demonstrate that the project has been designed to co-locate project components to the maximum extent practicable along existing corridors, and minimize fragmentation of forests, grasslands, and other habitat areas. Wetland and stream impacts should be shown on the site plan together with all project elements that involve any potential ground disturbance, grade changes, change to runoff patterns, and the construction of any facilities, at a scale of 1":50'. Plans should include wetland and stream crossings with culverts designed for a 100-year storm event and incorporate specifications such as those described in NYSDEC's Stream Crossing Guidelines (http://www.dec.ny.gov/permits/49060.html .)	As indicated on page 52, Section 2.11 (Preliminary Design Drawings) of the PSS, the Application will include Preliminary Design Drawings prepared at a scale of 1" = 100'. The Final PSS will be revised to reflect that this information will be included in the Application. Wetland and stream related mapping can be provided at a scale of 1":50'. With respect to avoiding/minimizing impacts to various natural resources (e.g., wildlife habitat, wetlands, streams) such information will be described and provided in relation to Exhibit 22. This will be based on the results of multiple site-specific studies and analyses, identify various resources, specify avoidance and minimization measures, describe and quantify resource impacts, and propose mitigation measures. When applicable, the Applicant will design culverts to be consistent with NYSDEC and USACE guidelines.
18.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.12/Exhibit 12 – Construction – Plans to Avoid Interference with Existing Utility Systems	<i>(c) Plans to Avoid Interference with Existing Utility Systems</i> Preliminary plans and descriptions should include construction controls to avoid interference with and impacts to existing active, inactive, abandoned and plugged natural gas and oil wells and all associated natural gas distribution lines, oil collector lines and storage tanks.	As indicated above, the PSS provides data regarding exploratory dry gas wells, which was determined through use of NYSDEC Division of Mineral Resources GIS data. The Applicant will work with the NYSDEC to determine if the department has additional data, which will be addressed in the context of avoiding interference with existing utilities. Relevant energy infrastructure information will be provided in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
19.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Suitability for Construction	The potential impacts to local water wells, oil wells, gas wells, and gas pipelines should be analyzed using information available on the NYSDEC website. The Application should include a description of measures taken by the Applicant to identify the locations of potential oil and gas wells and gas pipelines, including appropriate title searches to identify potential historic property interests regarding oil and gas wells, and appropriate geotechnical surveys. The following construction procedures should be implemented in the event any plugged or unplugged oil and gas wells or pipelines are discovered during construction, operation, or maintenance of the Facility:	The Applicant intends on consulting with NYSDEC personnel to clarify all aspects of this comment in the context of the proposed Facility, information that should reasonable be provided in the Application, and information that would be considered conditions of an issued Certificate, given the Facility setting and presence or absence of such infrastructure.

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					<ul style="list-style-type: none"> • Immediately cease all activities and power down all power equipment at the location where the well or pipeline is encountered; • Evaluate any emergency conditions and contact local emergency personnel if the situation is dire; • Immediately notify the NYSDEC Region 8 Minerals Manager and provide critical information including the well or pipeline location and all known well details, and; • Cease all construction activities until NYSDEC authorized recommencement of construction activities 	
20.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Plant Communities	<p><i>(a) Plant Communities</i> The maps, as well as shapefiles, depicting the plant communities should include coverage of the project area, transmission line corridor, and adjacent properties. Such maps and shapefiles should show the approximate locations and extent of identified plant communities, including areas of invasive species concentrations, overlaid with areas of proposed disturbance, and be based on results of observations and field verification during on-site surveys, roadside surveys from adjacent parcels, and review of recent aerial imagery NLCD information.</p>	As indicated on page 96, Section 2.22(a) (Plant Communities) of the PSS, the Article 10 Application will provide mapping and detailed descriptions of identified ecological communities within the Facility Site. This will be based on field investigations, observations/roadside surveys, and review of desktop databases. Impacts to plant communities will be addressed in Exhibit 22(b) per the regulations.
21.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impact to Plant Communities	<p><i>(b) Impact to Plant Communities</i> <i>(1) Calculations of Potential Impacts</i> This section should quantify the number of acres and describe the nature of impact (temporary, permanent, or permanent conversion) to each plant community type. The clearing of forests is considered a permanent loss of forested habitat, even if the area is left to revegetate or kept in another cover type for the life of the project.</p>	This information will be provided in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
22.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impact to Plant Communities	<p><i>(b) Impact to Plant Communities</i> <i>(2) Identification of Invasive Species</i> This section should include a list of all non-native plant, vertebrate, invertebrate, fungal, algal and cyanobacteria species observed during site-specific field investigations and incidentally while on site for other purposes, and known to occur within the Facility. In addition to maps, shapefiles depicting concentration areas of any invasive species should also be provided to NYSDEC.</p>	<p>Invasive Species Identification in the Application, and referenced accordingly in the Final PSS, will include:</p> <ol style="list-style-type: none"> A list of all non-native invasive species observed during site-specific field investigations, incidentally while on site for other purposes, and/or and known to occur within the Facility. Unless otherwise specifically noted in stipulations or the Final PSS, "invasive species" is defined as all terrestrial and aquatic species listed at: http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf. The list and shapefiles (as points or polygons, depending on the amount of area covered) of non-native invasive plant species in areas of proposed disturbance shall be based on a qualitative field survey. The results of the survey will be summarized in a baseline invasive species report to be included with the Application. For each invasive species identify an area and concentration threshold that requires mapping and an individual treatment plan. Maps at a scale of 1:2000 of any identified concentrations of non-native invasive plant species in areas of proposed disturbance will be included. A list of invasive insect species, if any, limited to incidentally observed concentrations of insects during field observations in support of Exhibits 22 and 23.
23.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impact to Plant Communities	<p><i>(b) Impact to Plant Communities</i> <i>(3) Invasive Species Control Plan</i> This section should specify that "invasive species" are defined as all terrestrial and aquatic species listed at http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf. Additional</p>	As indicated above, the Application will include an Invasive Species Baseline Survey Report. Therefore, the Invasive Species Control Plan does not need to include a "...summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (i.e. baseline survey) ..." Rather, the ISCP will include a summary of the survey results, and a description of how these results will be verified prior to construction. The Final PSS will be revised to reflect that this information will be included in the Application.

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					<p>invasive species not included on this list (e.g. reed canary grass, wild parsnip, etc.) may also warrant specific management and control measures, depending on the current populations of such species within and nearby the Facility. Specifically, the Invasive Species Control Plan (ISCP) should apply to all prohibited and regulated invasive species and include:</p> <ul style="list-style-type: none"> • A summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (i.e. baseline survey), including the transmission line corridor, and if such surveys occur more than six (6) months prior to the start of vegetation clearing or ground disturbance, they must be repeated during the growing season as close as possible to the start of clearing or disturbance activities; • An action plan for pre-construction management of non-native invasive species, including threshold for action. Specific actions the Applicant should use to ensure that packing material, imported fill, and any fill leaving the Facility Site should be free of non-native invasive species material, seeds, and parts to the extent practicable; • Specification on how fill materials to be placed within the Facility site should be free of nonnative invasive species material, seeds, and parts, by source inspection or other method, or only used within areas already containing those specific non-native invasive plant and invertebrate species infestation; • Detailed description of specific Facility site grading, erosion, and sediment control methods that should be used to prevent the introduction, spread, or proliferation of all non-native invasive species to the extent practicable; • Implementation plans for ensuring that equipment and personnel arrive at and depart from the Facility Site clean and free of all non-native invasive species material, seeds and parts. The protocol for inspection of equipment arriving at the Facility Site should be provided; • A detailed description of a minimum 5-year post-construction monitoring and corrective action plan, to achieve the goal of no net increase in invasive species abundance, and survey measures and procedures for revising the ISCP in the event that the goals of the initial plan are not met within a specified time frame; • Anticipated methods and procedures used to treat non-native invasive species that have been introduced or spread as a result of the construction, operation or maintenance of the Facility (based on comparisons against the baseline survey), and; • Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate. 	<p>With respect to erosion and sediment control, the ISCP will include a description of the measures to be taken to prevent the introduction, proliferation and spread of all non-native invasive species due to implementation of the Facility's grading and erosion and sediment control plan.</p> <p>With respect to post-construction monitoring, the ISCP will include a description of proposed post-construction monitoring and corrective action (if needed), based on the results of the baseline survey, which will include a detailed description of monitoring goals with respect to invasive species abundance, and survey measures and procedures for revising the ISCP in the event that the established goals are not met within a specified timeframe.</p>

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24.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	<p><i>(d) Vegetation, Wildlife, and Wildlife Habitats</i> <i>(1) Vegetation</i></p> <p>This section should include an identification and description of plant communities, plant species and wildlife habitat in the project area. Such descriptions should include field identification and verification of aquatic habitats, plant communities, and other wildlife habitat that could potentially support federally or state-listed threatened and endangered (T&E) species, state species of special concern (SSC), and state species of greatest conservation need (SGCN) as documented during on-site field investigations (e.g. ecological cover type assessments, habitat assessments, wildlife surveys, and wetland/stream delineations).</p>	Plant community descriptions will be provided as described in Section 2.22(a) (Plant Communities) of the Final PSS. Habitat that could potentially support federally- or state-listed species will be described in Exhibit 22(d) of the Application.
25.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	<p><i>(d) Vegetation, Wildlife, and Wildlife Habitats</i> <i>(vi) Mammals</i></p> <p>United States Fish and Wildlife Service (USFWS), NYSDEC, and New York Natural Heritage Program (NHP) database information should be used to determine if any bat hibernacula or maternity roosts are located within the study area. If hibernacula or roosts are identified within the project area, or five miles from any project component or boundary, the location and distance to each identified hibernaculum or roost should be provided separately and confidentially to NYSDEC.</p>	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
26.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	<p><i>(d) Vegetation, Wildlife, and Wildlife Habitats</i> <i>(vii) Birds</i></p> <p>The following sources should also be utilized when evaluating the occurrence or potential occurrence of birds within or near the Facility Site: eBird; The Nature Conservancy surveys/reports; The Kingbird publication; reaching out to local birding groups for information on recent and historical occurrences; and any other publicly available sources that may provide relevant information regarding bird occurrences. All draft reports should be provided to NYSDEC, USFWS and NYSDPS as soon as possible after they are prepared.</p>	The resources referenced will be utilized when evaluating the occurrence or potential occurrence of birds within or near the Facility Site, as possible.
27.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	<p><i>(d) Vegetation, Wildlife, and Wildlife Habitats</i> <i>(viii) Amphibians and Reptiles</i></p> <p>In addition to the Herp Atlas, information on amphibians and reptiles should be based on database records obtained from NHP, NYSDEC and USFWS, as well as assessments of suitable habitat within the Facility and field observations made on-site and in the vicinity of the Facility. To the extent that vernal pools and their functions (including the surrounding upland habitat) may be impacted by construction, operation or maintenance of the Facility, those features should be identified under appropriate seasonal conditions, and these impacts shall be identified and assessed in the Application. Such impacts may require, in consultation with NYSDEC and NYSDPS, the development and implementation of site-specific surveys for amphibian and reptile species under appropriate seasonal conditions in order to fully quantify the level of impact from the Facility. The Applicant shall submit to NYSDEC detailed location maps and ecological</p>	Vernal pools will be inventoried under appropriate seasonal conditions and will be identified in accordance with the <i>2012 Northeastern Regional Supplement to the Corps of Engineers Wetland Delineation Manual</i> . Vernal pool surveys will be limited to those areas potentially impacted by Facility construction only. To the extent that vernal pools are identified, the Applicant shall submit to NYSDEC detailed location maps and ecological characterization data for all identified vernal pools. The Application will include an assessment of potential impacts to vernal pools (including the surrounding upland habitat). The Final PSS will be revised to reflect that this information will be included in the Application.

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					characterization data for all vernal pools located within 500 feet of all proposed areas of disturbance.	
28.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Species List	<p><i>(e) Species List</i></p> <p>The following sources should be utilized when evaluating the occurrence or potential occurrence of wildlife and plants within and near the Facility Site: the New York State Amphibian and Reptile Atlas Project (Herp Atlas), Hawk Migration Association of North America (HMANA), The Kingbird publication, The Nature Conservancy surveys/reports, local experts and wildlife conservation groups, and any other publicly available source that may provide relevant information regarding wildlife occurrences within or in the vicinity of the Facility and electric transmission line corridor.</p>	To the extent NYSDEC has identified any “local experts and wildlife conservation groups” that should be contacted, the Applicant requests such information.
29.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors	<p><i>(f) Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors</i></p> <p><i>(6) Protected Species</i></p> <p>This section should also include a summary impact table containing information on all T&E species, SSC and SGCN, and the potential impacts to each species. If it is determined by the Applicant, NYSDEC, or USFWS that the construction or operation of the Facility is likely to result in a take of a listed species, including the modification of habitat on which a listed species depends, the Applicant should submit with the Application an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species as defined pursuant to 6 NYCRR Part 182.11 (Part 182), along with the informational requirements of an Incidental Take Permit (ITP) as provided for in Part 182, including proposed actions to first avoid all impacts to listed species. If it is determined that adverse impacts are unavoidable, the Application should demonstrate this and contain thorough and clear justification describing why complete avoidance of impacts to each affected species is not feasible, how the proposed minimization actions should minimize impacts to the maximum extent practicable, and proposed mitigation actions. All information and material should be provided to NYSDEC in full and unredacted at the time the Application is submitted.</p>	<p>The requested table will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p> <p>With respect to 6 NYCRR Section 182.11 (Part 182), please note that the Applicant does not intend on consulting with the USFWS regarding Part 182.</p>
30.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid or Mitigate Impacts to Vegetation, Wildlife and Wildlife Habitat	<p><i>(g) Measures to Avoid or Mitigate Impacts to Vegetation, Wildlife and Wildlife Habitat</i></p> <p>This section should include a detailed description of the impact avoidance and minimization efforts used in developing the Facility, as they pertain to vegetation, wildlife, and wildlife habitat. The Facility design, construction controls, and operational measures that can be reasonably implemented to first avoid, then minimize, and mitigate for impacts to wildlife and wildlife habitat as a result of the construction, operation and maintenance of the Facility should also be described. This should include a discussion of measures to first avoid and, if impacts are demonstrably unavoidable, minimize direct impacts to individuals of declining, federally and state-listed and protected species through appropriate and effective turbine siting and operational curtailment regimes, and indirect impacts associated with</p>	<p>To avoid unnecessary duplication and repeated information in multiple locations in the Application, and to follow the requirements and organization of the regulations as set forth at 1001.22, please note the following:</p> <ul style="list-style-type: none"> • Information regarding impacts to plant communities will be provided in Exhibit 22(b); • Information regarding state-listed species will be provided in Exhibit 22(f); and, • Information regarding avian and bat impact avoidance, minimization and mitigation will be provided in Exhibit 22(h).

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					habitat loss, fragmentation, and displacement. A commitment to mitigate, in an appropriate and timely manner, for any demonstrably unavoidable impacts to listed species should also be discussed. Such mitigation must be determined only after avoidance and minimization measures are evaluated and agreed upon by all parties, and must result in a net conservation benefit to the target species. In addition, a detailed alternatives analysis should be included and discuss known, estimated, and expected impacts to wildlife and habitat at all alternative sites and the proposed Facility location. All information and material should be provided to NYSDEC in full and un-redacted at the time the Application is submitted.	
31.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p><i>(h) Avian and Bat Impact Analysis and Monitoring Program</i> <i>(1) Avian and bat Impacts</i></p> <p>The Application should discuss the Facility's location in the Atlantic flyway and any other identified migration corridors and include a discussion of the potential cumulative impacts of the Facility on bird and bat species and the habitats that support them with respect to the other wind energy projects or turbines that are currently operating and proposed to be constructed at other sites nearby the Facility and in the state, and at operating projects throughout the northeast.</p>	The Applicant intends on working with NYSDEC staff to clarify and agree upon what is meant by other projects "that are currently operating and proposed to be constructed at other sites nearby the Facility and in the state, and at operating projects throughout the northeast." The Final PSS will be updated to reflect these on-going discussions. Only publicly available data will be used.
32.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p><i>(h) Avian and Bat Impact Analysis and Monitoring Program</i> <i>(1) Avian and bat Impacts</i></p> <p>This section should include wildlife and habitat impact analysis descriptions including an identification, evaluation, and assessment of direct and indirect Facility-related impacts to avian and bat species, particularly: declining species, federally and state-listed T&E species and their habitats; wildlife concentration areas; migration corridors; and forest and grassland habitats. The NYSDEC Region 8 Wildlife Office should be contacted to obtain the most recent breeding, wintering, and habitat data for state-listed species. The USFWS should be contacted to obtain the most recent breeding, wintering, and habitat data for federally listed and protected species.</p>	As previously mentioned, T&E species will be addressed in Exhibit 22(f) of the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
33.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p><i>(h) Avian and Bat Impact Analysis and Monitoring Program</i> <i>(1) Avian and bat Impacts</i></p> <p>Draft copies of all wildlife survey reports planned for the Facility or requested by state or federal agencies prior to the submission of the Application and produced for the Facility, including any associated maps and shapefiles, that have not already been provided to NYSDEC should be provided to NYSDEC as soon as possible before an Application is submitted. Final reports incorporating comments provided by NYSDEC and USFWS, along with any other supplemental material or information requested by these agencies, should be included with the Application. If surveys are ongoing at the time of submission, the Application may be deemed incomplete until work is completed and reports are provided to NYSDEC, NYSDPS and USFWS.</p>	The Applicant and its consultants will make efforts to provide draft versions of studies, when prepared, to the NYSDEC and NYSDPS, for review and comment, prior to filing the Application.
34.	April 5, 2018	Michael Higgins	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and	<p><i>(h) Avian and Bat Impact Analysis and Monitoring Program</i> <i>(1) Avian and bat Impacts</i></p>	As previously indicated, the Applicant intends on working with NYSDEC staff to clarify and agree upon what is meant by other projects that are located nearby the Facility and in the state, and operating projects throughout

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		(Project Manager)		Wetlands – Avian and Bat Impact Analysis and Monitoring Program	Avian and bat occupancy and usage of the Facility site should be compared with other proposed and existing wind energy projects located nearby the Facility and in the state, and with operating projects throughout the northeast. Analyses should be based on a discussion and comparative analysis of the extent, methodology, and results of the pre- and post-construction wildlife studies conducted for the Facility, and other wind energy projects for which data are publicly available, as well as any additional information provided by NYSDEC and USFWS.	the northeast. The Final PSS will be updated to reflect these on-going discussions Only publicly available data will be used.
35.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p><i>(h) Avian and Bat Impact Analysis and Monitoring Program</i> <i>(1) Avian and bat Impacts</i></p> <p>A cumulative impacts analysis should be done to evaluate the actual and expected impacts from the construction and operation of the Facility as they relate to other proposed and operating wind energy projects nearby the Facility and in the state. This analysis should include:</p> <ul style="list-style-type: none"> • Examination of data on currently installed wind energy capacity in the state, as well as projected increase in installed capacity for the life of the Facility; • Avian mortality (birds/MW/year) documented over the past 20 years, and estimated annually and over the life of the Facility; • Bat mortality (bats/MW/year) documented over the past 20 years, and estimated annually and over the life of the Facility; • Likely species composition of bird and bat mortalities at the Facility, based on pre-construction studies conducted within or near the Facility, the Bird and Bat Conservation Strategy (BBCS), and post-construction study results from nearby operating projects; • Estimated risk to and take of federally listed or protected and state-listed species at the Facility, based on post-construction studies done on the state and the northeast, results of collision risk assessments, and any other publicly available relevant information; • Acres of each habitat type lost directly through clearing and cover type conversion; • Acres of each habitat type lost indirectly due to function loss/degradation of habitat (for the purposes of forest fragmentation analyses, it is assumed that indirect effects should extend up to 300 feet beyond the limits of disturbance), and; • Cumulative impacts of forest and grassland habitat fragmentation. 	<p>Projected increase in installed capacity would be speculative; however, some predictions may be made. Only publicly available preconstruction studies, BBCS and post construction studies from the region over the past 20 years will be used. Functional habitat loss will be quantified based on the 300' buffer; however, it is unclear what this is based on and for which species it is relevant.</p> <p>The Applicant intends on working with NYSDEC staff to clarify and agree upon the scope of the cumulative impact analysis. The Final PSS will be updated to reflect these on-going discussions Only publicly available data will be used.</p>
36.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p><i>(h) Avian and Bat Impact Analysis and Monitoring Program</i> <i>(1) Avian and bat Impacts</i></p> <p>A literature review and impact analysis evaluating how the construction and operation of the Facility will affect bat species, including an assessment of the potential population-level effects</p>	A literature review and impact analysis will be conducted in order to evaluate the effects of construction and operation of the Facility.

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					turbine-caused mortality is likely to have on migratory tree bats at a regional scale.	
37.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p>(h) <i>Avian and Bat Impact Analysis and Monitoring Program</i> (2) <i>Avian and Bat Post-Construction Monitoring</i> The <i>Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects</i> (Guidelines) are designed to provide broad-scale information on bird and bat mortality at a given site, and are not intended to evaluate impacts to rare or listed species. Additional post-construction monitoring should be required if take of a listed species is permitted.</p>	The Applicant's proposed post-construction monitoring will be described in the Application, including in the context of take under Part 182. The Final PSS will be revised to reflect that this information will be included in the Application.
38.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p>(h) <i>Avian and Bat Impact Analysis and Monitoring Program</i> (3) <i>Avian and Bat Impact Avoidance and Mitigation Plan</i> The Application should include a description of the bird and bat impact avoidance and minimization techniques in a BBCS, mitigation options, potential monitoring and adaptive management responses, and operational adjustments (i.e. appropriate and effective curtailment regimes) to be implemented at the Facility. This evaluation should include discussion and analysis of information collected as part of pre- and post-construction monitoring surveys at the Facility and other proposed and existing wind energy projects in the state as described in 22(h)1, and information provided by state and federal agencies. If it is determined that take of a listed species is likely to occur as a result of the construction or operation of the Facility, the components of an Incidental Take Permit (6 NYCRR Part 182.11), including proposed impact avoidance actions, should be provided in the Application.</p>	The Application will include the information as referenced in comment #38, and bird and bat conservation, mitigation options, monitoring and adaptive management measures will be described in the application.
39.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	<p>(h) <i>Avian and Bat Impact Analysis and Monitoring Program</i> (3) <i>Avian and Bat Impact Avoidance and Mitigation Plan</i> If it is demonstrated that complete avoidance of impacts to listed species is not practicable, the minimization actions and mitigation measures to be implemented should: be developed in consultation with NYSDEC and USFWS; result in a net conservation benefit to the target species; and require more intensive and thorough post-construction monitoring than what the Guidelines describe that adequately measures the Facility's impact on the target species. Such a post-construction monitoring plan should at a minimum specify: the expected and allowed level of take of each target species; survey monitoring methods, effort, duration, data reporting and compliance documentation; construction parameters; operational adjustments; and mitigation measures sufficient to ensure the Applicant complies with the substantive requirements of Part 182. All post-construction monitoring plans should be finalized prior to the start of project operation. All information and material should be provided to NYSDEC in full and unredacted at the time the Application</p>	This information will be included in the Application. The Final PSS will reflect that this information will be included in the Application.
40.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<p>(i) <i>Map Showing Delineated Wetland Boundaries</i> This section of the Application should include maps and shapefiles showing delineated wetland boundaries for federally and state-regulated wetlands and adjacent areas within the entire Facility. Maps and shapefiles showing probable wetland boundaries for federally and</p>	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. Determination of wetland boundaries will be based on on-site field investigations out to 500 feet from the area to be disturbed by the construction of the Facility, including utilizing field investigations by a qualified individual to observe hydrology, vegetation and soil characteristics to define wetland boundaries. No wetlands within 500 feet of areas to be disturbed by construction of the Facility will be

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					state-regulated wetlands and adjacent areas occurring within 500 feet from all Facility components, developed using interpretation of aerial imagery signatures, on-site observations, analysis of topography, existing data bases of hydric soils, and wetland mapping maintained by National Wetland Inventory (NWI) and NYSDEC should be provided. Wetlands identified in this way should be referred to as "predicted wetlands".	referred to as predicted wetlands. The Final PSS will be revised to reflect that this information will be included in the Application. For the remainder of the Facility Site and adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping and aerial photography.
41.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> The determination of wetland boundaries during on-site field delineations should be made according to the three-parameter methodology described in the U.S. Army Corps of Engineers (Corps) <i>Wetland Delineation Manual</i> (Environmental Laboratory, 1987), and the appropriate <i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual</i> . In addition, boundaries of freshwater wetlands regulated under Article 24 of the New York Environmental Conservation Law (ECL) must be delineated according to methods described in the <i>New York State Freshwater Wetlands Delineation Manual</i> (1995). All wetlands within 50 meters of a NYSDEC mapped wetland, regardless of size or connectivity, should be delineated and included in field mapping. These delineations shall include all vernal pools and other similar wetlands regardless of the possible lack of hydrologic connectivity to waters of the United States. Vernal pools shall be delineated in accordance with the appropriate <i>Regional Supplement</i> .	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. Determination of wetland boundaries will be based on on-site field investigations out to 500 feet from the area to be disturbed by the construction of the Facility, including utilizing field investigations by a qualified individual to observe hydrology, vegetation and soil characteristics to define wetland boundaries. For the remainder of the Facility Site and adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping and aerial photography. The Final PSS will be revised to reflect that this information will be included in the Application. Please see response to comment #27 above regarding the vernal pool surveys.
42.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> Wetland boundaries should be defined in the field by sequentially numbered pink surveyor's flagging marked "wetland delineation", the locations of which should be documented using Global Positioning System (GPS) technology with reported sub-meter accuracy. Wetlands identified by these methods should be referred to as "delineated wetlands", and wetlands that are verified by the Corps and the NYSDEC should be referred to as "jurisdictional wetlands". Jurisdictional determination is required to fully and accurately assess potential impacts to wetlands and adjacent areas.	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. Determination of wetland boundaries will be based on on-site field investigations out to 500 feet from the area to be disturbed by the construction of the Facility, including utilizing field investigations by a qualified individual to observe hydrology, vegetation and soil characteristics to define wetland boundaries. For the remainder of the Facility Site and adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping and aerial photography. The Final PSS will be revised to reflect that this information will be included in the Application. The Applicant will provide the results of the on-site delineation (including shapefiles) to a NYSDEC Regional wetland biologist to facilitate a site visit and ultimately a jurisdictional determination.
43.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> On-site field delineations should consist of boundary flagging of all wetlands and adjacent areas that occur within 500 feet of any edge of disturbance around all Facility components such as access roads, electric interconnection and transmission lines, turbines and other components such as temporary and permanent meteorological tower(s), staging areas, O&M building(s), substation(s), etc. These delineation protocols shall apply to all wetlands.	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. Determination of wetland boundaries will be based on on-site field investigations out to 500 feet from the area to be disturbed by the construction of the Facility, including utilizing field investigations by a qualified individual to observe hydrology, vegetation and soil characteristics to define wetland boundaries. For the remainder of the Facility Site and adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping and aerial photography. The Final PSS will be revised to reflect that this information will be included in the Application.
44.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> All wetland boundaries must be keyed to the preliminary design drawings. The interpolated boundaries shown on site plans must be differentiated from field delineated boundaries when displayed on maps, site plans, and shapefiles.	All wetland boundaries will also be depicted on the preliminary design drawings.

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45.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> Information on the onsite non-Article VII interconnections, and predicted presence and extent of wetlands on the remainder of site properties and adjacent properties within 500 feet of areas to be disturbed by construction, should also be included in the Application. For adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping, roadside observations, and aerial photography.	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. Determination of wetland boundaries will be based on on-site field investigations out to 500 feet from the area to be disturbed by the construction of the Facility, including utilizing field investigations by a qualified individual to observe hydrology, vegetation and soil characteristics to define wetland boundaries. For the remainder of the Facility Site and adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping and aerial photography. The Final PSS will be revised to reflect that this information will be included in the Application.
46.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> Information should be provided indicating which delineated wetlands are likely state-regulated, including those that are part of wetland complexes that meet state-criteria for jurisdiction (e.g. 12.4 acres or larger, is of Unusual Local Importance, and/or support listed species) but are not currently mapped. All state-regulated wetlands should be identified by NYSDEC's alphanumeric code in addition to the code assigned by the Applicant during delineation. Investigation areas for wetland delineations may need to be extended to make these determinations. At a minimum, the desktop mapping approach should identify all wetlands that potentially meet state-criteria for jurisdiction.	As previously indicated, the Applicant will provide the results of the on-site delineation (including shapefiles) to a NYSDEC Regional wetland biologist to facilitate a site visit and ultimately a jurisdictional determination.
47.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	<i>(i) Map Showing Delineated Wetland Boundaries</i> Maps at a scale of 1":50' depicting all Facility components, including proposed grade changes and the limits of ground disturbance and vegetative clearing, field-delineated wetlands and 100-foot adjacent areas, and predicted wetland boundaries and adjacent areas located within 500 feet of all areas to be disturbed by construction should be included in the Application. Shapefiles depicting the same should be provided to NYSDEC prior to the submission of an Application.	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. The Final PSS will be revised to reflect that this information will be included in the Application.
48.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Description of Wetlands	<i>(j) Description of Wetlands</i> This section should include a description of the characteristics and Cowardin classification of all federally, state, and locally regulated delineated wetland communities in the project area.	Wetland community type descriptions will be based on the Cowardin classification system (e.g., PSS = palustrine scrub-shrub, PEM = palustrine emergent). The Final PSS will be revised to reflect that this information will be included in the Application.
49.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Offsite Wetlands Analysis	<i>(l) Offsite Wetlands Analysis</i> This section should include depiction of wetland boundaries and adjacent areas within 500 feet of all Facility components and all disturbed areas mapped using interpretation of aerial imagery signatures, on-site observations, analysis of topography, existing data bases of hydric soils, and wetland mapping maintained by NYSDEC and NWI. The Application should include a description of the hydrologic connectivity of all wetlands within the Facility, including a summary of those wetlands anticipated to fall under NYSDEC jurisdiction (ECL Article 24) and Corps jurisdiction (CWA §404 and Rivers and Harbors Act §10). Assessments of potential state wetlands jurisdiction should include both "mapped" and "unmapped wetlands" that meet NYSDEC's 12.4-acre size threshold (including any wetlands of any size separated by less than 50 meters which function as a unit in providing wetland benefits, pursuant to 6 NYCRR Part 664, or otherwise meet state criteria for jurisdiction (e.g. wetlands or vernal pools determined to be of Unusual Local Importance, pursuant to 6	As previously indicated, the Applicant will provide the results of the on-site delineation (including shapefiles) and hydrological connectivity to a NYSDEC Regional wetland biologist to facilitate a site visit and ultimately a jurisdictional determination. The Final PSS will be revised to reflect that this information will be included in the Application.

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					NYCRR 664.7(c)). A summary should be provided of off-site wetlands adjacent to the Facility and any disturbed areas that may be hydrologically or ecologically influenced or impacted by development of the Facility, including Significant Coastal Fish and Wildlife Habitat Areas designated by NYS Department of State (NYSDOS), and public lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility. All information, including maps and shapefiles of delineated wetlands, should be provided to NYSDEC as soon as delineations are completed and before the Application is submitted, to allow for NYSDEC to determine the full extent of state wetland jurisdiction.	
50.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Wetland Impacts	<p><i>(m) Wetland Impacts</i> This section should identify and quantify temporary and permanent impacts to, and any permanent conversions of wetlands and state-regulated 100-foot adjacent areas based on the proposed footprint of all Facility components and associated impact assumptions. This assessment should include a description of applicable permanent forest conversion, if any, which should occur as a result of the construction or maintenance of the Facility. Impacts should be summarized and presented in a table that identifies and calculates the following: the type of impact, including but not limited to permanent or temporary fill and forest conversion, to each wetland and adjacent area; associated crossing methodology for each wetland, clearly discerning between federal and state wetlands, and adjacent area impacts; acreage of each type of impact to regulated wetlands and adjacent areas; associated delineation and NYSDEC wetland identification code; and the page number on preliminary design drawings depicting the resource. Impacts to wetlands should also be presented on a separate set of site plan drawings at 1":50' scale, showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance.</p>	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
51.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> This section should clarify that the Application should include a discussion of all avoidance and minimization measures considered during site planning and design, and an indication of methods to be implemented to avoid wetland impacts, including stream crossing methodology and a description of Facility construction and operation in relation to the standards established by ECL Articles 15 and 24. Direct impacts to wetlands and streams should be minimized by utilizing existing or narrow crossing locations wherever possible. Additional impact avoidance and minimization measures may include consideration of alternative siting or routing options, trenchless crossings (such as horizontal directional drilling (HDD) or other special crossing techniques), equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures. Exhibit 23 (Water Resources and Aquatic Ecology) should contain further</p>	Comment noted. As stated on page 108 of the PSS "The Article 10 Application will discuss measures to be implemented to avoid and mitigate wetland impacts. It is anticipated that direct impacts to wetlands/streams will be minimized by utilizing existing or narrow crossing locations whenever possible. Additional measures may include special crossing techniques, equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures". This information will be included in the Application.

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					discussion of how potential impacts to streams should be evaluated, avoided, minimized, and mitigated.	
52.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> Where impacts are demonstrably unavoidable, and have been minimized to the greatest extent possible, the anticipated mitigation measures to be implemented to offset impacts to wetlands and state-regulated 100-foot adjacent areas should be discussed, including the use of reasonable alternative stream and wetland crossing methods.</p>	Comment noted – see response to comment 51, above. Also, as stated on page 108-109 of the PSS “Compensatory mitigation measures may be considered, depending on level of impacts anticipated. Where impacts are unavoidable, the anticipated mitigation measures to be implemented to offset impacts to wetlands (and any state regulated 100-foot adjacent areas), including the use of reasonable alternative stream and wetland crossing methods. Pursuant to 6 NYCRR 663.5(g), mitigation for impacts to state-regulated wetlands and adjacent areas must meet the following provisions: (a) the mitigation must occur on or in the immediate vicinity of the Facility; (b) the area affected by the proposed mitigation must be regulated by the Freshwater Wetlands Act and 6 NYCRR Part 663 after mitigation measure are completed, and; (c) the mitigation must provide substantially the same or more benefits than will be lost through the proposed activity.” This information will be included in the Application.
53.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> A conceptual mitigation plan for impacts to state-regulated wetlands and adjacent areas must be provided to NYSDEC at least 30 days before the submission of an Application, and at a minimum must meet the following provisions:</p> <ul style="list-style-type: none"> • The mitigation must occur on or in the immediate vicinity of the Facility (preferably elsewhere in the same wetland); • The area affected by the proposed mitigation must be regulated by the Freshwater Wetlands Act and 6 NYCRR Part 663 after mitigation measures are completed, and; • The mitigation must provide substantially the same or more benefits than should be lost through the proposed activity. 	The Applicant anticipates submitting the conceptual mitigation plan (if necessary based on the pending impact analysis) concurrently with the Application.
54.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> Evaluation of mitigation options should occur during initial planning of the Facility and may require permission from landowners that have not agreed to host project components on their property. Off-site mitigation should only be considered if an analysis is provided to NYSDEC showing that all options within the immediate vicinity were thoroughly evaluated and determined to not be feasible. In-lieu-fee does not meet the state requirements for mitigation.</p>	The Applicant intends on working with the NYSDEC to determine what is meant by obtaining permission from landowners that have not agreed to be involved in the project.
55.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> The Application's discussion of avoidance and minimization should be updated upon final verification of wetland boundaries and jurisdictional determinations. Final impact calculations to the 100-foot adjacent area of state-regulated wetlands and associated mitigation should be based on verified delineation boundaries for jurisdictional wetlands. Alternative analyses should be based on the final verified delineation boundaries.</p>	As previously indicated, the Applicant will provide the results of the on-site delineation (including shapefiles) to a NYSDEC Regional wetland biologist to facilitate a site visit and ultimately a jurisdictional determination. It is anticipated that impact calculations will be based on the NYSDEC's jurisdictional determination.
56.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> The Facility's ECMP should include an Environmental Monitor(s) during construction and restoration activities on the Facility site. The duties of the Environmental Monitor should be described. Plans to restore all temporary disturbances in regulated areas, including replanting trees in temporarily disturbed forested areas, should also be provided.</p>	The requested information regarding the EM will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application. Replanting temporarily disturbed forested areas will be addressed if needed.

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57.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Measures to Avoid/Mitigate Wetland Impacts	<p><i>(n) Measures to Avoid/Mitigate Wetland Impacts</i> A table of all federal wetlands, state-regulated wetlands, streams, and environmentally sensitive areas that could potentially be impacted by the Facility as depicted in preliminary design drawings or wetland delineations should be included. The Table should:</p> <ul style="list-style-type: none"> • Identify the corresponding page number on preliminary design drawings depicting the resource; • Include wetland delineation types, NYSDEC stream classifications, and descriptions of resources within environmentally sensitive areas; • For each resource explain if the resource could reasonably be avoided; • Propose site-specific actions to minimize impacts to resources that are not avoided; Propose site-specific actions to mitigate impacts to resources that are not avoided, and; • Propose an appropriate compliance monitoring schedule to ensure mitigation is successful, including adaptive management actions to be implemented should the planned mitigation fail. 	The Applicant would appreciate clarification on what is meant by “environmentally sensitive areas”.
58.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – State and Federal Endangered or Threatened Species	<p><i>(o) State and Federal Endangered or Threatened Species</i> This section should include identification of all federally and state-listed T&E species documented within or adjacent to the Facility site, along with a discussion of all potential direct and indirect impacts to these species, and the detailed contents of a Threatened and Endangered Species Avoidance, Minimization and Mitigation Plan.</p>	As previously indicated, T&E species will be addressed in Exhibit 22(f). The Final PSS will be revised to reflect that this information will be included in the Application.
59.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology - Groundwater	<p><i>(a) Groundwater</i> <i>(2) Groundwater Aquifer and Recharge Areas</i> This section should include maps based on the following sources: NYSDEC; US Geological Service (USGS) Office of Groundwater; US Department of Agriculture (USDA) Soil Conservation Service; USDA Natural Resources Conservation Service (NRCS) Web Soil Survey; New York State Department of Health (NYSDOH) Records Access Officer; the Orleans County District Office; other local municipalities, as appropriate, and; data collected during subsurface investigations in the Facility Site. These maps should: show all areas within the Study Area, clearly delineating all groundwater aquifers and groundwater recharge areas; identify groundwater flow direction; indicate groundwater quality, and; show the location, depth, yield and use of all public and private groundwater wells or other points of extraction of groundwater located within the Facility and within one mile of the Facility Site. Delineation of well head and aquifer protection zones, where publicly available, should also be included.</p>	<p>The referenced resources will be consulted when developing the required maps. Some of the information in this comment (e.g., data collected during subsurface investigations, depth of public wells) may be better presented in a narrative or table form as opposed to mapping, which will be determined by the Applicant.</p> <p>With respect to private water wells within one mile of the Facility Site, to the extent such information is included in publicly available databases this will be mapped. However, the Applicant is not intending on conducting a private water well survey out to one mile because such a survey is not required by the regulations, nor would it provide additional information regarding potential impacts to water supplies associated with the construction of the Facility.</p>
60.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology - Groundwater	<p><i>(a) Groundwater</i> <i>(2) Groundwater Aquifer and Recharge Areas</i> A list of private wells, and available well design and production information (to the extent provided in response to well surveys), to be identified through a well survey sent to all residents, businesses and property owners within one mile of the proposed Facility. The survey</p>	As indicated above, the Applicant does not intend on conducting a private water well survey out to one mile from the Facility Site. Rather, as indicated in PSS Section 2.23(a)(2), the Applicant will conduct a survey of all water wells within 500 feet of proposed ground disturbance activities. Given the limited extent of subsurface disturbance associated with the Facility, the proposed survey will allow for an analysis of potential impacts to private water wells. Maps of aquifers and recharge areas, based on publicly available information, will be included in the Application.

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					should: solicit well construction details, usage patterns, and water quality data; include educational information about the Facility and the Article 10 process; provide ways to contact Facility personnel; identify the Facility's website; identify methods the Applicant should take to address complaints, and; provide methods by which survey recipients can obtain additional information regarding the Facility and be added to the stakeholder list. This Exhibit should also include publicly available information on groundwater aquifer and recharge areas and a description of impact avoidance to local wells. A map of the one-mile survey area should be provided showing the locations of existing public and private water supply wells within one mile of the proposed Facility, general flow direction of the shallow groundwater aquifer, and groundwater recharge areas.	
61.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology - Groundwater	<p>(a) Groundwater</p> <p>(2) Groundwater Aquifer and Recharge Areas</p> <p>This section should also include a table summarizing the location, depth, usage, and water quality data obtained for all identified public and private water wells. The source(s) of and collection system for water for construction period uses, including for concrete batch plant, invasive species wash station(s), fire control, and other uses should also be described. The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Water well locations should be indicated on maps showing groundwater aquifer, distinguishing whether each well location is approximate or confirmed. GIS data for the public and private well locations should be provided to NYSDEC and NYSDPS staff.</p>	To the extent the Applicant identifies potential impacts to water wells then the location of such wells will be verified in the field (assuming property access). However, the Applicant does not intend on verifying the location of all identified wells.
62.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology - Groundwater	<p>(a) Groundwater</p> <p>(3) Groundwater Impacts</p> <p>This section should include an analysis and evaluation of potential impacts (during normal and drought conditions) from the construction and operation of the Facility on drinking water supplies, and groundwater quality and quantity within and adjacent to the Facility. This should take into account data collected regarding the nature and extent of exiting groundwater contamination within the Facility Site, including potential impacts on public and private water supplies, including private wells within a one-mile radius of the Facility Site, and wellhead and aquifer protection zones. Plans for notification and complaint resolution during construction of the Facility for owners and operators of public and private wells within a one-mile radius of the Facility Site. Information on anticipated areas of potential dewatering during construction and operation based on publicly available datasets, the results of the well survey, and geotechnical borings conducted at a subset of panel locations should also be provided. A proposed method of dewatering (where needed) should be described in the Application. This method should address concerns and requirements related to runoff and sediment transport as well as any other applicable State Pollutant</p>	<p>To the extent any of the data obtained in support of this analysis provided information regarding existing groundwater contamination, such information will be described in the Application. However, the Applicant does not intend on conducting studies developed to detect potential groundwater contamination.</p> <p>This comment references "panel locations" which apparently is in reference to proposed solar facilities? The Applicant is not proposing a solar facility or any associated solar components.</p> <p>Information regarding the SPDES General Permit for Construction Activities will be addressed in Exhibit 23(c)(1) in accordance with the regulations. In addition, the Facility will not be seeking a Multi-Sector General Permit, which covers discharges of stormwater to surface waters from industrial activities (i.e., the Facility will not result in the discharge of any stormwater from industrial activities).</p>

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					Discharge Elimination System (SPDES) General Permit (GP) 0-15-002 and if applicable the Multi-Sector General Permit (MSGP GP-0-12-001) requirements.	
63.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology - Groundwater	<p>(a) <i>Groundwater</i> (3) <i>Groundwater Impacts</i></p> <p>In addition, a Preliminary Stormwater Pollution Prevention Plan (SWPPP) addressing construction related best management practices (BMPs) should be prepared and appended to the Application. This section should also include a general discussion of likely sources of water for concrete mixing operations (if needed). Details associated with the design and layout of facilities for withdrawal and transport of source water should be provided post-Certification once the Applicant engages a BOP contractor.</p>	Information regarding the SWPPP and associated SPDES General Permit for Construction Activities will be addressed in Exhibit 23(c)(1) in accordance with the regulations. The Final PSS will be revised to reflect that this information will be included in the Application.
64.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p>(b) <i>Surface Waters</i> (1) <i>Surface Waters Map</i></p> <p>Mapping should identify all surface waters, including intermittent and ephemeral streams and wetlands, within and adjacent to the Facility. Wetland and stream delineations should identify all surface waters, including vernal pools, within 500 feet from the edge of disturbance around all project components, roads, and construction work/laydown areas. Maps identifying all areas impacting water resources and project components, at a scale of 1":50', should be provided to NYSDEC. All data in this section should also be provided in tabular format able to be easily cross-referenced to maps.</p>	<p>1001.23(b)(1) requires a "map and identification of all surface waters, including intermittent streams, within the study area." To satisfy this requirement, Exhibit 23(b)(1) will include or reference mapping that depicts stream boundaries (perennial, intermittent and ephemeral streams) within 500 feet of areas to be disturbed by construction of the Facility.</p> <p>Wetlands will be addressed in Exhibit 22 in accordance with the regulations. The Final PSS will be revised to reflect that this information will be included in the Application.</p>
65.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p>(b) <i>Surface Waters</i> (2) <i>Description of Surface Waters</i></p> <p>The description of surface waters should include the following information for each waterbody: a description of the New York State listed Water Classification and Standards pursuant to 6 NYCRR Part 800-941; Part Item Numbers; Water Index Numbers (WIN); physical water quality parameters; flow rate; biological aquatic resource characteristics (including species of vertebrates and invertebrates, habitat, and presence of aquatic invasive species), and; other characteristics of such surface waters, including intermittent streams in the Facility area using publicly available data, and when necessary, supplemented by field data collected during wetland and stream delineations or information provided by NYSDEC. The Application should note that Class C Navigable streams, as defined in 6 NYCRR Part 608.1(u), are protected whether or not they have a (t) designation. Aquatic invasive species as identified by NYSDEC (http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf), which are observed while conducting delineations and field investigations, should be documented and included in the Application.</p>	<p>A description of waterbodies anticipated to be impacts by Facility construction and operation will be described in the Application. Species of vertebrates and invertebrates and presence of aquatic invasive species (if any) will be described if incidentally observed during field surveys.</p> <p>A Protection of Waters Permit is required for disturbing the bed or banks of a stream with a classification of AA, A or B, or with a classification of C with a standard of (T) or (TS) (disturbance may be either temporary or permanent in nature). Therefore, the Applicant will not seek a Protection of Waters Permit for Class C streams.</p>
66.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p>(b) <i>Surface Waters</i> (4) <i>Impacts to Surface Waters</i></p> <p>This section should specifically include a narrative discussion that describes all potential impacts to water resources, including wetlands, streams, and lakes. This section should also include a discussion of</p>	As described and depicted in the PSS, the Facility is located in the Town of Barre, in southern Orleans County, and is not adjacent to any significant water bodies. Therefore, the Facility will not require components such as docking facilities or water intake, and therefore the Application will not discuss potential impacts associated with such facilities. In addition, the Applicant will not be dredging any water bodies and as such sediment sampling

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					potential impacts to any large waterbodies as a result of relevant Facility components such as docking facilities, water intake, and wastewater discharge sites. Environmental impacts to be discussed and addressed should include thermal changes to waterbodies due to vegetative clearing, changes to in-stream structure, morphology and stability, potential impacts to or taking of State-listed threatened and endangered (T&E), state species of special concern (SSC), species of greatest conservation need (SGCN), and the effects of turbidity on nearby habitat. If any dredging/sediment removal is required, sediment sampling should be conducted prior to removing material in accordance with protocol established by NYSDEC. Impacts of (potentially contaminated) sediment resuspension/dispersion should be discussed. Where appropriate and practical, mitigation actions should be discussed to offset acute and chronic impacts to waterbodies. A demonstration that any discharge into waters of the United States shall comply with the effluent limitations, effluent prohibitions, water quality-related effluent limitations, and pre-treatment standards set forth in 6 NYCRR 750-1.11 and 750-2.1; water quality standards and thermal discharge criteria set forth in 6 NYCRR Parts 701, 702, 703 and 704; standards of performance for new sources set forth in 6 NYCRR 750-1.11 and 750-2.1; prohibited discharges set forth in 6 NYCRR 750-1.3; and regulations and criteria otherwise applicable to such activities. Source(s) of and collection systems for water for construction period uses, including for concrete batch plant, invasive species wash station(s), fire control, and other uses should be provided.	will not be conducted. Since none of these potential impacts are relevant to the proposed Facility, they will not be discussed. The Applicant is not proposing the discharge of effluent, and as such is not intending on conducting an analysis to demonstrate that effluent discharges comply with the associated regulations.
67.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p>(b) Surface Waters (4) Impacts to Surface Waters</p> <p>NYSDEC maintains a strong preference for trenchless (notably horizontal directional drilling (HDD)) installations for an ability to greatly reduce clearing and surficial impacts to waterbodies. For any HDD installations, a “frac-out” contingency plan shall be provided to address any inadvertent releases. The feasibility of using overhead crossings with poles more than 50 feet from the top of banks, or trenchless crossings, should be assessed and implemented for all streams proposed to be crossed. A table should be provided that identifies all resource impacts to surface waters. This should include:</p> <ul style="list-style-type: none"> • A calculation of the approximate acreage and linear distance of surface waters that should be temporarily or permanently impacted based on the proposed Facility footprint and associated impact assumptions, and field delineated stream and wetland boundaries; • The construction impact type at each waterbody. As applicable, the crossing methodology at each waterbody (e.g. buried collection line, access road) and construction technique used (e.g. HDD or access road utilizing temporary bridge); 	<p>The Application will identify all stream and surface water resources and quantify impacts to such resources. To the extent that the Applicant determines that specific crossing methodology (e.g., HDD, overhead span) is needed to minimize or reduce impacts to stream and surface water resources, such methodology will be presented in the Application.</p> <p>An impact summary table will be included in 22(f)(5) per the PSS and will reference the information contained in comment #67.</p> <p>Anticipated culvert typical details will be included in the Application; however, flow calculations will be prepared in associated with the final construction drawings post-Certification.</p>

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					<ul style="list-style-type: none"> • Typical details of BMPs to be used. Detailed BMPs following the recommendations of NYSDEC should be provided for each construction technique as appendixes to the Application; • All stream crossings for temporary and permanent roads, culvert placement specifications, and construction details should be described and enumerated, and detail the expected flow calculations, and demonstrate culvert capacity with BMP considerations for culvert placement; • Clear photographs depicting all perennial and intermittent stream crossings identified for the project, including photos upstream and downstream of the crossing site, referenced to the stream WIN and crossing location on maps and shapefiles, and; • All items from (b)(2) above should be incorporated into this table. 	
68.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p><i>(b) Surface Waters</i> <i>(4) Impacts to Surface Waters</i> A map of all anticipated HDD locations in relation to surface water resources should also be provided. The location of all proposed HDD operations within 500 feet of surface waters, wetlands or existing water supply wells should be identified in the Application. Additionally, a description of mitigation measures to minimize impacts of HDD operations on surface water quality and the hydrologic flow patterns and groundwater quality of the aquifer should be included.</p>	To the extent HDD installations are proposed, the locations will be mapped and identified, and associated minimization of impacts will be described.
69.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p><i>(b) Surface Waters</i> <i>(5) Measures to Avoid or Mitigate Surface Water Impacts</i> This section should include an identification and evaluation of reasonable avoidance measures and Facility layout alternatives, including an evaluation of alternatives that may entirely avoid impacts to regulated waterbodies. Where impacts are unavoidable and have been minimized to the greatest extent possible, mitigation measures, including habitat creation, the use of water storage, stormwater reuse, and offsetting water conservation, regarding groundwater and surface water impacts. All stream crossing structures should include the bankfull width at the crossing location, and the dimensions of the proposed structure. The specific methodology for controlling water flow during construction should be discussed for each stream crossing.</p>	Stream characteristics (e.g., width) will be described in Exhibit 23(b)(2). The Final PSS will be revised to reflect that this information will be included in the Application.
70.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	<p><i>(b) Surface Waters</i> <i>(5) Measures to Avoid or Mitigate Surface Water Impacts</i> For all underground lines, an indication of whether the crossing should be done via open cut or a trenchless installation method should be provided, including for all open trench crossings an analysis demonstrating that a trenchless method is not feasible. Work prohibition dates should be established in consultation with NYSDEC after the Applicant identifies which streams should be crossed. BMPs should be employed throughout the remainder of the year for all</p>	<p>The Application will identify all stream and surface water resources and quantify impacts to such resources. To the extent that the Applicant determines that specific crossing methodology (e.g., HDD, overhead span) is needed to minimize or reduce impacts to stream and surface water resources, such methodology will be presented in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p> <p>Culverts will be designed in accordance with NYSDEC and Corps guidelines. The Application will include preliminary design drawings, while final engineering plans will be provided post-Certification.</p>

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					stream crossings. Permanent proposed stream crossing methods must meet NYSDEC stream crossing guidelines (http://www.dec.ny.gov/permits/49060.html), and all culverts should be designed for a 100-year storm event, allowing for continued stream connectivity, designed to incorporate specifications as described in NYSDEC stream crossing guidelines. The Applicant should provide NYSDEC and NYSDPS with final engineering plans for all stream crossings.	
71.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Stormwater	<p><i>(c) Stormwater</i> <i>(1) Stormwater Pollution Prevention Plan</i> The Application should describe in general terms the erosion and sediment control practices that will be implemented during construction activities, and the stormwater management practices that should be used to reduce pollutants in stormwater discharges after Facility construction has been completed, and include:</p> <ol style="list-style-type: none"> An introduction that should review the proposed project, and the purpose, need, and appropriate contents of the complete SWPPP; Anticipated stormwater retention and management practices, including temporary and permanent erosion and sediment control measures (vegetative and structural); Anticipated construction activities, including a preliminary construction phasing schedule and definition of disturbance areas; Site waste management and spill control measures; Proposed site inspection and maintenance measures, including construction site inspection, and construction site record keeping, and; Conditions that should allow for the termination of permit coverage. 	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
72.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Chemical and Petroleum Bulk Storage	<p><i>(d) Chemical and Petroleum Bulk Storage</i> <i>(1) Spill Prevention and Control Measures</i> This section should include spill containment requirements for electric transformers at the substation and all turbine sites, and specify that all refueling areas should be greater than 100 feet from all freshwater wetland areas in the Spill Prevention, Containment and Countermeasure (SPCC) Plan.</p>	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
73.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Chemical and Petroleum Bulk Storage	<p><i>(d) Chemical and Petroleum Bulk Storage</i> <i>(2) Compliance with New York State Chemical and Petroleum Bulk Storage Regulations</i> If construction, operational, or maintenance activities at the Facility require petroleum or other hazardous chemicals be stored on site, the Application should identify such substances and demonstrate compliance with State laws, regulations and guidelines.</p>	To the extent the Facility is proposing the storage of petroleum or other hazardous chemicals, this will be addressed in the Application as requested. The Final PSS will be revised to reflect that this information will be included in the Application.
74.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Chemical and Petroleum Bulk Storage	<p><i>(d) Chemical and Petroleum Bulk Storage</i> <i>(3) Compliance with Local Laws for Storage of Chemicals or Petroleum</i></p>	To the extent the Facility is proposing the storage of petroleum or other hazardous chemicals, this will be addressed in the Application as requested. The Final PSS will be revised to reflect that this information will be included in the Application.

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					If construction, operational, or maintenance activities at the Facility require petroleum or other hazardous chemicals be stored on site, the Application should identify such substances and demonstrate compliance with all Local laws, regulations, and guidelines.	
75.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Aquatic Species and Invasive Species	<i>(e) Aquatic Species and Invasive Species</i> <i>(1) Impact to Biological Aquatic Resources</i> In addition to the information in the PSS, the Applicant should analyze the impact that construction and operation of the Facility will have on critical and sensitive habitat and biological aquatic resources, particularly species listed as T&E or SSC in 6 NYCRR Part 182, as well as SGCN, that are known or suspected of being present within the Facility. The analysis should include a discussion on the potential for introducing and/or spreading invasive species within and adjacent to the Facility. The presence of invasive species within the Facility site should be documented during wetland and stream delineations and other on-site investigations. Maps and shapefiles of the locations of aquatic invasive species should be provided to NYSDEC before the Application is submitted.	Invasive species will be addressed as discussed above in relation to Exhibit 22(b)(2) and 22(b)(3). The Final PSS will be revised to reflect that this information will be included in the Application.
76.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Aquatic Species and Invasive Species	<i>(e) Aquatic Species and Invasive Species</i> <i>(2) Measures to Avoid or Mitigate Impacts to Aquatic Species</i> This section should specifically include an identification, discussion, and evaluation of reasonable avoidance measures and, where impacts are demonstrably unavoidable, minimization and mitigation measures regarding Facility-related impacts on all aquatic biological resources, particularly listed species. Construction activities and the presence of Facility components in occupied habitat of listed T&E species may constitute take of individuals or the habitat they depend on, or both. If it is determined by the Applicant, NYSDEC, or USFWS that the construction, operation or maintenance of the Facility is likely to result in a take of a listed species, including the modification of habitat on which a listed species depends, the Applicant should submit with the Application an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species, along with the informational requirements of an Incidental Take Permit (ITP), including proposed actions to avoid all impacts to listed species. If impacts are unavoidable, the Application should demonstrate this and contain thorough and clear justification of why complete avoidance of impacts is not feasible, how the proposed minimization actions should minimize impacts to the maximum extent practicable, and proposed mitigation actions.	The requested information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application. With respect to 6 NYCRR Section 182.11 (Part 182), please note that the Applicant does not intend on consulting with the USFWS regarding Part 182.
77.	April 5, 2018	Michael Higgins (Project Manager)	NYSDEC	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Aquatic Species and Invasive Species	<i>(e) Aquatic Species and Invasive Species</i> <i>(2) Measures to Avoid or Mitigate Impacts to Aquatic Species</i> This section should also include a discussion of the measures that should be taken to ensure compliance with applicable water quality standards, pursuant to 6 NYCRR Part 703. All information, including all associated attachments and appendixes, should be provided to NYSDEC in full and unredacted at the time the Application is submitted.	Exhibit 23(e) addresses aquatic and invasive species, whereas Exhibit 23(a) and (b) will address water quality standards. The Final PSS will be revised to reflect that this information will be included in the Application.

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78.	April 6, 2018	Richard Thomas (Deputy Director)	New York State Department of Health (NYSDOH)	Section 2.3/Exhibit 3 – Location of Facilities – Study Area	Section 2.3 (5) of the Preliminary Scoping Statement (PSS) states that a single, universal study area will not be utilized for all studies/analyses; rather various studies will apply resource specific study areas, which will be described. For noise, the potential for impacts resulting from construction and operation of the proposed Facility should be assessed for all sensitive receptors, participating residences (including seasonal) and non-participating residences, within one mile of the nearest proposed turbine location.	The Applicant will do the impact assessment for all resources identified. The Applicant will assess noise impacts from all sensitive receptors as described in the PSS. The Applicant will use publicly available data (i.e., New York State Office of Real Property) to determine land classifications.
79.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.3/Exhibit 3– Location of Facilities – Study Area	The New York State Department of Health (“DOH”) also requests that a copy of the GIS shapefiles on CD-ROM be provided directly to DOH staff in addition to DPS staff.	The requested information will be provided.
80.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.15/Exhibit 15 – Public Health and Safety – Shadow Flicker	Section 2.15 (4) states that a shadow flicker analysis will be conducted. DOH requests that the potential short- and long- term public health and safety impacts associated with construction and operation of the facility be identified, described, discussed, and possibly monitored, as necessary, for all receptors (participating and non-participating residences (including seasonal receptors)) and other receptors such as commercial and public spaces and/or medical facilities, etc. Please include predicted daily minutes of shadow flicker at each receptor within the shadow flicker study area, in addition to annual hours. The National Association of Regulatory Utility Commissioners’ (NARUC) January 2012 “Wind Energy & Wind Park Siting and Zoning Best Practices and Guidance for States” includes both short- and long- term flicker guidelines.	The shadow flicker analysis will include all receptors (e.g., participating, non-participating, seasonal, commercial, etc.) identified within the shadow flicker Study Area. In addition, the shadow flicker modeling results provide output data that includes predicted maximum daily minutes.
81.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.15/Exhibit 15 – Public Health and Safety – Shadow Flicker	The applicant also should include, in its evaluation of potential health impacts associated with shadow flicker, a discussion of photosensitive epilepsy that includes the potential for photosensitive epilepsy from shadow flicker caused by single turbines and multiple inline turbines, including a discussion of flicker frequency (hertz).	The shadow flicker analysis will address photosensitive epilepsy.
82.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.19/Exhibit 19 – Noise and Vibration – Sensitive Sound Receptor Map	Section 2.19 (a) indicates a map showing the location of sensitive sound receptors in relation to the facility will be provided. Please include the locations of participating receptors.	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
83.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.19/Exhibit 19 – Noise and Vibration – Noise Standards Comparison	Section 2.19(h) will include a summary of noise modeling results. DOH requests tabular noise modeling results inclusive of annual maximum daytime (L16max,day), annual maximum night (L8max,night) and annual logarithmic average nighttime (Leqnight) noise levels that can be directly compared to WHO (1999, 2009) guidelines for both participating and non-participating receptors (including seasonal residences) to evaluate potential sleep disturbance and annoyance.	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
84.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.23//Exhibit 23 – Water Resources and Aquatic Ecology – Groundwater Aquifers and Recharge Areas	In addition to the NYSDEC water well database, the applicant may consult Orleans County Department of Health and local water districts for water well locations. However, DOH should be the primary Health agency contact regarding the presence of public drinking water supplies (wells and surface water intakes). This information can be requested via Freedom of Information of the DOH Records Access Office (see: https://www.health.ny.gov/regulations/foil/).	The Applicant will consult with the NYSDOH as recommended. The Final PSS will be revised to reflect that this information will be included in the Application.

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85.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	DOH requests potential shadow flicker impacts be expressed in both hours per year and minutes per day for all receptors (participating, non-participating and seasonal).	The shadow flicker analysis will include all sensitive receptors (e.g., participating, non-participating, seasonal, commercial, etc.) identified within the shadow flicker Study Area. In addition, the shadow flicker modeling results provide output data that includes predicted maximum daily minutes.
86.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	The applicant should provide a scientifically- defensible justification for limiting the shadow flicker analysis to a radius of 10 rotor diameters from all turbine locations.	The Application will discuss the rational for the identified shadow flicker Study Area.
87.	April 6, 2018	Richard Thomas (Deputy Director)	NYSDOH	Section 2.26/Exhibit 26 – Effect on Communication – Emergency Services	Please include an evaluation of potential project impacts on data communication for the NYS Mesonet system in section 2.26 (6) (see: http://www.nysmesonet.org/), which is a resource for emergency response.	The Application will include the requested evaluation.
88.	May 4, 2018	Heather Behnke (Assistant Counsel)	New York State Department of Public Service (DPS)	NA	In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.	Comment noted.
89.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	NA	GIS shapefiles of the Facility Area, preliminary Facility locations, and related resource information should be provided to DPS Staff for review during the scoping and stipulation process.	The Applicant will provide GIS shapefiles of the Facility Area, preliminary component locations, and related relevant resource information to the NYSDPS as part of the scoping and stipulations process.
90.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	NA	DPS Staff requests that GIS shapefiles of Facility component and site locations, property lines, environmental data, visual and cultural resource locations, and related analyses derived from such data and utilized in development of the Application and mapping, be provided directly to DPS Staff at the time the Application is filed.	This information will be included in the Application per PSS Section 2.3(d). The Final PSS will be revised to reflect that this information will be included in the Application.
91.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	NA	DPS Staff notes that the case number is not referenced on the Preliminary Scoping Statement (PSS) documents. The case number is essential information and should be included on all the correspondence and outreach efforts so it can be easily identified with the specific case.	Case No. 16-F-0546 is identified on the cover page of the PSS and transmittal letters. The Applicant will continue to include the case number on relevant correspondence and documents.
92.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	NA	The Applicant should include an Affidavit of Service indicating the parties who were served with a copy of the PSS.	This has been provided by the Applicant and posted to the DMM on May 10, 2018.
93.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	NA	In the Public Involvement Program (PIP) Plan, the Applicant identified three newspapers for publishing notifications regarding project milestones. The Applicant should include proof of publication of the Notice of PSS, as required by 16 NYCRR §1000.5(f).	This has been provided by the Applicant and posted to the DMM on May 10, 2018.
94.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 1.1 – Facility Description	The last line of Section 1.1 refers to the Facility's capacity to generate enough electricity to meet the consumption needs of thousands of households. DPS Staff advises that the PSS should contain an	The Applicant will include a range of numbers of New York State households that could be powered in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.

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					approximate range of the number of New York State households that could be powered so that the public has a greater understanding of the value of the project.	
95.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 1.2 – Facility Benefits	DPS Staff notes that the Applicant’s website provides an estimate of full-time local jobs that will be available under the “Project Summary” section. DPS Staff advises that this information should also be provided in this Section 1.2 and/or Section 2.27 under “Socioeconomic Effects.”	Sections 1.2 and 2.27 of the PSS include discussions of anticipated economic benefits. The Applicant will further refine the text in sections 1.2 and 2.27 in the Final PSS.
96.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 1.3 – Summary of Pre-Application Activities	A local document repository should also exist at the Hoag Library in Albion as this is the closest library to the project. This library was included in the initial proposed PIP Plan. Staff recommended the addition of the public libraries in Oakfield and Holly. The revised PIP Plan did not include the Hoag Library. The Hoag Library is only about two miles from the northern boundary of the Facility area. The Applicant does have a public field office about 3/10th of a mile from the Hoag Library, but some members of the public may prefer to view project materials at a library rather than at the Applicant’s office.	Comment noted, the Hoag Library will be added to the list of repositories.
97.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 1.5 – Impact Avoidance Measures	DPS Staff notes that the Applicant plans to develop and implement a Complaint Resolution Plan to address the concerns of local landowners throughout facility construction and operation. However, the Plan should be broader in scope and address concerns raised by members of the public besides landowners.	Page 57 of the PSS indicated the Complaint Resolution Plan will discuss how “public comments” will be addressed. However, the Applicant will review this text and refine accordingly in the Final PSS.
98.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.1 – General Requirements	In addition to the public contact already listed in this section, DPS Staff recommends that the contact information provided for the project on the Applicant’s website for the established office in Albion, NY, be listed here as well with the office hours. DPS Staff further recommends that the public contact information should be noted throughout the filing, including the public notice.	The Applicant will include the local office contact in the Final PSS and Application accordingly.
99.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	The description of the public involvement program should note the purpose of the PIP Plan, i.e., to engage affected stakeholders in the process to understand their interests, gather pertinent information and work with them to address their issues and concerns and take those issues and concerns into account as the project moves forward.	This information will be included in the Application.
100.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	The Applicant states that stakeholders were notified of the filing of the PSS. However, the Applicant did not include a distribution list and proof that the notice was served to stakeholders including those identified in the PIP plan and through outreach activities.	Proof of service of PSS-related notices, and the PSS itself, was filed on March 27 and May 10, 2018.

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101.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	The Applicant included an updated Master Stakeholders List in Appendix C. However, the list does not include landowners in the Facility Area. The Applicant should identify the host and adjacent landowners and include them on the Stakeholders list. Going forward, the Applicant will provide an updated stakeholder list, including host and adjacent landowners, as well as an indication of how the stakeholders have been identified and subsequently added to the list during the scoping and stipulation process. The Applicant should briefly describe how the list will be used for distribution and notification regarding project milestones, including submittal of the Application.	The Facility layout has not yet been fully developed. As such, the list of host and adjacent landowners cannot yet be finalized. Once such lists are finalized they will be included in the Master Stakeholder List, and appended to the Application. Regarding notices, Section 2.2(c) in the PSS states "during the time following the PSS submission and prior to submission of the Article 10 Application, the Applicant intends to continue stakeholder outreach, including another public open house session. Concurrent with the filing of this PSS, the Applicant published notices in local newspapers and online, sent letters to elected officials, and notified other stakeholders regarding the submission of the PSS, to provide an update on the Facility, invite comments and remind the stakeholders of the comment period timeframe."
102.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	The Applicant should add the following repositories to the Stakeholders list: Lee-Whedon Memorial Library, Haxton Memorial Library, Holley Community Free Library and the Hoag Library.	Comment noted. The Applicant will include these local repositories on the stakeholder lists in the Final PSS and Application accordingly.
103.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	The Applicant noted that numerous public meetings, information sessions and forums were held. The Applicant should describe the methods used to announce these events or reference the meeting log which provides more information. It is also unclear whether host or adjacent landowners were notified by mail since they were not included in the stakeholder list.	See response above, and additional information on service of notices was submitted to the DMM on March 27 and May 10, 2018.
104.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	DPS Staff advises that the outreach conducted in 2016 should be documented in the tracking log with the dates and locations the events took place.	Comment noted. A tracking log of 2016 activities will be included in the Final PSS. Please note that activities from 2016 were included in the tracking log in the Revised PIP (filed November 23, 2016), and in PIP tracking logs filed between February 2017 and spring 2018.
105.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	Given that the 10-mile radius for visual impact studies encompasses additional municipalities beyond those identified in the Project and Study Areas, Staff recommends that initial outreach to visual stakeholders include a project summary, contact information and a description of how to obtain or information regarding the project. Visual stakeholders identified through this outreach should be provided an opportunity to be added to the master stakeholder list.	As stated in section 2.24(b)(3), the PSS states "the Project Applicant will conduct a public outreach to assist in the identification of visually sensitive resources. Initial outreach letters to visual stakeholders regarding locally sensitive sites will be sent upon the filing of the PSS and prior to conducting the visual field work." The Applicant will include a project summary, contact information and description of the Article 10 process in the VIA outreach letters. This information will be included in the Application.
106.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.3/Exhibit 3 – Location of Facilities – Topographic Maps	Subsection 2.3(a) Topographic Maps: PSS Section 1.1 Facility Description indicates that the proposed facility consists of "up to 47 wind turbines" and associated electric lines, access roads and other features. DPS notes that PSS "Figure 3: Preliminary Facility Layout" provides a topographic map and indicates the location of 30 sites identified as "proposed wind turbine locations." DPS requests that additional PSS mapping of Figures 3 through 10 be provided to demonstrate the extent of all proposed turbine locations under	Updated maps will be included in the Final PSS.

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					consideration for further advancement of project scoping review. DPS further requests that Figure 3 be modified to provide the location of the existing NMPC Lockport-Mortimer electric transmission line; the proposed POI location(s) under consideration; Project substation; access roads; and temporary and permanent Meteorological towers.	
107.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.3/Exhibit 3 – Location of Facilities – Topographic Maps	Regarding subsection 2.3(a)(5), DPS requests that the Applicant identify the proposed Shadow Flicker Study Area as a specific distance rather than referring rather obtusely to “the distance at which the blade would cover 20% of the sun’s area.”	Comment noted. The Application will provide additional clarification and identify the Study Area for shadow flicker based on methodologies presented in the PSS. This information, including a map of the proposed Shadow Flicker Study Area will be included in the Final PSS.
108.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.3/Exhibit 3 – Location of Facilities – Municipal Boundary Maps	Regarding subsection 2.3(b), DPS recommends that mapping of municipal fire districts be provided, in addition to the other boundaries as listed in the PSS, in the Application. Also, the Application should provide mapping of the location of municipal water districts for the Project Area. This mapping is available from the Orleans County Planning Department on-line Mapping Atlas.	The Applicant is not aware of this requirement, and is unsure why that additional information is necessary, since special districts for fire and water are largely for taxation purposes. However, assuming this information is publicly available, it will be included in the Application.
109.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.4/Exhibit 4 – Land Use – Map of Existing Land Uses	Regarding the discussion of existing land use categories in subsection 2.4(a), the denomination of “vacant land” is not indicative of any specific use, other than an indication that there are no developed buildings or structures on the site. To the extent that additional land use may be identified based on field review and discussion with landowners, parcels comprising the Facility Site and Facility Area, adjoining and nearby properties should be reviewed for specific land uses that may be affected by construction or operation of the Facilities.	The Applicant will coordinate with local municipal officials regarding potential vacant land as determined by a review of the New York State Real Property Services code. This will be included in the Application. The definition of the term “vacant land,” as it is used in the Application, as well as any other land use categories, will be provided. The Final PSS will be revised to reflect that this information will be included in the Application.
110.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.4/Exhibit 4 – Land Use – Comprehensive Plan	Regarding subsections 2.4(e) and (i), DPS Staff requests that full text and figures of municipal Comprehensive Plan(s) be provided as an Appendix to Exhibit 4.	The Applicant will provide weblinks to these documents (or PDF copies on CD) within the Application.
111.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	To properly assess factors being considered regarding setbacks, as part of the response to PSS comments, it is advised that the Applicant provide a table including the range of wind turbine models under consideration. The table should include the following: turbine model; rated power; hub height; rotor diameter; and total height. At a minimum, the Applicant’s response to PSS comments should indicate the maximum blade tip height under consideration for the proposed Facility.	At this time, the Applicant anticipates a maximum tip height of 591 feet. A table including turbine model, rated power, hub height, rotor diameter, and total height will be included in the Application.
112.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	DPS Staff advises that the Application should depict the Applicant’s proposed, and any local law, setbacks of turbines from occupied structures, property lines, existing overhead transmission lines (115 kV and greater) and roads on site plans submitted as part of Exhibit 11: Preliminary Design Drawings. A separate map-set may be provided depicting this information if the site plans are presenting too much information for legibility. These setbacks should be based on the tallest proposed turbine presented in the Application. DPS also advises that if no municipal regulations exist regarding setbacks, the Applicant should provide a description of factors considered for establishing various setback requirements.	Per section 2.26(a) of the PSS, the Application will include a summary of setbacks per the Town of Barre zoning codes, and as proposed by the Applicant, regarding the following features: <ul style="list-style-type: none"> • Occupied Structures and Seasonal Dwellings • Property Boundaries • Substation • Roads (Public) • Existing Electric Transmission Lines and Overhead Utilities • Other wind turbines (existing or proposed) • Drinking Water Wells • Gas Wells, if any • State Land • Wetlands

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						<ul style="list-style-type: none"> Noise Related <p>The use of a map-set to graphic depict this information will be included in the Application if applicable.</p>
113.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	On pages 31-32, the PSS indicates that the Article 10 Application will include a summary of setbacks per the Town of Barre zoning codes, and as proposed by the Applicant. The PSS includes a list of features (to be setback from wind turbines), including occupied structures and seasonal dwellings; property boundaries; substation; roads (public); existing electric transmission lines and overhead utilities; other wind turbines (existing or proposed); drinking water wells; gas wells; state land; wetland; and noise related. Pursuant to §1001.6(a), DPS Staff advises that information pertaining to this requirement include barns and unoccupied structures and areas of public gathering (if none exist, this should be noted in the Application).	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
114.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	DPS Staff advises that the Application should include a table similar to DPS Attachment 1 of this document, outlining setback and height requirements of the manufacturer, the Applicant, and any local ordinance or law.	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
115.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	DPS Staff advises that details of local ordinances, including definitions of terminology, should be important considerations in Facility design and development of the Application. Definitions of “structures” and “buildings” and other terms should be provided in the Application.	The Town’s definitions of structures and buildings will be included in the Application and referenced accordingly in the Final PSS.
116.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	DPS Staff requests that full text copies of municipal codes be provided for review in development of the scoping document and stipulations. Furthermore, it is noted on page 153 of the PSS that “[i]t is Applicant’s understanding that amendments have been proposed to the Town of Barre code which may be applicable to the proposed Facility. Applicant will continue to monitor the Town’s consideration of such changes, and will include any relevant adopted provisions in the Application, where applicable.” If available prior to filing the Application, updates should be provided to DPS Staff regarding any municipal code changes affecting the proposed Facility.	The entire Barre Town Code is available online, and can be accessed at https://ecode360.com/BA2836 . To the extent that local law changes are implemented prior to the Application filing, the Applicant will include those changes in the Application.
117.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Explanation of the Degree to which the Facility Layout Accommodates Turbine Setbacks	DPS Staff advises that the Public Service Commission has stipulated to a standard setback distance of 1.5 times maximum blade tip height from major transmission facilities, which would include the National Grid transmission line traversing the Facility Area, and the high-voltage side of the proposed Facility Collection Substation. See Case 07-E-0213, Sheldon Energy LLC, Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued January 17, 2008), fn. 5, page 12 (“In the future, we may, as conditions warrant require a minimum setback distance of 1.5 times maximum turbine blade tip height from the edge of the right-of-way of any electric transmission line designed to operate at 115 kV or more”).	Comment noted. Setbacks and standards from other sources, such as the PSC’s recommendation on aboveground utilities, will be addressed in the application.
118.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Explanation of the Degree to which the Facility Layout Accommodates Turbine Setbacks	DPS Staff recommends that the Application include explanations of any instances that the proposed layout does not conform to municipal setback requirements and/or the Applicant’s proposed setbacks. A list of such turbine locations not conforming to local or proposed Applicant	PSS section 2.6(b) states the Article 10 Application will provide an analysis of the Facility’s conformance with applicable setback requirements set forth in the Town’s wind law and zoning regulations, and the degree to which the Facility layout accommodates those setbacks. The Applicant will also include discussion of instances where setbacks cannot be met, if any.

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					setbacks should be included noting the discrepancy between required and proposed setback distances.	
119.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.6/Exhibit 6 – Wind Power Facilities – Third-party Review and Certification of Wind Turbines	DPS Staff recommends that the Application include a table that shows wind turbine classes with corresponding turbulence levels (e.g., International Electrotechnical Commission (IEC) class IB, etc.) that are suitable for use in the Facility Area. The table should include the following wind regime factors: weather extremes, average wind speed, wind gusts, and turbulence intensity.	Comment noted. This will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
120.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location	DPS Staff requests that Application Exhibit 9(c) address the addition of an on-site energy storage ancillary facility as a technology alternative to a turbines-only design.	Energy storage is not an electricity generation source and is defined in 16 NYCRR 1000.2 as an ancillary feature of a major electric generating facility. The alternatives analysis required by 1001.9 involves a description of generation alternatives and technologies which could reduce potential environmental impacts. In this instance, energy storage is not an appropriate “alternative” to electricity generated by the wind turbines proposed for this major electric generating facility.
121.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location	Regarding subsection 9(c)(4), the discussion of <i>Cultural Resources</i> (PSS page 46) should address alternative Facility arrangements to avoid or minimize impacts on Historic Resources, in addition to “historic archeological resources.”	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
122.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.11/Exhibit 11 – Preliminary Design Drawings	DPS Staff recommends that the Applicant provide a completed DPS Attachment 2, Maps Sizes and Scales sheet, in the response to PSS comments, regarding approximations of drawing scales to be used for Application submittal. This attachment contains a list of typical wind farm drawings and includes headings for anticipated corresponding extent limits, scales, and proposed drawing paper sizes.	The Applicant will complete a map table and include in the Final PSS for use in defining map size, scales, etc. to be used for Application submittal.
123.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.11/Exhibit 11 – Preliminary Design Drawings – Site Plan	<p>1. Pages 52-53 of the PSS list features to be included on the Applicant’s site plans. In addition to these items, DPS recommends that the following features should also be depicted:</p> <ul style="list-style-type: none"> a. Existing 115 kV transmission line in relation to the point of interconnection (POI) and other proposed project facilities; b. Applicant’s and any local law setbacks for each proposed turbine of the Project from occupied structures, property lines, existing and proposed transmission lines, and roads (may be provided as separate map-set if site plans are too cluttered because of this information); c. Generator lead line (if applicable); d. Setback distances from proposed collection substation to property lines; e. In relation to the Operations and Maintenance (O&M) building, the following should be shown: any proposed septic system(s), water supply wells, access, setback distances from property lines, and any on-site equipment storage or loading area; f. Access for laydown and staging areas; g. Backup generators and fuel storage areas; and h. Outline of switchyard area, including access drive, fence-line, and property line setbacks, and location of any related transmission facilities. 	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.

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124.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.11/Exhibit 11 – Preliminary Design Drawings – Typical Design Detail Drawings	<p>1. In addition to the details listed on page 54 of the PSS, DPS Staff advises that the Application include the following:</p> <ul style="list-style-type: none"> a. Plan and sections of underground facilities, including single and multiple-circuit layouts with dimensions of proposed depth and level of cover, separation requirements between circuits, clearing width limits for construction and operation of the Facility, limits of disturbance, and required permanent right-of-way (ROW); b. Elevations for overhead facilities, collection (if applicable, as described on page 164) and transmission lines (as described on page 164), including height above-grade, structure layouts, clearing width limits for construction and operation, permanent ROW widths, average span lengths for each proposed layout, and structure separation requirements (for installations requiring more than one pole, etc.) for all single and multiple-circuit layouts; c. A circuit map indicating overhead and underground installations and the number of circuits per proposed run. 	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
125.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.12/Exhibit 12 – Construction	DPS Staff recommends that this section should also include information on how and when the Applicant will communicate with stakeholders about construction activities, schedules and applicable safety and security measures.	Comment noted. Information pertaining to stakeholder communication prior to and during construction will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
126.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.12/Exhibit 12 – Construction – Plans to Avoid Interference with Existing Utility Systems	DPS Staff recommends that this section of the Application include any results of consultations with utilities, including utility owner criteria regarding crossing of or installations nearby existing utilities. Any specific criteria should be presented, including descriptions of potential studies to be performed (along with an indication of timing), specific separation requirements or recommendations of utility owners (including gas well and pipeline owners) and descriptions and typical details of any protective separation standards, design measures and features to be applied at crossings of or proposed co-locations with existing utilities, etc.	Information pertaining to stakeholder communication prior to and during construction, including consultations with utilities on the topic areas and standards identified in this comment, will be included in the Application. The Application will include a discussion of separation distances and/or construction standards provided by nearby existing utilities. The Final PSS will be revised to reflect that this information will be included in the Application.
127.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.12/Exhibit 12 – Construction – Procedures for Addressing Public Complaints and Disputes	The Complaint Resolution Plan should include steps for informing the public about the complaint plan and the process to file a complaint (i.e., written, electronic and oral). The Plan should describe the complaint process from time of receipt, verification, resolution development, implementation and confirmation of resolution, including anticipated timeframes and actions the Applicant will take if the complaint remains unresolved after these steps are taken. The Plan should identify and include any procedures or protocols that may be unique to each phase of the project (e.g., construction, operation, decommissioning) as well as complaint type (e.g., noise, degraded television service).	<p>As stated in section 2.12(d) of the PSS, “the Complaint Resolution Plan will discuss specifically how public complaints and disputes should be raised, documented and resolved during construction and operation of the Facility. The Complaint Resolution Plan will include the following components:</p> <ul style="list-style-type: none"> • Communications protocol and contacts for construction, operation and decommissioning, including how contact information will be disseminated to the public • Registering a complaint • Process for gathering and analyzing information regarding the complaint, including any specific protocols for certain types of complaints (e.g. noise) • Complaint response and tracking • Complaint response follow up • Procedure for logging, review and transmittal of complaints, updates, and plans for resolution to DPS Staff

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						The Article 10 Application will provide a detailed description of each of these steps in the complaint resolution process and will also include general information on community outreach and communications". The Applicant will review this text and update the Final PSS accordingly. Specifically, the Applicant will note whether any procedures or protocols are specific to a certain phase of the project, or a certain issue area.
128.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.18/Exhibit 18 – Safety and Security	The Applicant notes that it will develop an emergency action plan in conjunction with local emergency service providers. The site security plans should clarify whether these are responders within the Facility or within the Facility Area.	Comment noted. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
129.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Sensitive Sound Receptor Map	Subsection 2.19(a) – Sensitive Sound Receptor Map: <ul style="list-style-type: none"> a. The map(s) should be provided in digital format. The map(s) should also show participating and non-participating boundary lines. b. Sensitive sound receptors should also include outdoor public facilities and areas, cemeteries, cabins, and New York State Lands, if any. c. The desktop analysis using aerial imagery and field verification should extend to the Study Area, 1- mile from any proposed turbine and not be limited to the locations within the Facility Site boundary. It should also be developed in consultation with local municipalities. 	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
130.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Ambient Pre-Construction Baseline Noise Conditions	Subsection 2.19(b) – Ambient Pre-Construction Baseline Noise Conditions: <ul style="list-style-type: none"> • This section of the PSS should report GPS or GIS coordinates and include satellite pictures and photos for all tested locations. • The Application should report the specifications for the sound instrumentation that was used (type, sound floor, wind screens, temperature, relative humidity ranges, etc.), calibration results, meter settings, weather conditions during testing, testing conditions that will be excluded, time frames and schedules, testing methodologies and procedures, provisions for sounds with strong low frequency noise content, if any. • DPS Staff recommends that sound instrumentation for ambient sound surveys comply with the following standards: ANSI S1.11-2004 (R June 15, 2009) Specification for Octave-Band Analog and Digital Filters; and ANSI S1.40-2006 (R October 27, 2011) (Revision of ANSI 1.40-1984) Specifications and Verification Procedures for Sound Calibrators. DPS Staff also recommends using sound level meters with low sound floor levels and wide temperature and relative humidity range specifications in order to minimize the amount of collected data that will need to be discarded. • This section only specifies wind speed as the parameter that will be used to document weather conditions at sound testing positions. DPS Staff recommends the use of portable weather station(s) at sound measurement locations to continuously document, at a minimum, temperature, relative 	The Applicant provides the following responses to correspond with the bullets in comment #130: <ul style="list-style-type: none"> • Comment noted, this information will be included in the Application. • Comment noted, this information will be included in the Application. • This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application. • Ground-level wind speed data will be collected at two sound level measurement locations within the site. Additional weather data (temperature, relative humidity, wind direction, and rainfall/precipitation) will be obtained from the nearest SUNY MesoNet or National Weather Service station. • Comment noted, this information will be included in the Application. • The Applicant will provide the following analyses: Sound levels will be plotted as a function of 1/3 octave band frequencies for the L90 and the Leq descriptors for winter, summer, daytime and nighttime periods. • The Applicant does not consider this to be part of the regulations, further, does not provide meaningful insight for sound level impacts.

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					<p>humidity, wind magnitude and direction, and rainfall (precipitation). Sound data collected at wind speeds exceeding 5 m/sec (11 mph) at 2 meters above the ground (plus or minus 0.20 meters), should be excluded, as well as periods of snow, rain, thunderstorms and wet road conditions.</p> <ul style="list-style-type: none"> • Broad-Band A-weighted sound levels should be reported in graphs plotted as a function of time at each evaluated position showing exclusions due to wind speed, temperature, relative humidity, rainfall or thunderstorms and snowstorms. • Sound levels should also be plotted as a function of 1/3 octave band frequencies for the L90 and the Leq descriptors for winter, summer, daytime and nighttime, including minimum, maximum and mean levels. • DPS Staff recommends plotting sound levels as a function of wind speed at 10 meters (as extrapolated from the meteorological tower). For illustration about the request, please see figures 4.4.1.3., 4.4.1.4., and 4.4.1.5 in NARUC-2011 guidelines, pages 31, 32, and 33, respectively. 	
131.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Future Noise Levels at Receptors During Facility Construction	<p>Subsection 2.19(c) – Future Noise Levels at Receptors During Facility Construction:</p> <ol style="list-style-type: none"> DPS Staff advises using ISO 9613-2 compatible propagation software for evaluation of construction noise rather than the use of the RCNM spreadsheet, which may be appropriate for evaluation of construction noise from a single wind turbine only. Construction activities may need to take place at several turbines in the vicinity depending on the project schedule. Since construction noise levels at a particular location may depend not only on the distance to the closest turbine under construction, but also on the number of turbines under simultaneous construction in the vicinity, a critical location may better be evaluated with the use of ISO-9613-2 compatible propagation software, which allows for consideration of simultaneous construction of multiple turbines. Sound contours showing construction sound levels, sensitive receptors and boundary lines should be included in the Application for identification of critical locations for the main phases of construction. 	<p>The Applicant provides the following responses to correspond with the bullets in comment #131:</p> <ol style="list-style-type: none"> Comment noted, this information will be included in the Application. Comment noted, this information will be included in the Application. <p>The Final PSS will be revised to reflect that this information will be included in the Application.</p>
132.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Estimated Sound Levels to be Produced by Operation of the Facility	<p>Subsection 2.19(d) – Estimated Sound Levels to be Produced by Operation of the Facility should include the following DPS Staff recommendations:</p> <ol style="list-style-type: none"> Include sound contours starting at a minimum of 35-dBA at 1-dBA increments and in multiples of 5- dBA, differentiated by color on a map with the details specified by 16 NYCRR §1001.19 (a) as follows: <ol style="list-style-type: none"> Include digital color drawings in the Application; 	<p>This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p>

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					<p>ii. Forward full-size color hardcopy drawing(s) to DPS Staff. (22" x 34" and 1:12,000 scale or similar).</p> <p>B. Provide sound contours indicating and differentiating participant, non-participant and potentially-participant property lines in the Application. Only properties that have a signed contract with the Applicant prior to the date of filing the Application should be identified as "participating." Other properties may be designated as either "non-participating" or "potentially participating." Updates with ID-tax numbers may be filed after the Application is filed.</p> <p>C. Identify and differentiate empty, undeveloped participating and non-participating parcels in sound contour drawings.</p> <p>D. In addition to the ground absorption values, provide a discussion about:</p> <p>i. height above the ground for evaluation of sound levels for discrete receptors and sound contours, and</p> <p>ii. sound power level assumptions for computer noise modeling during the PSS and Stipulation phases.</p> <p>iii. Assumptions for computer noise modeling with the ISO 9613-2 standard for evaluation of conformance with World Health Organization (WHO) short-term and long-term sound level thresholds and NARUC-2011 recommendations. If any corrections are applied to any model results, both corrected and uncorrected results should be presented along with a discussion, documentation and justification for any corrections.</p> <p>iv. For a discussion about the effects on accuracy for the ISO 9613-2 as related to different assumptions, DPS Staff recommends consulting at a minimum, the following references:</p> <ul style="list-style-type: none"> • "Best Practices Guidelines for Assessing Sound Emissions from Proposed Wind Farms and Measuring the Performance of Completed Projects," October 13, 2011. Prepared for: The Minnesota Public Utilities Commission Under the auspices of the National Association of Regulatory Utility Commissioners (NARUC), Washington, DC. Sections 4.1.1. to 4.1.4. • Comparison of Predicted and Measured Wind Farm Noise Levels and Implications for Assessment of New Wind Farms. Tom Evans and Jonathan Cooper. Acoustics Australia. Vol. 40. No. 1. April 2012. Pp 28-36. • Comparison of Compliance Results Obtained from the Various Wind Farm Standards used in Australia. Jonathan Cooper, Tom Evans, and Luis Najera. Proceedings of Acoustics 2011. Paper number 50. 2-4 November 2011, Gold Coast, Australia. • Massachusetts Study on Wind Turbine Acoustics. Prepared for: Massachusetts Clean Energy Center and Department of 	

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					<p>Environmental Protection. Submitted by RSG Inc. Report 2.18.2016</p> <p>E. Data bins proposed in the PSS showing sound power levels as a function of wind speed and frequency of occurrence should be reported in the Application. For the purposes of calculation of the L10 and L50 noise descriptors (percentiles 90 (L10) and 50 (L50), respectively), these can be directly calculated based on the 8,760-hour series.</p> <p>F. This section should clarify that the calculation of the L10 and L50 statistical sound levels refers to the periods of time when the turbines are operating and generating noise. See additional comments on the discussion of subsection 2.19 (f), below.</p> <p>G. This section should be expanded to propose procedures for evaluation of conformance with WHO-1999 and WHO-2009 guidelines. A procedure for determination of the maximum Leq-8-hour-nighttime short-term sound level in a year, as well as for calculation of the Leq-nighttime-1-year long-term threshold, should be proposed.</p>	
133.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Future Noise Levels at Receptors During Facility Operation	Subsection 2.19(e) – Future Noise Operation at Receptors During Facility Operation: Subsections 2.19 (e) should be updated as indicated below.	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
134.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Future Noise Levels at Receptors During Facility Operation	Subsection 2.19(e)(2) – Tonal Evaluation should also report tonality values for a batch of turbines, as specified in IEC 61400-14 Part 14, if available. (IEC Technical Specification IEC TS 61400-14 Wind Turbines - Part 14: Declaration of apparent sound Power Levels and tonality Values).	If available, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
135.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Future Noise Levels at Receptors During Facility Operation	<p>Subsection 2.19(e)(3) – Turbine Model Selection specifies that noise modeling will be “[p]erformed for the turbine model with the highest sound power levels presented in the Article 10 Application.”</p> <p>a. DPS Staff notes that although the evaluation of turbines with the highest sound power levels may provide an estimate of the maximum sound impacts, the scope should also include an evaluation of reasonable noise abatement measures for the final design and operation of the facility including the use of alternative technologies, alternative designs, and alternative facility arrangements, as required by 16 NYCRR §1001.19(j).</p> <p>The discussion of sound impacts for the 16 Hz. full octave frequency band should be expanded to include a methodology for evaluation (e.g.: manufacturer information, sound modeling extrapolation, Tachibana criteria).</p>	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
136.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Future Noise Levels at Receptors During Facility Operation	<p>Subsection 2.19(e)(4) – Potential for Low Frequency and Infrasound</p> <p>a. If infrasound levels reported from literature or other existing projects are proposed to be used for the evaluation of infrasound for the project, the scope should clarify whether the data information corresponds to the same or similar</p>	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.

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					<p>turbine models proposed for the project operating at similar conditions.</p> <p>b. A methodology and range of evaluation for infrasound levels should be provided for consideration in the scoping and stipulation phases.</p>	
137.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Future Noise Levels at Receptors During Facility Operation	<p>Subsection 2.19(e)(6) – Amplitude Modulation Generation Estimates discusses potential for amplitude modulation generation. DPS Staff recommends that as part of the scope of studies:</p> <p>a. The Application should include a discussion about methods for post-construction evaluation and contingency options for mitigation.</p> <p>b. The following reference, at a minimum, should be included in the literature review: “Review of the evidence on the response to amplitude modulation from wind turbines”. Phase 2 Report. Department for Business, Energy and Industrial Strategy. U.K. Commissioned by the Department of Energy & Climate Change (DECC). United Kingdom. August 2016.</p> <p>c. Wind shear and turbulence data should be based on one-year data collected from the on-site met tower(s) data and reported in the Application to include minimum, maximum, percentiles (e.g. 90, 95) and mean or average values.</p> <p>d. Standards, formulae, and procedures for determination of wind shear and turbulence should be included and reported the Application.</p> <p>e. A discussion about existing wind shear and turbulence conditions as determined from meteorological station data at the site should be included in the Application.</p>	<p>Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p>
138.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Predicted Sound Levels Table	<p>Subsection 2.19(f) – Predicted Sound Levels Table:</p> <p>a. The scope should specify how the information obtained from the baseline pre-construction ambient noise survey will be processed to evaluate the L90 and Leq statistical noise descriptors required by 16 NYCRR §1001.19(f). DPS Staff recommends following the provisions of ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 (Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas) to calculate and report the L90 and Leq values. Alternatively, the L90 and Leq for the daytime, nighttime, summer, winter, and for one year (see 16 NYCRR §1001.19(f) for details) can be determined by reprocessing short time collections of the Leq noise descriptor (e.g., 1 sec.) after appropriate exclusions have been applied.</p> <p>b. The scope should also specify whether the evaluation of future operational noise levels (as required by 16 NYCRR §1001.19(f) for the L10 and L50 noise descriptors) will exclude the periods of time when the turbines will not be operating (Wind speed lower than the cut-in speed and</p>	<p>The Applicant provides the following responses to correspond with the bullets in comment #138:</p> <p>a. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p> <p>b. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.</p> <p>c. Annual impacts will consider periods with and without turbine operation during the year.</p> <p>d. Comment noted, this information will be included in the Application.</p>

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					<p>higher than the cut-out speed). DPS Staff notes that 16 NYCRR §1001.19(f) requires evaluation of such noise descriptors during “normal operating conditions” and, for that reason, DPS Staff recommends excluding the periods of time when the turbines will not be operating (idle periods, blades not rotating) from calculation of the future operational noise levels L10 and L50. If the Applicant believes that the inclusion of periods of time when the turbines will not be operating (rotating) is necessary for determination of those descriptors or any other descriptor needed either for the analysis of a specific topic, methodology, guideline or regulation, the issue should be discussed in the scoping and stipulation phases. The Application should report the estimated percentage of time when the turbines will be rotating.</p> <p>c. Subsection 2.19 (f)(4) should indicate that the daytime ambient sound level (L90) should be the most representative as related to the location being evaluated.</p>	
139.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Applicable Noise Standards	<p>Subsections 2.19(g) – Applicable Noise Standards:</p> <p>a. Section 1001.19 Exhibit 19(g) requires a description of the noise standards applicable to the Facility, including any local requirements. Therefore, evaluation of conformance with local laws must be included in the scope of studies.</p> <p>b. This subsection states, “The NARUC report recommends a long-term mean level of 45 dBA to minimize annoyance and complaints from wind turbines.” The Applicant should clarify that:</p> <ul style="list-style-type: none"> • The NARUC-2011 recommendations are as follows: “Based on the observed reaction to typical projects in United States, it would be advisable for any new project to attempt to maintain a mean sound level of 40 dBA or less outside all residences as an ideal design goal. Where this is not possible, and even that level is frequently difficult to achieve even in sparsely populated areas, a mean sound level of up to 45 dBA might be considered acceptable as long as the number of homes within the 40 to 45-dBA range is relatively small. Under no circumstances, however, should turbines be located in places where mean levels higher than 45 dBA are predicted by pre-construction modeling at residences.” (pp. 2-3 and p. 12). <p>c. When setting design goals for the project, DPS Staff requests also consideration of the following guidelines and standards:</p> <ul style="list-style-type: none"> • Annex D of ANSI standard S12.9 -2005/Part 4 (Sounds with strong low-frequency content); • ANSI/ASA S2.71-1983 (R August 6, 2012) Guide to Evaluation of Human Exposure to Vibration in Buildings; • Daytime limits from: 	<p>The Applicant provided the following responses to correspond with the bullets in comment #139:</p> <ul style="list-style-type: none"> a. Comment noted, this information will be included in the Application. b. Comment noted, this information will be included in the Application. c. Comment noted, this information will be included in the Application. d. Comment noted, this information will be included in the Application. <p>The Final PSS will be revised to reflect that this information will be included in the Application.</p>

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					<ol style="list-style-type: none"> 1. Guidelines for Community Noise. World Health Organization. 1999; 2. NARUC-2011: Best Practices Guidelines for Assessing Sound Emissions from Proposed Wind Farms and Measuring the Performance of Completed Projects," October 13, 2011. Prepared for: The Minnesota Public Utilities Commission Under the auspices of the National Association of Regulatory Utility Commissioners (NARUC), Washington, DC. <p>d. The Scope should also include design goals for the facility at participating residences, representative external property boundary lines, and other noise sensitive receptors.</p>	
140.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19//Exhibit 19 – Noise and Vibrations – Noise Standards Comparison	<p>Subsection 2.19(h) – Noise Standards Comparison:</p> <ol style="list-style-type: none"> a. Should include evaluation of conformance with identified noise standards, goals, thresholds and local requirements at all sensitive receptors and boundary lines. b. DPS Staff recommends that: <ol style="list-style-type: none"> i. Results should be presented in tabular format for noise sensitive receptors and in graphical format (Sound contours) for property lines. ii. Estimates of the number of noise sensitive receptors that will exceed any identified limit, threshold, goal, guideline or recommendation should be reported in the application. (In terms of absolute and percent values). 	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
141.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise Abatement Measures for Construction Activities	<p>Subsection 2.19(i) – Noise Abatement Measures for Construction Activities:</p> <ol style="list-style-type: none"> a. The scope of studies should be expanded to include provisions for resolution of complaints and mitigation. b. The Applicant indicates that it will notify potentially impacted landowners in advance of loud events. The Application should include more details about the notification, e.g., how far in advance of the activity will the notice be given, how will it be provided (mail, door hanger, both, etc.), the contents of the notice (including complaint procedure) and whether additional stakeholders such as town officials will be included in the notification process. 	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
142.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Noise Abatement Measures for Facility Design and Operation	<p>Subsection 2.19(j) – Noise Abatement Measures for Facility Design and Operation:</p> <ol style="list-style-type: none"> a. This discussion should be expanded to reflect that 16 NYCRR §1001.19(j) requires an identification and evaluation of reasonable noise abatement measures for the final design and operation of the facility including the use of alternative technologies, alternative designs, and alternative facility arrangements. b. For illustrative purposes, the scope should discuss general examples of reasonable noise abatement measures available for the final design and operation of the facility. 	<p>The Applicant provides the following responses to correspond with the bullets in comment #142:</p> <ol style="list-style-type: none"> a. Comment noted, this information will be included in the Application. b. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.

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143.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Community Noise Impacts	Subsection 2.19(k)(1) – Potential for Hearing Damage should include full citations for the OSHA, EPA and WHO references included in this section.	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
144.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Community Noise Impacts	Subsection 2.19(k)(2) – Potential for Speech Interference should include full citations for the WHO and EPA references included in this section.	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
145.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Community Noise Impacts	Subsection 2.19 (k)(3). This scope should include an evaluation of the potential for interference in the use of outdoor public areas	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
146.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Community Noise Impacts	Subsection 2.19(k)(3) – Potential for Annoyance/Complaints should include at a minimum the following reference: NARUC 2011. The review should also include a discussion about the effect of Amplitude Modulation and Prominent tones in Annoyance/Complaints or adverse community noise reaction as indicated in comment 2.19(e)(6)(3).	Assume this refers to 2.19(k)(4). Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
147.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Community Noise Impacts	Subsection 2.19(k)(4) – Potential for Sound-Induced Vibration and Annoyance: a. DPS Staff recommends that, in addition to the ANSI S12.9-2005/Part 4- Annex D criteria, Hubbards' criteria should also be used for post-construction monitoring and investigation of vibration related complaints. ("Noise Induced House Vibrations and Human Perception," Noise Control Engineering Journal, Vol. 19, No. 2, September-October 1982).	The Applicant assumes this refers to 2.19(k)(6). The Hubbard criteria will be reviewed and this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
148.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Community Noise Impacts	Subsection 2.19(k)(5) – Potential for Structural Damage on existing buildings and infrastructure should also include evaluation of the potential for some construction activities (such as blasting, pile driving, excavation, horizontal directional drilling (HDD) or rock hammering, if any) to produce any cracks, settlements or structural damage on any existing proximal buildings or infrastructure, including any residences and historical buildings. DPS Staff also recommends using the FHWA Highway Construction Noise Handbook (FHWA- HEP-06-015) for the discussion of construction noise from blasting, if applicable.	The Applicant assumes this refers to 2.19(k)(7). Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
149.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Post-construction Noise Evaluation Studies	Subsection 2.19(l) – Post-construction Noise Evaluation Studies scope should specify that the protocol will include, among other items: sound instrumentation specifications and calibration requirements; equipment settings; noise and vibration descriptors to be evaluated; weather conditions to be tested and to be excluded; seasons and time frames for testing; testing procedures, criteria for selection of testing positions; provisions for audible prominent tones, low frequency noise, amplitude modulation and vibrations; and provisions for processing test results, reporting, and documentation. Consistent with 16 NYCRR §1001.19 (l) the scope should include evaluation of conformance with operational design goals.	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
150.	May 4, 2018	Heather Behnke	DPS	Section 2.19/Exhibit 19 – Noise and Vibration – Operational	Subsection 2.19(m) – Operational Controls and Mitigation Measures to Address Reasonable Complaints	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.

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		(Assistant Counsel)		Controls and Mitigation Measures to Address Reasonable Complaints	a. The complaint resolution procedure outlined in Subsection 2.12(d) should include a plan for creating and maintaining a log of complaints related to noise.	
151.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.19/Exhibit 19 – Input Parameters, Assumptions, and Data Used for Modeling	<p>Subsection 2.19(n) – Input Parameters, Assumptions, and Data Used for Modeling should possibly apply uncertainty margins to Sound Power Levels for computer noise modeling purposes, which should be discussed during the stipulation process. DPS Staff also recommends including in the scope that:</p> <p>a. Sound power information from the turbines will be reported as associated with wind speed magnitudes, angular speed of the rotor, and rated power for the basic configuration and for any noise reduction operations for the turbine model used in the Application, if available.</p> <p>b. Technical specifications, including turbine dimensions, hub height, and diameter of tip blades rotation, will be included in the Application.</p> <p>c. Proposed grading and turbine ground elevations will be reported in the Application.</p>	Comment noted, this information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
152.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.20/Exhibit 20 – Cultural Resources – Historic Resources	Subsection 2.20(b)(1) indicates that “NRHP-listed and NRHP-eligible properties within the study area include...bridges” (p. 87). DPS Staff advises that adequacy of historic bridge structures should be reviewed as part of the Application Ex. 25 Facility construction transportation access evaluation because heavy hauls have the potential to affect structural integrity of historic bridge structures.	This information will be included in the relevant sections of Exhibits 20 and 25 of the Application, to the extent that any proposed haul routes traverse historic bridges. The Final PSS will be revised to reflect that this information will be included in the Application.
153.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Excavation Techniques to be Employed	<p>Subsection 2.21(f) of the PSS states that if Horizontal Directional Drilling (HDD) is proposed, the Application will include a preliminary inadvertent release contingency plan, which will identify site specific potential receptors and establish inadvertent release mitigation and response methods. Exhibit 21 should also provide an assessment of the suitability of existing soils and shallow bedrock for HDD operations, including an evaluation of the likelihood of inadvertent releases. The evaluation of the suitability of soils and shallow bedrock for HDD operations should be based on data collected during the preliminary geotechnical investigations.</p> <p>If HDD is proposed, the inadvertent release contingency plan should identify minimum setbacks of HDD entry and exit pits from stream banks, wetland boundaries, and groundwater wells. In addition, a figure showing proposed HDD locations, including the approximate distance of each HDD bore, and typical layouts for HDD equipment staging, should be included in the Application.</p>	The PSS states that if HDD is utilized, a preliminary inadvertent release contingency plan will be included in Application, which identifies site specific potential receptors and establishes inadvertent release mitigation and response methods. The Applicant will update the text in the PSS to include this additional detail and this information will be included in the Application.
154.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Suitability for Construction	The Applicant should clarify whether the preliminary geotechnical investigation will include the advancement of soil borings at a subset of proposed turbine locations. If the Applicant does not intend to log soil borings as part of the preliminary geotechnical investigations, the Applicant should identify existing soils and bedrock data sources that will be utilized to characterize subsurface conditions within the Facility Area. The Application should provide an analysis of the suitability of excavated materials for re-use as fill that is based on actual field data	A Preliminary Geotechnical Report as described in the PSS will be included with the Application. In addition, before construction commences, a site survey will be performed to stake out the exact location of proposed Facility components. Once the surveys are complete, a detailed geotechnical investigation will be performed to verify subsurface conditions and allow development of final wind turbine foundation and electrical design, and other Facility components as necessary. The geotechnical investigation involves a drill rig obtaining borings to identify the subsurface soil and rock types, strength and chemical properties (such as establishing sulfate content etc.) and will also document the presence and depth of any groundwater encountered. Testing is also done to measure the soils’ electrical properties to ensure proper grounding system design. Geotechnical borings will be

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					and does not solely rely upon soil and bedrock mapping. Areas within the Facility boundary that are identified as having a moderate or high risk of corrosion of steel or concrete, as defined by the National Resources Conservation Service (NRCS) Web Soil Survey, should be identified on maps of the Facility Area.	conducted as determined necessary by a professional engineer to allow foundation design to be finalized for turbine and substation locations.
155.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Suitability for Construction	The results of the preliminary geotechnical investigation should be applied in evaluating: a. Turbine foundation design; b. Excavation techniques, including blasting; c. Preliminary cut and fill calculations; d. Suitability of existing soils for re-use as fill; and e. Crossing methods of sensitive environmental resources by collection lines and transmission lines.	Comment noted.
156.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Preliminary Blasting Plan	The Application should identify locations where blasting is anticipated. The PSS states that turbines will be sited at least 500 feet from gas wells and the Applicant will perform pre- and post-construction testing on water wells located within 500 feet of blasting operations. The Application should include a justification for the proposed 500 feet setback distance and justify all locations where blasting is required and unavoidable within 500 feet of drinking water wells.	This information regarding blasting will be included in the Application, if Applicant proposes any blasting. The Final PSS will be revised to reflect that this information will be included in the Application.
157.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Preliminary Blasting Plan	Procedures and timeframes for notifying host communities and property owners within one-half mile radius of the blasting site and complaint response and resolution procedures should be described.	See above regarding construction notifications and Complaint Response Plan.
158.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Regional Geology, Tectonic Setting, and Seismology	The Application should note whether there are any known or suspected areas of karst geology within the Facility Area. If yes, existing karst features should be identified on maps and described in Exhibit 21.	Comment noted. There are no known or suspect areas of karst geology within the Facility Area and this will be documented in the Application.
159.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Plant Communities	Maps, based on aerial photography, showing approximate locations and extent of identified plant communities, as classified according to <i>Ecological Communities of New York State</i> (Edinger et al., 2014), must be included in the Application.	Comment noted, this will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
160.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Plant Communities	For project areas within 500 feet of disturbance areas, provide maps at a scale of 1:2000 showing the approximate locations and extent of identified plant communities, as classified according to <i>Ecological Communities of New York State</i> (Edinger et al., 2014), in the Application.	Comment noted, this will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
161.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to Plant Communities	Proposed temporary and permanent impacts to plant communities shall be calculated and discussed, including: a. The plant community mapping referenced in 2.22(a) above will also depict vegetation cover types in relation to proposed limits of vegetation disturbance, and associated GIS shapefiles of all areas of disturbance will be provided to the New York Department of Conservation (NYSDEC) and NYSDPS.	Comment noted. Per page 96 of the PSS, plant community mapping will be provided in the Application. GIS shapefiles will be provided to the NYSDEC and NYSDPS.

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162.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to plant Communities	<p>Subsection 2.22(b)(2) of the PSS states that the Application will include “[a] list of all non-native invasive plant and insect species observed during site-specific field investigations and known to occur within the Facility...” The list of non-native invasive plant species in areas of proposed disturbance shall be based on a qualitative survey conducted concurrently with field surveys conducted in support of Exhibits 22 and 23.</p> <p>a. For each invasive species, identify an area and concentration threshold that requires mapping and an individual treatment plan.</p> <p>b. Maps at a scale of 1:2000, or otherwise agreed to by DPS Staff, of any identified concentrations of non-native invasive plant species in areas of proposed disturbance will be included.</p>	See response to comment #20, above.
163.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	<p>Identification and description of plant communities, species, and wildlife habitat.</p> <p>a. Such descriptions will include field identification of aquatic habitats, plant communities, and wildlife habitat that could potentially support federally- or state-listed threatened and endangered (T&E) species, state species of special concern (SSC), and state species of greatest conservation need (SGCN), as documented during on-site field investigations (e.g., ecological cover type assessments, habitat assessments, and wetland delineations).</p> <p>b. Identification and depiction of any designated unusual habitats or significant natural communities that could support federally or state-listed T&E species, SSC, or SGCN.</p> <p>c. Page 99 of the PSS states “A site specific request for data on rare wildlife will be submitted to the New York Natural Heritage Program (NYNHP), but then states that NYNHP “provided a response on January 2, 2018...” Page 102 further states that a request to NYPHP was submitted on December 22, 2017, and NYNHP responded on January 2, 2018. These inconsistent statements should be corrected or clarified.</p> <p>d. Provide a table of state and federally listed species occurring or likely to occur within the project are including the following columns:</p> <ul style="list-style-type: none"> i. Species name; ii. Federal status; iii. NYS status; iv. SGCN listing; v. Habitat preference identified according to <i>Ecological Communities of New York State</i> (Edinger et al., 2014); vi. Identify maps from 1001.22(a)(1) that include habitat for each species; vii. Source of information indicating potential presence of species; and viii. indicate if species was observed onsite. <p>e. If hibernacula are identified within the Facility Site, or five miles from any Facility component, the location and distance to the nearest</p>	<p>See response to comments #24 through #30, above.</p> <p>The NYNHP inquiry was submitted on December 22, 2017 and a response was received on January 2, 2018. The indication on page 99 that the NYNHP request for data “will be submitted” will be deleted in the Final PSS.</p>

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					identified hibernacula will be provided separately and confidentially to NYSDEC and DPS.	
164.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	Expand the avian and bat impact analysis to address migratory tree bats. The Article 10 Application will discuss potential construction and operation-related impacts to migratory tree bats, including: a. cumulative collision mortality from the proposed project; b. cumulative mortality population effects from current and projected wind development over the lifetime of the proposed project; and c. proposed avoidance and minimization measures.	Regarding impacts to migratory tree bat, this will be completed as practical given the limited data available on tree bat populations. Regarding cumulative impacts, see response to comment #35, above. Applicant notes that population-level data on many of these species is not available, thus limiting the Applicant's ability to provide the requested analyses.
165.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	DPS Staff notes that in addition to what is listed at pages 105-106 of the PSS, the Application will also include: a. an outline of the bird and bat avoidance and minimization techniques; b. mitigation options for bird and bat impacts; c. if DEC determines that an Incidental Take Permit is required, a clearly defined mitigation proposal with qualified and quantified expected benefits; d. potential monitoring and adaptive management responses and operational adjustments (i.e., appropriate curtailment regimes) to be implemented at the Facility; and e. if DEC determines that an Incidental Take Permit is required, an outline of a Bird and Bat Conservation Strategy (BBCS) plan, which will describe compliance with the substantive requirements of 6 NYCRR Part 182, as well as measures to avoid, minimize, mitigate impacts to avian and bat species.	Comment noted, and the information will be evaluated consistent with the statutory and regulatory requirements of Article 10 and the substantive requirements of NYSDEC's permitting programs, if triggered. Exhibit 22 will present information on vegetation and wildlife impacts as required by the regulations. For example, 1001.22(h)(1) requires the identification and evaluation of Facility impacts on avian and bat species and habitat, 1001.22(h)(2) requires and identification and description of post-construction monitoring for impacts to avian and bat species and habitat, and 1001.22(h)(3) requires a plan to avoid or, where unavoidable, minimize and mitigate any such impacts.
166.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Avian and Bat Impact Analysis and Monitoring Program	The Application will indicate if a curtailment regime is proposed including: a. Operational details of cut-in speed, seasonal dates, temperature and time; and b. Data and discussion regarding the economic impact of any potential required curtailment.	This information will be included in the Application as applicable. The Applicant will continue to discuss impact avoidance, minimization and mitigation measures with the NYSDPS and NYSDEC.
167.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Description of Wetlands	Wetland mapping and delineation proposed in the PSS does not comport with the regulation, which requires: Maps showing delineated boundaries based on on-site identification of all federal, state and locally regulated wetlands on the facility site and within 500 feet of the proposed areas to be disturbed by construction, including the interconnections; and predicted presence and extent of wetlands on the remainder of site properties and adjacent properties within 500 feet of areas to be disturbed by construction.	Exhibit 22(i) will include mapping that depicts delineated wetland boundaries within 500 feet of areas to be disturbed by construction of the Facility. See response above.
168.	May 4, 2018	Heather Behnke	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Wetland Impacts	A quantification of temporary and permanent impacts to field delineated wetland boundaries (and any state-regulated 100-foot adjacent areas) based on the proposed footprint of all Facility	Per the PSS section 2.22 (m), The Article 10 Application will quantify both temporary and permanent impacts to wetlands, based on the level of detail available at the time of submittal (i.e., potential impacts based on application of impact assumptions). Impacts will be presented in a table that identifies the type of impact and associated

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		(Assistant Counsel)			components and associated impact assumptions must be included in the Application.	crossing methodology, clearly discerning between federal and state wetland (and 100-foot adjacent area) impacts.
169.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Wetland Impacts	Such impacts will be presented in a table that shall: a. Describe the type of impact and associated crossing methodology; b. Clearly discern between federal and state wetland (and 100-foot adjacent area) impacts; c. Include wetland delineation type; d. For each resource, explain if it could reasonably be avoided; e. Propose site-specific actions to minimize impacts to resources that are not bypassed; f. Propose site-specific actions to mitigate impacts to resources that are not bypassed. If proposed mitigation is common to multiple wetlands and located elsewhere in the application, the table need only provide a reference; and g. Identify the corresponding page number on preliminary design drawings depicting the resource, and on the mapping required by subsequent item 3.	See above. Additional impact information (i.e., corresponding page number for drawings) will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
170.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Wetland Impacts	Impacts to wetlands will also be presented on a separate set of site plan drawings at 1":50 scale, showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance.	This information will be included in the Application.
171.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Wetland Impacts	Calculation of impacts to both wetland and 100-foot adjacent areas of state-regulated wetlands will include the type of impact, including permanent or temporary fill or forest conversion, and be provided in table format with associated delineation and NYSDEC code (as assigned at the time the application is filed).	This information will be included in the Application. See response to comment #67.
172.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Agricultural Impacts	The Application must include a map of the Facility Site showing locations of prime farmland, prime farmland if drained, unique farmland, and farmland of state and local importance, will be provided in Exhibit 21.	Comment noted. As stated in the PSS, the Application will include a map identifying any locations in the Facility Area where the land is designated as prime farmland, prime farmland (if drained), and farmland of statewide importance as well as the locations of drainage tile in designated farmland.
173.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Agricultural Impacts	The Application should include a discussion of methods for identifying drainage tile lines prior to construction, along with restoration of any tile lines impacted by Facility construction activities.	See response above. In addition to the map mentioned above, the Application will discuss the methods used by Applicant to identify drainage tile lines, and any plans/measures for restoring tile lines impacted by the Facility, if applicable.
174.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Groundwater Aquifers and Recharge Areas	A detailed analysis of potential impacts to the four aquifers (two principal aquifers and two unconsolidated aquifers) within the Facility Area should be provided in the Application. The analysis should identify mitigation measures for minimization of impacts to the aquifers, particularly with respect to stormwater management, management of drilling fluids associated with HDD, and potential blasting operations.	This information will be included in the Application, to the extent applicable to the proposed Facility (ie, to the extent that blasting, HDD, or other measures are proposed). The Final PSS will be revised to reflect that this information will be included in the Application.
175.	May 4, 2018	Heather Behnke	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology	In addition to the NYSDEC and Orleans County, the Applicant should consult with the New York State Department of Health (NYSDOH) to	Comment noted. The Applicant will consult with NYSDOH accordingly.

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		(Assistant Counsel)		– Groundwater Aquifers and Recharge Areas	request information pertaining to groundwater wells in the vicinity of the Facility Area.	
176.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Groundwater Aquifers and Recharge Areas	The PSS proposes to conduct a pre-Application private well survey distributed to property owners within a 500-foot radius of proposed ground disturbance activities. The survey area should be extended to a one-mile radius of the Facility Area, consistent with the requirements of 16 NYCRR §1001.23(a)(3). The survey should solicit information regarding well locations and well construction details, usage patterns, and water quality data, if available. The Applicant should develop a table summarizing the location, depth, usage, and water quality data obtained for all identified public and private water wells. The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Water well locations should be indicated on maps showing groundwater aquifer and recharge areas and shallow aquifer groundwater flow direction, distinguishing whether each well location is approximate or confirmed.	The regulations require an analysis and evaluation of potential impacts to public and private water wells within one-mile radius of the Facility site. In order to complete this analysis and evaluation, the Applicant proposes to conduct a private well survey within a 500 ft. radius. Beyond this distance, there are no potential impacts anticipated to private wells and the Application will describe the basis for this statement. For areas where blasting may occur, the well survey will be extended to 2,000 feet from blasting areas. Result of the survey will be presented on a map and in a table form in the Application.
177.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Groundwater Aquifers and Recharge Areas	The survey sent to residences/businesses of private wells in proximity to Facility components should include a summary of the project, contact information and a description of where the well owner can get more information about the project (i.e., project website, document repositories, etc.).	Comment noted. The well surveys will include a brief summary of the project, and information directing the well owner to the project website, local project office, and other resources for obtaining more information or contacting the Applicant. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
178.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Groundwater Impacts	The Applicant should perform a detailed assessment of soils, topographic features, and groundwater characteristics in order to anticipate whether dewatering will be required. Areas where existing soils are generally characterized as having low infiltration rates and low topographic relief should be identified. Groundwater data, including groundwater depth, quality and flow direction, should be obtained during the preliminary geotechnical investigation. Where dewatering is anticipated, the Application should include a detailed description of the proposed dewatering practices and a demonstration of how dewatering will avoid and/or minimize flooding, surface water runoff, and transport of fine-grained soils into existing surface water bodies. Any locations where permanent dewatering will be required should be identified and permanent dewatering practices should be described in detail.	As stated in PSS, areas where dewatering is anticipated will be identified and typical dewatering methods will be described. If dewatering is addressed in another Exhibit (e.g., Exhibit 23), an appropriate reference to that information will be provided in the Article 10 Application.
179.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Drinking Water Supply Intakes	In addition to submitting a FOIL request to Orleans County, the Applicant should contact the NYSDOH regarding the location of drinking water intake sites.	Comment noted. The Applicant will contact NYSDOH regarding this information, and will include a summary of that outreach in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
180.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Impacts to Surface Waters	The Applicant should perform a comparative evaluation of viable crossing methods of NYS Protected Streams, NYS freshwater wetlands and adjacent areas, and Army Corps of Engineers regulated wetlands for all locations traversed by collection lines, transmission lines, or other Facilities. The Application should include maps showing the locations of these crossings and plan drawings that identify the anticipated crossing methods. GIS shapefiles should be provided to DPS Staff for the proposed crossings, indicating the method of	As stated in the PSS, the Article 10 Application will discuss measures to be implemented to avoid and mitigate wetland and protected stream impacts. It is anticipated that direct impacts to wetlands/streams will be minimized by utilizing existing or narrow crossing locations whenever possible. Additional measures may include special crossing techniques, equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures. Compensatory mitigation measures may be considered, depending on level of impacts anticipated. Where impacts are unavoidable, the anticipated mitigation measures to be implemented to offset impacts to wetlands (and any state regulated 100-foot adjacent areas) and protected streams, if applicable, including the

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					crossing at each location. Exhibit 23 should discuss the proposed crossing locations and methods and evaluate how impacts to streams and wetlands are minimized to the maximum extent practicable.	use of reasonable alternative stream and wetland crossing methods. This information will be included in the Application.
181.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.24/Exhibit 24 – Visual Impacts	Given that the 10-mile radius for visual impact studies encompasses additional municipalities beyond those identified in the Facility and Facility Study Areas, DPS Staff recommends that initial outreach to visual stakeholders includes a project summary, contact information and a description of how to obtain more information regarding the project. Visual stakeholders identified through this outreach should be provided an opportunity to be added to the master stakeholder list.	Comment noted. The Applicant will continue its outreach efforts, including visual outreach, and will provide information regarding these outreach efforts in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
182.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.24/Exhibit 24 – Visual Impacts	Pursuant to §1001.24(a)(4), DPS Staff recommends including simulations of the O&M Building that show the size of the structure, architectural design, facade colors and texture, and site lighting.	Comment noted, this will be included in the Application and the project VIA. The Final PSS will be revised to reflect that this information will be included in the Application.
183.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.24/Exhibit 24 – Visual Impacts	Pursuant to §1001.24(a)(11), DPS Staff recommends using legend items with more contrast on Figure Maps. Figure 9 uses three colors that are quite similar for Federal Recreation, State Recreation and State Parks. The Federal and State Recreation areas are distinguishable, but it is hard to tell the difference if an area is a State Park. Also, a separate map depicting scenic areas of local significance within the 5-mile buffer would be helpful as these places do not usually show up on GIS shape files.	Comment noted, the Applicant will adjust colors accordingly.
184.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.24/Exhibit 24 – Visual Impacts	Subsection 2.24(a)(11) Description of Visual Resources should identify the Erie Canalway National Heritage Corridor as an important visual resource within the Study Area. The Preservation and Management Plan for the Canalway should be reviewed for applicability.	The Erie Canalway National Heritage area is identified in the PSS Figure 9 and can be specifically identified in the narrative of the Final PSS. The Preservation and Management Plan identified will be reviewed for applicability.
185.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.24/Exhibit 24 – Visual Impacts	Subsection 2.24(b)(6) Simulations Illustrating Mitigation: the PSS dismisses consideration of simulating mitigation before the visual impact assessment has been developed. DPS advises that the need for and effectiveness of mitigation can only be determined following additional analytic work by the Applicant, and review of preliminary results.	The Application will include visual simulations and descriptions of anticipated visual mitigation (i.e., landscape screening) at the O&M facility and points of interconnections and substations. The Final PSS will be revised to reflect that this information will be included in the Application.
186.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.25/Exhibit 25 – Effect on Transportation	Subsection 2.25(d)(3) – Oversize Load Deliveries DPS Staff recommends providing photos and locations for all culverts on haul routes for overweight loads that have less than four feet of fill over the culvert. Unlike bridges, most culverts do not have a listed weight limit and the Applicant should consult with the New York State Department of Transportation (NYSDOT) permits and NYSDOT Regions 4 and 5 regarding state routes, and Town and County Highway Superintendents regarding county and town roads.	The Applicant will review and document culverts along haul routes within the Facility Area. Culverts outside of the Facility Area will not be evaluated.
187.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.27/Exhibit 27 – Socioeconomic Effects	The Applicant proposes to use the Job and Economic Development Impact (JEDI) model, created by the National Renewable Energy Laboratory (NREL), to estimate job impacts. However, given the sensitivity of JEDI model results to changes in input values, past Commission action on macroeconomic modelling estimates, and general concerns about the JEDI model presented elsewhere, DPS	County data will be used to analyze the job and economic development impacts. This analysis will be included in the Application. Apex has not developed other projects in this county and has not yet constructed a project in New York such that state-specific data on construction-related job and economic impacts would be available; however, Apex will look into other available data for use in analysis.

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					<p>Staff often proposes that socioeconomic estimates reflect only direct job impacts developed in the Applicant's planning budgets for the project.</p> <p>Staff concerns include the JEDI model's reliance on default inputs that may not be appropriate or relevant to Upstate New York wind projects. The JEDI model also uses imprecise state specific multipliers that are locked into the model and cannot be viewed or modified by the user of the model. The JEDI model relies on job multipliers that are restricted to positive values and fails to reflect the displacement of other energy plants or losses to local economic development projects due to investment in this particular project. The model also fails to capture the economic effects associated with the impact of the project on retail energy prices. Many such limitations of the model are acknowledged on NREL's JEDI model website: (http://www.nrel.gov/analysis/jedi/limitations.html).</p> <p>The Applicant contends that the JEDI model relies upon widely accepted geographically-defined multipliers that are produced by the IMPLAN Group. However, the New York State Energy Research and Development Authority also performed an economic impact analysis which relied upon IMPLAN Group multipliers. (<i>New York Solar Study, January 2012</i>. https://www.nyserda.ny.gov/About/Publications/Solar-Study)</p> <p>The 2012 NYSERDA study found that the development and construction of alternative energy plants can result in secondary job loss due to "reduced need to expand and upgrade the distribution grid, a reduced need for conventional power plants, and reductions in in-state biomass fuel production." The NYSERDA study also found that alternative energy plants can result in an offsetting loss of economy-wide jobs because of the impact of increased electricity rates resulting from alternative energy sources. In contrast, the JEDI model lacks the flexibility to reflect that new plant projects may result in job loss in rippling effects throughout the extended economy because of its reliance on fixed and always positive job multiplier assumptions.</p> <p>Thus, DPS Staff reserves the right to critique the economic model used by the Applicant and/or the input values entered into that job impact model. To the extent possible, the job impact estimates should rely upon actual New York State wind project job creation data. The analysis of secondary employment and economic activity should also consider an analysis of other impacts, such as the economic impact associated with the cancellation of new power plants made unnecessary by the added wind capacity, and the economic impacts associated with possible changes in the retail price of electricity to reflect wind power incentives and subsidies. The Applicant should make available all job estimates and model workpapers for DPS Staff's review.</p> <p>Finally, Staff proposes that the applicant commit to tracking and reporting the actual number of direct jobs created during the construction and operational phases of the project, as well as the tax</p>	

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					payments to local jurisdictions made during the project. (See Cassadaga order in Case 14-F-0490, Condition #78).	
188.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.27/Exhibit 27 – Socioeconomic Effects	If Heritage Wind, LLC or its parent company, Apex Clean Energy, LLC, has planned or completed other wind facilities in New York State or across the country, the Applicant should seek to rely on actual job and economic impact numbers from previous projects in informing socioeconomic effect estimates for the Heritage Wind Project. The Applicant should make efforts to use actual job and economic impact numbers from projects that most closely resemble the Heritage Wind Project in terms of location, capacity, number of turbines, size, and/or regional economics.	The Applicant has not previously completed projects in New York and does not have this information for other projects.
189.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.27/Exhibit 27 – Socioeconomic Effects	The Applicant should provide an estimate of the number of jobs expected during Facility operation, as well as an estimate of the on-site payroll by discipline during a typical year once the plant is in operation. The Applicant should seek to provide direct construction employment estimates, annual construction payroll and non-payroll expenditure estimates, and secondary employment estimates for Subsections 2.27 (a-e) using project-specific information, as consistent with information provided during the project's budgeting and financial projection processes.	As stated in the PSS, the Article 10 Application will identify the estimated construction workforce associated with the Facility, as indicated above. The results of the JEDI model will be evaluated by the Applicant's construction management team to provide an estimate of the average work force, by discipline, for each quarter during construction. An estimate of the peak construction employment levels will also be provided.
190.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning	The Decommissioning Plan notes that the Applicant will provide written notification to the Towns two weeks prior to site restoration activities following decommissioning activities. However, the description does not indicate when landowners or the Towns will be notified of the start of decommissioning activities.	This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
191.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Statement of Performance Criteria	DPS Staff notes that in addition to what is listed at page 150 of the PSS, performance criteria for 29(a), items 1 through 6, should also be included in the Application in the event the Facility cannot be completed.	Performance criteria will be developed for the construction phase, and will be included in the Application.
192.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Site Restoration and Decommissioning Plan	In addition to what is described on page 151 of the PSS, DPS Staff advises that the Application should also include a detailed estimate to support the proposed decommissioning and site restoration funding upon the cessation of operation of the Facility, based on the expected turbine model(s) to be used and actual decommissioning costs from other similar projects, if available.	Comment noted. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
193.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.31/Exhibit 31 – Local Laws and Ordinances – List of Applicable Ordinances and Laws of a Procedural Nature	This subsection includes a list of applicable procedural aspects of the Town of Barre Wind Law (pg. 153). DPS advises that there are several footnotes numbered "1" but no such corresponding footnote on the page; and the only footnote "1" in the PSS document relates to Exhibit 20, and is entirely unrelated to local laws. Clarification should be provided. Furthermore, DPS requests that full copies of text and attachments to the Town of Barre Zoning Law (and any other applicable local legal provisions, whether deemed procedural or substantive measures) be provided as an appendix to the Application.	This information will be clarified in the Final PSS. The entire Barre Town Code is available online, and can be accessed at https://ecode360.com/BA2836 . To the extent that local law changes are implemented prior to the Application filing, the Applicant will include those changes in the Application.
194.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.31/Exhibit 31 – Local Laws and Ordinances – Laws related to Use of Water, Sewer, or Telecommunication Lines	DPS requests that Applicant consider whether the Facility O&M building or construction-phase offices may need connection(s) to municipal water lines that traverse many portions of the Facility Area	Comment noted. The Application will include this information, if applicable.

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					along roadways. (DPS notes that PSS Section 2.38 Water Interconnection appears to confirm this potential for interconnection).	
195.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Section 2.32/Exhibit 32 – State Laws and Regulations	DPS Staff advises that this section should provide reference to NYSDOT Use and Occupancy Permits for State Highway Right-of-Way. The Facility layout appears to contemplate permanent facilities installation/crossings of NYSDOT highway ROW, which would be subject to occupancy permits in the nature of easements.	Table 7 of the PSS list NYSDOT Highway Work Permits. The Applicant will revise the PSS accordingly to include Use and Occupancy Permits (if necessary) and these will be described in the Application if needed.
196.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Appendix C – Stakeholders List	New York State Electric and Gas should be added as a Stakeholder as they are the service provider in the Town of Barre.	Comment noted and NYSEG has been added to the list of stakeholders.
197.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Appendix C – Stakeholders List	In the revised PIP Plan cover letter and response to DPS comments, the Applicant accepted the recommendation to add the Genesee County Manger, Jay A. Gsell as an adjacent municipal stakeholder. Staff notes that the updated stakeholder list does not have him listed.	Comment noted, Jay A. Gsell will be added to the Master Stakeholder list.
198.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Appendix C – Stakeholders List	The master list of stakeholders should be updated to include the host and adjacent landowners.	See response above. The Applicant anticipates filing an updated Master Stakeholder list with the Application and potentially earlier, if available.
199.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Appendix D – Meeting Log	The meeting log should include all information from the pre-application stage through to the end of the project in one document, including consultations with stakeholders. For entries indicating that the local office was open, the Applicant should note whether the representative met with members of the public during the office hours.	Comment noted; the meeting log will be revised for future PIP tracker filings and appended to the Application.
200.	May 4, 2018	Heather Behnke (Assistant Counsel)	DPS	Appendix D – Meeting Log	The meeting log should provide a summary of issues, concerns and questions and indicate how Heritage Wind plans to address these items as the project moves forward.	Comment noted; the meeting log will be revised for future PIP tracker filings and appended to the Application.
Intervenor Comments						
201.	May 4, 2018	Kerri Richardson	Clear Skies Above Barre, Inc. (CSAB)	NA	CSAB would like to express the difficulty and hardship the deadline, even after extension has caused to the members of Clear Skies Above Barre, Inc. As working members of our society, parents, residents with other obligations 28 days + the 8 days from the first notice that we received of the submission was not ideal. After talking with experts who CSAB intends to hire to review this document as well, they estimated 40 hours of time to properly review just a few sections of this document. CSAB has many concerns with this proposed project.	Per the Notice issued by Secretary Burgess on April 18, 2018 the deadline for comments on the PSS was extended to April 27, 2018.
202.	May 4, 2018	Kerri Richardson	CSAB	NA	At this time Clear Skies Above Barre, Inc. (CSAB) can not comprehensively comment on the Preliminary Scoping Statement prior to retaining experts and attorneys to review and guide us through this process. Clear Skies Above Barre, Inc. reserves the right to further comment on the PSS and post additional comments once we have retained necessary experts required to evaluate the same.	Per the Notice issued by Secretary Burgess on April 18, 2018 the deadline for comments on the PSS was extended to April 27, 2018. In addition, per the Ruling on Intervenor Funding issued on May 16, 2018, Clear Skies was awarded \$30,000 in pre-application intervenor funding to retain necessary experts.
203.	May 4, 2018	Kerri Richardson	CSAB	NA	In addition, as the applicant has not decided on the type or exact number of turbines (47 or less) needed to complete the Project, it is presently impossible for CSAB to assess the specific impact(s)- be it	The scope and methodology of studies to be conducted can be defined without the identification of the exact number of turbines. However, please note that PSS Figure 3 includes the preliminary locations of turbines. As noted in the PSS, the Application will evaluate potential Facility impacts using the range of turbines being considered for this Facility, including noise, visual, environmental, cultural and construction impacts. In some

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					environmental, ecological, cultural, noise, aesthetics, etc.- potentially caused by the construction of the same.	cases, this will result in a more conservative "worst case" impact analysis (i.e., turbine model with the highest sound output level, tallest turbines). The Application will include a final turbine layout as well as an identification of the turbine model(s) under consideration, and their respective dimensions (hub height, blade width, output, etc.) to facilitate these analyses.
204.	May 4, 2018	Kerri Richardson	CSAB	NA	As the PSS is generally required to provide as much detail as reasonably available concerning the proposed project, increased details of the Project's design elements, will better enable CSAB to evaluate, retain experts, and perform studies, if any, necessary in the continuation of the planning effort. CSAB requests that the Applicant provide with a map that includes the staging area, or at least the scope of the staging area and other project structures of the facility that have been referenced in the application. This information will enable interested parties the opportunity to participate at a more meaningful basis, with their comments, or identifying deficiencies with the planning process.	Before Facility components can be definitively sited, multiple steps are taken to identify and avoid/minimize impacts to various resources. In support of this effort, the Applicant has initiated reconnaissance-level investigations to broadly identify resources, and will begin to define potential locations to conduct more detailed resource-specific studies (e.g., wetland delineations, wildlife analysis, identification of sensitive agricultural resources such as muck soils, etc.). The development of a proposed project layout must identify sensitive resources in the project area and incorporate appropriate impact avoidance and minimization measures ; project components cannot be definitively sited until data is gathered from the various studies to guide the development/siting process. The purpose of the PSS is to outline the scope and methodology of those studies, so that stakeholders have input into those studies before they are finalized, before a detailed layout and Article 10 Application are completed. Because these evaluations have not yet been completed, the level of detail provided in the PSS was the level available at this stage.
205.	May 4, 2018	Kerri Richardson	CSAB	NA	Based on Figure 3 of the PSS, the Facility area should be rotated 45 degrees to the right, to go along with the linear layout of the proposed turbines, and actual area of impact which should include the communities and residents of Holley, Elba, and Oakfield.	As defined in the PSS, the Facility Area represents the lands on which Facility components would be located. Once a final layout is generated, the Facility Area will be revised to encompass only those properties involved in the project, and a new Facility Area map will be provided in the Application. The PSS provided a broader Facility Area map in order to engage the host community, the Town of Barre, broadly at this early stage. However, Holley, Elba and Oakfield have been and will continue to be included in the facility Study Area, mapped at Figure 2, and included in the relevant impact analyses for which the 5-mile Study Area is used.
206.	May 4, 2018	Kerri Richardson	CSAB	NA	Throughout the PSS the Applicant specifically identifies several application exhibits that were not part of the PSS.	The Exhibits will be included with the Application, which by rule cannot be submitted until a minimum of 90 days has passed since submittal of the PSS. However, the PSS has been organized to correlate with the organization of the pending Application. As indicated in Section 1.6 of the PSS (Organization of the PSS), "...this PSS has been organized to follow the topic areas and exhibits identified in 16 NYCRR § 1001 (Content of an Application).v Specifically, all sub-sections of Section 2.0 (Content of the Application) of this PSS correspond directly to each Exhibit that will be included in the Application as set forth in 16 NYCRR § 1001 (e.g., Section 2.1 corresponds to 16 NYCRR § 1001.1, Section 2.2 corresponds to 16 NYCRR § 1001.2)."
207.	May 4, 2018	Kerri Richardson	CSAB	NA	Throughout the PSS the Applicant alters between the terms "Project" and "Facility" without apparent reason. In addition, the terms as defined by the Applicant should not be used interchangeably.	The Final PSS will be revised accordingly.
208.	May 4, 2018	Kerri Richardson	CSAB	NA	The Applicant claims that they are Transparent; however, the wording and what they have chosen to omit from their PSS is revealing a different story. The Applicant had the opportunity to share about other projects in the vicinity, and they chose not to list a project that is owned by the same sole proprietor and is even proposed within the same county as this Facility is being proposed, the Lighthouse Wind project.	The PSS is intended to focus on the project- and site-specific studies and information the Applicant proposes in order to provide sufficient information for an Application to be considered by the Siting Board. For that reason, the PSS document is targeted at the Heritage project and its environmental setting.
209.	May 4, 2018	Kerri Richardson	CSAB	NA	CSAB has begun informing the community about the proposed facility and is finding the community to be unaware and/ or misinformed about the proposed Facility. CSAB feels that the PIP developed by the Applicant has not been effective. At a later date CSAB plans to submit a review of the PIP as proposed by the Applicant.	The Applicant has pursued, and will continue to pursue, a broad outreach strategy and welcomes advise on communicating with stakeholders. Generally, the Applicant began holding public information sessions in Barre in mid-2016, as documented in the Applicant's Public Involvement Program (PIP) Plan, and PIP tracking logs filed periodically through spring 2018. Such sessions were held on May 12, May 18, May 24, June 9, June 23, July 6, July 20, and December 7, 2016; and in January 18 and February 11, 2017. Prior to filing the Application, the Applicant intends to hold an additional project open house. The Applicant established a local project office in Albion in 2016, and has held regular office hours at least two full days per week since that office was opened. The Applicant has also regularly attended local board meetings in Barre, as well as meetings of the Orleans County Legislature, and the Ridgeway Town Board, and has provided periodic project updates when requested by those boards. Further, Applicant has also attended local events, such as the Albion Strawberry Festival (June 2017), the Orleans County Fair (June 2017), Lyndonville 4 th of July Celebrations (July 2017), among others.

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						Notices were published in local newspapers, including notices published prior to the PSS filing, and PSS notice mailings were distributed to all Barre residents and landowners in adjacent towns with lands adjacent to the proposed Facility area.
210.	May 4, 2018	Kerri Richardson	CSAB	NA	As CSAB is a group local residents, who have full time jobs and other obligations, reviewing this 188 + page document and appendix's, even with the 28 day extension, was daunting and challenging. The list of common abbreviations and acronyms was incomplete, making reading the document a challenge an example is SRIS (System Reliability Impact Study).	The list of common abbreviations and acronyms will be updated accordingly in the Final PSS, and a similar list will be provided in the Application.
211.	May 4, 2018	Kerri Richardson	CSAB	NA	In review of the PSS we found multiple locations that will be identified in the specific comments that referenced outdated sources of information. The growth and expansion of the wind turbine industry in recent years has led to updated documents and newer information in regards to health concerns, set back locations, infrasound and others that should be used for this project in place of outdated studies.	The Application will include information and an analysis regarding the potential impacts identified (setbacks, health impacts, sound, etc.), at a level of detail sufficient to support a finding by the Siting Board under NY Public Service Law § 168 that the Applicant has avoided or minimized impacts to the extent practicable. To the extent the commenter has and is willing to share updated sources of information, the Applicant will review such information.
212.	May 4, 2018	Kerri Richardson	CSAB	NA	In addition, we reserve the right to comment on any amendments, or supplemental information that may be shared in regards to the PSS by the Applicant.	Comment noted.
213.	May 4, 2018	Kerri Richardson	CSAB	Section 1.1 – Facility Description	The PSS states that farmers and landowners will be able to continue farming operations, or other current land uses such as forestry practices. We request a total number of acres that will no longer be able to be used by the landowners and farmers, from the following 47 wind turbines, 15 miles of access roads, permanent meteorological tower(s), O&M building, and temporary construction staging/ laydown areas.	Such calculations are dependent on the final proposed Facility layout, which will be based on various ongoing studies and proposed impact avoidance/minimization measures. The proposed Facility layout, and associated calculations, will be presented in the Article 10 Application. The Final PSS will be revised to reflect that this information will be included in the Application.
214.	May 4, 2018	Kerri Richardson	CSAB	Section 1.2 – Facility Benefits	The PSS references jobs for the community, but does not contain a specific number of jobs, and if they will hire local individuals to fill these positions, or if our local workforce contains individuals with the experience that they will be looking for to fill the position(s). Later full-time jobs that are listed is one site manager and wind technicians, please specify how many wind technicians will be hired for maintenance and repair of the proposed wind turbines.	As indicated in PSS Section 2.27 (Socioeconomic Effects), information regarding anticipated job creation will be provided in the Article 10 Application. Specifically, PSS Section 2.27 states, "Calculating the number of jobs and economic output from a proposed facility using the JEDI model is a two-step process. The first step requires facility-specific data inputs (such as year of construction, size of facility, turbine size and location). Using this facility-specific data, the JEDI model then creates a list of default values, which include project cost values, default financial parameter values, default tax values, default lease payment values, and default local share of spending values. These default values are derived from 10 years of research by NREL, and stem from various sources, including interviews and surveys from leading project owners, developers, engineering and design firms, and construction firms active in the wind energy sector. The second step of the JEDI model methodology requires the review, and if warranted, the customization of default project cost values and financial parameter values to more reasonable estimates. This model allows on-site, supply chain and induced impacts to be estimated for both the construction and operation phases of the proposed Facility. The Article 10 Application will present the results of the JEDI model."
215.	May 4, 2018	Kerri Richardson	CSAB	Section 1.2 – Facility Benefits	Throughout the PSS NYS Reforming Energy Vision, and other such initiatives of the State are referenced; however, no where in the document does it say that the electricity produced by these wind turbines will remain in NYS. We request a statement that if the project were to go through the generated electricity would remain in the State that used tax dollars to subsidize this project.	New York State's Clean Energy Standard (CES) established a new financial incentive mechanism for renewable energy projects—the Renewable Energy Credit (REC) system. Through that mechanism, projects can be paid under contract for the renewable attributes of the electricity generated and sold into the NY market, through the sale of their RECs. The New York State Energy Research and Development Authority (NYSERDA) is responsible for managing the REC programs, and holds periodic solicitations seeking qualified renewable projects to sell those RECs into New York over a contract period, and large investor-owned utilities are required to purchase RECs to meet a certain percentage of their energy usage each year. Any project awarded a NYSEDA REC contract is obligated, as a requirement of that contract, to sell its energy into the New York market.

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						While the ultimate end users for the energy generated at this facility are not yet known, if Heritage Wind were to receive a REC contract, that incentive would be predicated on sales in New York State. Generally, however, the electricity created by major electric generating facilities such as this one is separate from the RECs purchased by NYSEDA, and that energy is typically sold into the wholesale energy market, where it is purchased by utilities, Energy Service Companies (ESCOs) and other wholesale electric customers.
216.	May 4, 2018	Kerri Richardson	CSAB	Section 1.2 – Facility Benefits	“Benefits may be similar to those New York enjoys from the State’s hydroelectricity facilities today.” Please explain why the wind turbines are necessary when we already benefit from the hydroelectricity facility, which provides below-market electricity and a healthier environment. Currently what is the cost of electricity produced by wind turbines compared to that produced by hydroelectricity, with and without subsidies?	<p>In 2015, New York State issued its most recent State Energy Plan which articulates the need for significant additional renewable energy generation in New York State, above and beyond existing hydroelectric and wind generation resources, among many other measures to address global climate change and stimulate the State’s economy. To that end, the New York State Public Service Commission commenced the Reforming the Energy Vision (REV) initiative and adopted the Clean Energy Standard (CES) in August 2016. Collectively, these policies and programs set a goal for New York State to generate 50% of its energy from renewables by 2030, and call for an aggressive buildout of large-scale renewables, including land-based wind and solar, over the next 12 years.</p> <p>In addition to the existing renewable generation already available in New York (an estimated 41,296,000 megawatt hours), which included all existing hydroelectric capacity (much of which was constructed, owned and operated by State authorities), the State has indicated that it will need approximately 33,700,000 megawatt hours of additional renewable generation by 2030 to meet its goals. See Case 15-E-0302, Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard (August 1, 2016) (“CES Order”) at 35-36 and Appendix G, page 21. While some of that new generation will come from small installations, the State concluded that between 29,000,000 and 40,000,000 megawatt hours of additional large-scale renewable generation—primarily from land-based wind and utility-scale solar— would be needed to meet the 50% by 2030 goal. See CES Order at 36 and Appendix G, page 7. The CES assumes a growth in land-based wind energy capacity across NY will represent an additional 4,000 to 5,905 megawatts. CES Order Appendix G, page 22.</p> <p>Further, the CES specifically states that no new storage impoundment hydroelectric facilities will be eligible under New York’s incentive programs, and only incremental upgrades to existing facilities or small run-of-river hydroelectric facilities will be permitted. CES Order at pages 105-06. The State has essentially assumed that New York’s hydroelectric capacity has been reached, and that only about 240 MW of additional incremental renewable generation capacity could be realized by making upgrades to existing dams in New York. CES Order at pages 105-06 and Appendix G, page 34.</p> <p>New York State itself has determined that significant additional renewable generation resources are needed in New York, and the policy documents and discussions noted above provide the State’s justification for those needs, and the environmental and market benefits the State believes will result from the implementation of these policies. The State has also determined that the bulk of that generation will come from land-based wind and utility-scale solar facilities—and not from significant additional new hydroelectric generation. As noted in the PSS, Heritage Wind’s Article 10 Application will discuss the proposed Facility’s consistency with these State policies, as well as potential electricity price and energy market impacts from the proposed Facility.</p>
217.	May 4, 2018	Kerri Richardson	CSAB	Section 1.2 – Facility Benefits	“Local construction employment will primarily benefit...” Please specify what local means? Barre Residents, Orleans County Resident, WNY Residents, NYS Residents, individuals from North Eastern USA?	Per the Article 10 regulations, the Applicant will provide the information pertaining to socioeconomic benefits at a local, county, and state level. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
218.	May 4, 2018	Kerri Richardson	CSAB	Section 1.3 – Summary of Pre-Application Activities	The PIP as proposed and implemented by Heritage Wind has not been effective. As CSAB is composed of concerned Barre Residents, who feel that they have been left in the dark throughout this process, and are actively trying to catch up and obtain as much information as	Comment noted. The Applicant will continue to identify each individual project in open house correspondence, and will continue its outreach and public engagement efforts. Following the filing of this comment response, the Applicant anticipates commencing the Stipulations process, in which stakeholders are able to participate, to

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					possible, we request that this process be revised. We will at a later date submit a comment in review of the PIP. Due to another project within the community, Lighthouse Wind Project (which is not mentioned in the PSS), when residents and individuals saw the Heritage Wind LLC, signs, advertisements for open houses etc, using the same or similar signs to the Lighthouse Project individuals of the community dismissed them as not relevant to themselves.	negotiate any additional details on the scope and methodology of studies and information to be included in the Application. The Applicant has a local project office at 49 North Main Street, Albion, NY, which is staffed by project representatives on Tuesdays and Thursdays from 9 a.m. to 5 p.m., and by appointment. Members of the public are free to stop by the office with questions or to obtain additional information. Heritage also maintains a project website (http://www.heritagewindpower.com/), a project telephone number (585-563-5137), and a dedicated project email address (info@heritagewindpower.com). As noted above in comment 209 above, Applicant has attended and will continue to attend local meetings and events, and to hold public information sessions, regarding the project, to answer questions and provide information.
219.	May 4, 2018	Kerri Richardson	CSAB	Section 1.3 – Summary of Pre-Application Activities	“Activities designed to educate the public as to the specific proposal and the Article 10 review process, including the availability of funding for municipal and local parties” has not been performed by Heritage Wind, LLC, as a business this is not in their best interest. The public and our government officials should not be directed to the company who stands to gain significant financial benefits for the development of this project to answer their questions. A Town of Barre Board Member requested of Heritage Wind LLC. for a moratorium and was told that would not happen. He was not informed of the proper channels that should be taken to make this request.	The commenter provides a partial quote PSS Section 1.3 (Summary of Pre-Application Activities). This section of the PSS is simply referencing required Article 10 activities that have occurred to date (e.g., preparation of the PIP), and the requirements of the Public Involvement Program per 16 NYCRR § 1000.4(c). The full context is provided in the first two paragraphs of PSS Section 1.3 (Summary of Pre-Application Activities) as follows: “Prior to this PSS, the Applicant prepared a PIP plan in accordance with 16 NYCRR § 1000.4, which was filed with the Siting Board, and the Facility was assigned a case number (Case No. 16-F-0546). The initial draft of the PIP was submitted to the Siting Board on September 23, 2016; comments on the PIP were received from the New York State Department of Public Service (DPS) on October 24, 2016; and the PIP was updated, finalized and filed by the Applicant on November 23, 2016. The PIP can be accessed, viewed and downloaded on the online case record maintained by the Siting Board on its Document Matter Management (DMM) website: (http://documents.dps.ny.gov/public/Matter_Management/CaseMaster.aspx?MatterCaseNo=16-f-0546) and on the Facility-specific website maintained by the Applicant (http://www.heritagewindpower.com). According to 16 NYCRR § 1000.4(c), a Public Involvement Program must include: (1) consultation with the affected agencies and other stakeholders; (2) pre-application activities to encourage stakeholders to participate at the earliest opportunity; (3) activities designed to educate the public as to the specific proposal and the Article 10 review process, including the availability of funding for municipal and local parties; (4) the establishment of a website to disseminate information to the public; (5) notifications; and (6) activities designed to encourage participation by stakeholders in the certification and compliance process. It is anticipated that this will be an ongoing, evolving process throughout all phases of the Article 10 review process (pre-application phase, application phase, hearing and decision phase, and post-certification phase) intended to disseminate information regarding the proposed Facility to stakeholders, solicit information from those stakeholders during public outreach events and generally foster participation in the Article 10 review.” Should local officials or stakeholders have questions on the proposed project, both the PIP and the PSS provide contact information for the Applicant. In addition, the Applicant’s website, provided in the PSS as quoted above, also provides information regarding the Siting Board’s Public Information Coordinator, Secretary to the Siting Board, etc. and associated internet links or contact information—if stakeholders do not wish to contact the Applicant directly to ask questions, they or their attorneys are free to contact the agency’s representatives with questions or concerns, or to file comments or questions in the proceeding. Applicant will continue to engage in these outreach activities, as it is required to do by the regulations, and in accordance with its PIP Plan. See responses above for additional details on outreach activities and resources for additional information on the Facility.
220.	May 4, 2018	Kerri Richardson	CSAB	Section 1.3 – Summary of Pre-Application Activities	Local Document Repositories should include the Town of Albion, Hoag Library. The Town of Barre Office Hours are 10:00am-3:30pm	Comment noted. The Applicant will add the Hoag Library as a document repository, and will note that addition in the Final PSS. The project website lists the Albion office hours

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					Monday, Tuesday, Thursday and Friday and Wednesday 4:00pm-7:00pm. The Heritage Wind LLC office in the Town of Albion requests that you call prior to coming in, and does not list hours on their website.	(http://www.heritagewindpower.com/meet_the_team) which are Tuesdays and Thursdays from 9 a.m. to 5 p.m. and by appointment.
221.	May 4, 2018	Kerri Richardson	CSAB	Section 1.4 – Potential Impacts	Pose potential economic benefits, but do not explain or quantify in any way what this impacts would be. Quantify and explain please. In section 1.5 PILOT program is referenced, and should be referenced here as well. IDA and EDA should also be part of this section.	As indicated at the outset of PSS Section 1.4 (Potential Impacts), “The following general information regarding typical impacts associated with wind powered electric generating facilities is provided in accordance with 16 NYCRR § 1000.5(l)(2)(ii) ...”. Additional information regarding the PILOT is provided in PSS Section 2.27 (Socioeconomic Effects). This information is not available at this early stage of development, but will be provided in the Application.
222.	May 4, 2018	Kerri Richardson	CSAB	Section 1.4 – Potential Impacts	The PSS states that there will be a positive environmental and health impacts, but does not cite this claim.	The associated text in the PSS clearly indicates that additional information will be provided and additional assessments will be taking place in the Application (e.g., “These potentially positive impacts will be assessed by, among other things, a socioeconomic study assessing the potential positive economic benefits of the Facility’s operation and construction. In addition, the positive environmental and health impacts associated with generating electricity from wind rather than other fuel sources will be addressed based on a review of recent New York State policy determinations and assessments and a review of State energy planning objectives.”)
223.	May 4, 2018	Kerri Richardson	CSAB	Section 1.4 – Potential Impacts	“Visibility from some locations within the host and adjacent communities” due to the relatively flat topography of the Town of Barre and surrounding communities, we request that the height of the turbine/ desired height of the turbine be shared, so that an accurate analysis of the visual impact to Town of Barre and adjacent communities can be accurately evaluated.	Section 1.4 of the PSS goes on to state, “Potential impacts regarding visual impacts, potential impacts to historic, cultural or archeological resources, sound and shadow flicker will be evaluated through studies that are identified in this PSS and the results of the studies will be provided in the Application.” Further, Section 2.24 of the PSS (Visual Impacts) describes in detail the pending visual studies to be conducted. The Application will identify the height, or range of heights, of turbines under consideration for the project, and will include that range in the visual impact analysis.
224.	May 4, 2018	Kerri Richardson	CSAB	Section 1.5 – Impact Avoidance Measures	Mitigation measures are mentioned for potential highway damage incurred during construction, but not explained. Please explain.	Please see PSS Section 2.25 (Effect on Transportation) for additional information. This information will be provided in the Application.
225.	May 4, 2018	Kerri Richardson	CSAB	Section 1.5 – Impact Avoidance Measures	The PSS states that the Applicant will “to the extent practical”, comply with the NYS Dept of Ag and Markets guidelines to minimize impacts on agricultural lands and farming practices. As this is a subjective statement, we request that Heritage Wind LLC, review the guidelines for impacts on agricultural lands and farming practices and submits documentation of any guidelines that they believe would be impractical to comply with, or revise their PSS to state that they will comply.	The Facility’s adherence to the NYSDAM Guidelines will be described in the Article 10 Application. Please also note that the NYSDAM provided comments on the PSS (see comment #s 1-10, above).
226.	May 4, 2018	Kerri Richardson	CSAB	Section 1.5 – Impact Avoidance Measures	On page 8 of the PSS the Applicant states that they will document existing road conditions, undertaking public road improvement/repair as required to mitigate impacts to local roadways, and offering a Road Agreement with local municipalities to repair local roads potentially impacted by construction and maintenance of the Facility. We request to view this road agreement, and would like to see the documentation of existing roads. We reserve the right to comment on this.	<p>The Applicant has not yet negotiated—but looks forward to negotiating—a road use agreement with the host community. That information will be provided in the Application. Please see PSS Section 2.25 (Effect on Transportation) for additional information, which includes the following sub-headings:</p> <ul style="list-style-type: none"> • 2.25(b): Description of the Pre-construction Characteristics of Roads in the Area • 2.25(c): Facility Trip Generation Characteristics • 2.25(d): Traffic and Transportation Impacts <p>With respect to the road use agreement, PSS Section 2.25(d)(2) states, “...the Road Use Agreement between the Applicant and the host communities will dictate the procedures followed by the Applicant to ensure that any impacts to public roads are avoided or mitigated. Anticipated terms of this agreement will be presented in Exhibit 25 d(4) and d(5) of the Article 10 Application.”</p> <p>With respect to documentation of existing roads, PSS Section 2.25(d)(2) states, “...the Article 10 Application will identify the anticipated haul routes to be utilized, and the adequacy of these routes to accommodate construction and operation of the Facility. A detailed description of potential haul routes will be provided, and will include information associated with roadway condition, width, bridges, culverts, and any observed potential obstacles such as low hanging branches or distribution lines.”</p>

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227.	May 4, 2018	Kerri Richardson	CSAB	Section 1.5 – Impact Avoidance Measures	The bottom bullet points on page 8 which reference developing, preparing or entering should also state that these plans will be implemented if the project goes through.	It is assumed that the commenter is referencing the following bullet points: <ul style="list-style-type: none"> • Developing a Preliminary Operations and Maintenance Plan • Developing a Preliminary Health and Safety Plan • Developing a Preliminary Site Security Plan • Developing an emergency and fire response plan with local first responders The Applicant intends on finalizing and implementing these plans following issuance of a Certificate.
228.	May 4, 2018	Kerri Richardson	CSAB	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	Exhibit A Stakeholder register- there is no Exhibit A	PSS Section 2.2(c) includes the following sentences, “The first goal of the PIP is to identify affected stakeholders. The PIP presented this information in Exhibit A –Stakeholder Register.” This language is referencing the PIP, which does in fact include “Exhibit A – Stakeholder Register”.
229.	May 4, 2018	Kerri Richardson	CSAB	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	Inclusion of Town and Village Meetings that the Applicant attended does not include the number of individuals who attended these meetings. How many individuals attended each of these meeting.	Although formal attendance at each event was not maintained, records show a range of turnout for each of these events. For instance, the January 2017 event had 50 attendees.
230.	May 4, 2018	Kerri Richardson	CSAB	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	The open houses that were “well attended” how many people and attended? How many were lease signers? How many were Barre Residents?	See above.
231.	May 4, 2018	Kerri Richardson	CSAB	Section 2.2/Exhibit 2 – Overview and Public Involvement Summary	Sample questions included from the open houses, please provide samples of how these questions were answered.	Questions and discussions at open houses covered a broad range of issues related to the Heritage Wind project including milestones in the development process, components of the project, and the role of various stakeholders. A summary of public outreach efforts, and the measures taken by the Applicant to incorporate comments and issues raised by stakeholders, will be included in Exhibit 2 of the Application.
232.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	Temporary concrete batch plant, please explain what this is, and if it were to be used, if the project were to go through, how would this impact the land, environment, etc.?	A temporary concrete batch plant, if included, would be a temporary component of Facility construction and the primary purpose would be to create concrete for turbine foundations. As indicated in the PSS, the need for and location of such a feature will be discussed in the Article 10 Application.
233.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	The Applicant states that the noise impacts resulting from the construction and operation of the proposed facility will be assessed for all sensitive receptors and participating residences located within one mile of the nearest proposed turbine location. Who is considered participating residences?	It appears that this comment is related to PSS Section 2.3(a)(5), which specifically describes the various study areas for resources-specific analyses to be conducted in support of the Article 10 Application, and states, “The Facility has been and will be subject to a number of studies in support of the Article 10 Application. A single, universal study area will not be utilized for all studies/analyses; rather, the various studies have applied resource-specific study areas, which will be described briefly in this section of the Article 10 Application (and are described where appropriate below).” With respect to noise analyses, please see PSS Section 2.19 for additional detail. A “participating” property owner is one who has signed an agreement, such as a lease, with the Applicant related to the project.
234.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	The PSS states the historic resources will be assess with a five mile radius of the facility component, due to the relatively flat topography of our area and surrounding community this should be expanded, to historic resource that would be visually impacted by the proposed project.	It appears that this comment is related to PSS Section 2.3(a)(5), which specifically describes the various study areas for resources-specific analyses to be conducted in support of the Article 10 Application, and states, “The Facility has been and will be subject to a number of studies in support of the Article 10 Application. A single, universal study area will not be utilized for all studies/analyses; rather, the various studies have applied resource-specific study areas, which will be described briefly in this section of the Article 10 Application (and are described where appropriate below).” With respect to cultural analyses, please see PSS Section 2.20 for additional detail. The visual impacts Study Area will extend to 10 miles from the Facility site, which addresses the commenter’s concern.
235.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	The PSS states that a 10 mile radius around the facility site will be the study area, due to the relatively flat topography of our area and surrounding community this should be expanded, to all areas that will be visually impacted by the proposed project.	It appears that this comment is related to PSS Section 2.3(a)(5), which specifically describes the various study areas for resources-specific analyses to be conducted in support of the Article 10 Application, and states, “The Facility has been and will be subject to a number of studies in support of the Article 10 Application. A single, universal study area will not be utilized for all studies/analyses; rather, the various studies have applied resource-specific study areas, which will be described briefly in this section of the Article 10 Application (and are described where appropriate below).”

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						With respect to visual analyses, please see PSS Section 2.24 for additional detail.
236.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	PSS reference exhibit 24, no exhibit 24 is present in the PSS	The commenter is correct, the sentence should reference PSS Section 2.24 rather than Exhibit 24. The Final PSS will be revised to reflect that this information will be included in the Application. Please note that references to “exhibits” generally refer to the Article 10 Application Exhibits required by 16 NYCRR § 1001.01 through 1001.41.
237.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	(i)The Applicant states that they will consider evaluating Comprehensive Plan of regions within a one mile radius of the Facility. We request that the Applicant be required to evaluate all of their listed Comprehensive plans for the Article 10 Application.	This comment is listed by the commenter under “2.3 Location of the facilities”; however, it is assumed that the commenter is in fact referencing PSS Section 2.4(i), which addresses “Compatibility of the Facility with Existing and Proposed Land Uses”. This section of the PSS specifically lists those comprehensive plans that the Applicant proposes to evaluate in the Article 10 Application. If the commenter has identified additional comprehensive plans applicable to the municipalities in the 5-mile Study Area, the Applicant respectfully requests that those be identified and/or provided.
238.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	We request that the applicant be required to add Orleans County Comprehensive Plan to their list to be evaluated, as they have Western Orleans Comprehensive plan which is not an entity listed. As Yates, is part of Orleans County, and part of the Lighthouse Wind Project, we wonder if Orleans County Comprehensive plan was intentionally omitted from the list.	The Applicant is not aware of any Orleans County Comprehensive Plan aside from the Western Orleans Comprehensive Plan identified in the PSS. No such plan was identified because, based on the information available from the Orleans County Planning Department (http://www.orleanscountyny.gov/Planning), it did not appear that any such plan existed. As stated in the PSS, the Applicant will review relevant Comprehensive Plans for the municipalities in the Facility and Study Areas, including the Town of Barre Comprehensive Plan and the Western Orleans Comprehensive Plan. To the extent that Commenter is aware of any other Orleans County Comprehensive Plan, Applicant requests that it be provided, so that it may be included in the analysis
239.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	The Applicant states that they will comply with NYSDAM agricultural protection guidelines to the maximum extent practicable. As this is a subjective statement, we request that the Applicant review the NYSDAM agricultural protection guidelines and submits documentation of any guidelines that they believe would be impractical to comply with, or revise their PSS to state that they will comply.	As previously indicated in response to a similar comment from the commenter, the Facility’s adherence to the NYSDAM Guidelines will be described in the Article 10 Application. Please also note that the NYSDAM provided comments on the PSS (see comment #s 1-10 above).
240.	May 4, 2018	Kerri Richardson	CSAB	Section 2.3/Exhibit 3 – Location of Facilities	Conformance with the Coastal Zone Management Act, the Applicant states that the facility is not located within a designated coastal area or in direct proximity of a designated inland waterway, and that the management act is not applicable; however, if the area of impact of the facility was rotated the 45 degrees as suggested in the general comments, due to the linear layout of the turbines as shown in figure 3, the Coastal Zone would be impacted.	The Applicant does not understand the comment, which appears to be based on arbitrary rotation of “the area of impact”. The Study Area identified for this Facility generally extends 5 miles from the boundary of the Facility Site; a “rotation” of that Study Area map would not yield a Study Area that is specifically tied to a distance from Facility components, as required by the Article 10 regulations.
241.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Generation Facility Type	CSAB requests that the Applicant at reveals up to 5 turbines that they are considering, so that CSAB is better able to evaluate the impact of these electrical systems on our community.	Exhibit 5 of the Application will evaluate the overall Facility impact on the state energy grid. Information pertaining to various turbines being considered will be discussed in other relevant Application exhibits for the purposes of evaluating potential environmental impacts.
242.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Generation Facility Type	On page 26 the Applicant references that NYISO has to be ready to accept transport power to the New York Grid. Please expound. Will electricity remain in NY?	Exhibit 5 analyzes the particular impact of a particular generation profile on the electric system.. Regardless of who ultimately purchases the electricity generated by the Facility, the Facility would be interconnected into the New York State electric grid, and will feed electricity into the grid in New York. Therefore, NYISO as the electric grid operator needs to ensure that the electric grid in New York is capable of handling the additional energy generated by the Facility. Those NYISO analyses, such as the SRIS, will be included in Exhibit 5 of the Article 10 Application.

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243.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Interconnection Substation Transfer Information	The applicant states that National Grid is the connecting transmission owner for this facility. What does that mean? How will National Grid's ownership impact this project?	When a project of this nature is interconnected to the electric grid, it must interconnect to transmission infrastructure owned by a traditional utility—in this case, National Grid. Generally, during the process of constructing an interconnection to a traditional utility's infrastructure, a generation facility owner will build necessary substation(s) and connections, then turn over ownership of some of that infrastructure to the utility. As a result of the Interconnection review process through the New York Independent Systems Operator (NYISO), Heritage Wind may also be required to pay for certain upgrades to existing transmission infrastructure which is owned by other utilities, such as National Grid. Portions of that new infrastructure would then become part of National Grid's transmission network, and would be owned and operated by National Grid. On its own, National Grid's ownership will not impact the project itself. Rather, the Applicant was required to identify National Grid as the connecting transmission owner because that information is needed by the Siting Board and state agencies to evaluate potential impacts from the Facility on the state's electric grid.
244.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Facility Maintenance and Management Plans	The applicant does not discuss what happens if they were to sell the Facility. CSAB requests that the Applicant lists all current and past Wind Turbine Projects that Apex, the sole proprietor of this project has worked on, the capacity that they worked on the project, what stage the project is currently in, and who currently owns the project.	The comment goes beyond the scope of the methodology of the application, or the contents of the PSS.
245.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Facility Maintenance and Management Plans	The Applicant states that the major components are designed to operate for over 20 years. This statement contradicts the lease, and other documentation that states or implies turbines should last 25 years. Knowing the turbine selected for this project, or options would help evaluate this statement.	The PSS statement was based on the typical or average life of wind facilities, and/or specific project components, which may need to be replaced before the Facility has reached the end of its useful life. The Application will include a discussion of facility maintenance and repairs, as well as decommissioning at the end of the Facility's useful life.
246.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects - Facility Maintenance and Management Plans	The Applicant states that only a "small percentage" of turbines would need to be access with large equipment during operational life, what percentage?	The PSS states that "Typically only a small percentage of turbines would need to be accessed with large equipment during their operating life." This was a general statement about the maintenance and repair needs for the turbines throughout the life of the project, based on wind projects across the country. The Application will discuss anticipated maintenance needs and plans over the operational life of the project, as well as decommissioning of the Facility at the end of its useful life.
247.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Electric Transmission and Collection Line Inspections	"immediately adjacent" What does this mean in measurable terms.	The commenters quote comes from PSS Section 2.5(i)(2)(i), which in full states, "Vegetation control will be required immediately adjacent to the interconnect line to ensure safe operation and prevent damage to the line. The Article 10 Application will provide the vegetation clearance requirements for the gathering and interconnect lines associated with the Facility." This is referring to land abutting the interconnection line requiring long-term management.
248.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Electric Transmission and Collection Line Inspections	"Best Management Practices" What does this statement mean? Who is identifying "best" management practices?	Best Management Practices is a common term used in the regulatory and commercial context to identify commonly accepted methods or strategies in a given sector or for a given purpose, such as avoidance of impacts or minimization of issues such as erosion or runoff. The commenters quote comes from PSS Section 2.5(i)(2)(ii), which in full states, "Vegetation will be managed in accordance with best management practices, to be incorporated into the Facility-specific plans and procedures. The Facility's Vegetation Management Plan will be submitted with the Article 10 Application."
249.	May 4, 2018	Kerri Richardson	CSAB	Section 2.5/Exhibit 5 – Electric System Effects – Criteria and Procedures for Sharing Facilities with Other Utilities	What does this mean? What would other utilities would request sharing?	This comment is in reference to 2.5(k), which addresses "Criteria and Procedures for Sharing Facilities with Other Utilities". The Applicant is required, under the regulations, to discuss the potential for sharing utility facilities such as substations with other entities. For example, construction of a substation which provides additional space for the transmission utility to install upgrades, improved equipment, or other infrastructure.
250.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	As listed potential impacts at residential receptors related to sound and shadow flicker is the Applicant's last priority in siting wind turbines.	Sound and Shadow Flicker impacts will be assessed in the application. The PSS's list of siting factors was not intended to rank those factors, and the factors were intentionally not numbered or listed in order of priority.

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251.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	The list of factors considered during preliminary and final placement of turbines and other facility components does not include Town Ordinances and once again minimization of potential visual, shadow flicker, and noise impact.	The very first sentence of the cited paragraph in the PSS indicates that the design for wind turbine siting is developed so that it “minimizes environmental impacts, meet turbine vendor site suitability requirements, considers local laws, and minimized potential impacts at residential receptors related to sound and shadow flicker.” PSS page 31, section 2.6(a). Further, this section goes on to emphasize that the development process specifically includes analysis of the “setbacks required by local law or ordinance” (page 33, section 2.6(a)(3)) when establishing recommended setbacks for the Facility. As discussed on page 32 of the PSS, the Article 10 Application will describe how project setbacks will be established for Facility components to address any potential public health and safety concerns, minimize impacts at residential and other sensitive structures/resources, and ensure consistency with the intent of any applicable land use/zoning setback regulations. The Article 10 Application will also present representative turbine models that would be suitable for the Facility and their dimensions. Additionally, the selection of setbacks will include consideration of public safety and infrastructure considerations, local laws and ordinances, developer experience, and potential noise and shadow flicker impacts.
252.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	The applicant indicates that rural “low-density character” of our community. Is there a standard for low and high density residential land and what is it?	The Applicant is not aware of a universal standard for low- or high-density residential development. This description of rural “low-density character” was intended to provide a general character and description of the environmental setting within the Facility Area. Much of the Facility Area is defined as local zone A/R Agricultural Residential. Per the Town of Barre Zoning Code, this zone is intended to provide for low-density, rural development on lands where infrastructure (i.e., water and sewer) may not exist or be proposed. Additional information pertaining to land-use will be provided Exhibit 4 of the Application per the PSS.
253.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	As a group of mostly Barre residents, and landowners, CSAB requests that the Applicant lists property value as a feature to be considered, in regards to set backs.	Per Section 2.27 of the PSS, the Applicant will provide a discussion of socio-economic impacts and benefits resulting from the project, including a literature review on property value impacts from wind development. A site-specific study of local property values is not required by Article 10 and will not be included in the Application.
254.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	Verification of the Applicant's statement that setback specifications are not available from the manufacturer can not be verified because CSAB is unaware of what type of turbine the Applicant is proposing for this project.	The Application will include a list of turbines under consideration and relevant setback information.
255.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Statement of Setback Requirements/Recommendations	Applicant internal setback standards is not sufficient of “at least the maximum blade tip height”. CSAB will expect experts to expound upon this during their review of this document.	Comment noted.
256.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Third-party Review and Certification of Wind Turbines	Applicant reserves the right to select a model turbine different than that presented in the Article 10 Application. CSAB requests that should the Applicant need or desire to change the wind turbine that they get approval from the Siting Board.	Should the Applicant select a turbine model different than that presented in the Article 10 Application, it will coordinate with the Siting Board accordingly.
257.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Third-party Review and Certification of Wind Turbines	The applicant references Meteorological towers being erected to generate site specific data. As only one meteorological tower was erected in our community at this time this statement is not accurate.	A meteorological tower was installed on April 19, 2017. Two additional meteorological towers are pending approval.
258.	May 4, 2018	Kerri Richardson	CSAB	Section 2.6/Exhibit 6 – Wind Power Facilities – Third-party Review and Certification of Wind Turbines	The applicant statement that detailed results of analyses as proprietary is not inline with their desire to be transparent.	The Applicant will abide by rules related to confidential and proprietary information contained in filings made to the Siting Board.
259.	May 4, 2018	Kerri Richardson	CSAB	Section 2.8/Exhibit 8 – Electric System Production Modeling – Computer-based Modeling Tool	Where do the estimated levels of emissions come from? CSAB requests that this estimate be done at the County Level, as well as the state level.	Per the regulations set forth in 1001.8(a)(1), the Applicant is required to estimate state-levels of SO2, NOx, and CO2 emissions. The Applicant will coordinate with NYSDDS and NYSDEC Staff in establishing modelling parameters and assumptions. A summary of these effects will be provided in Exhibit 8 of the Application.

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260.	May 4, 2018	Kerri Richardson	CSAB	Section 2.8/Exhibit 8 – Electric System Production Modeling – Computer-based Modeling Tool	CSAB requests the estimated minimum, maximum and average annual spot prices for the Town of Barre and Orleans County with and without the proposed facility.	Per the regulations set forth in 1001.8(a)(2), the Applicant is required to provide the estimated minimum, maximum, and average annual spot prices representative of all NYISO Zones within the New York Control Area, both with and without the proposed facility. That information will be available in the Application.
261.	May 4, 2018	Kerri Richardson	CSAB	Section 2.8/Exhibit 8 – Electric System Production Modeling – Computer-based Modeling Tool	CSAB takes offense to the term “farm” being used in reference to Industrial Wind Facility. Farm is defined as an area of land and its buildings used for growing crops and rearing animals, typically under the control of one owner or manager. As industrial wind is neither a crop (wind is not cultivated) or an animal, “farm” is not an appropriate term.	Comment noted.
262.	May 4, 2018	Kerri Richardson	CSAB	Section 2.8/Exhibit 8 – Electric System Production Modeling – Computer-based Modeling Tool	Is there a minimum output capability factor for the Applicant?	The Application will address issues such as Facility production and output.
263.	May 4, 2018	Kerri Richardson	CSAB	Section 2.8/Exhibit 8 – Electric System Production Modeling – Computer-based Modeling Tool	What does 10- minute data in each specific month mean? Does the Applicant get to select a 10-minute date from a months data to use for estimating the monthly and annual production estimates?	This information will be developed in consultation with DPS Staff, using a standardized modeling protocol which will be generally consistent across all Applications. Per page 34 of the PSS, “The Applicant will consult with the NYSDPS and NYSDEC immediately following submission of this PSS to develop an acceptable input data set to be used in the simulation analyses, including modeling for the Applicant’s proposed Facility and inputs for the emissions analysis.” The observed 10-minute data will be identified and explained in the Application.
264.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternative Location Sites	The Applicant does not identify an alternative location site. The Applicant repeatedly references that their is a wind resource that should be utilized in the Town of Barre; however, the Applicant does not cite or explain how they know this information. CSAB requires that the applicant explain how they know that the Town of Barre has the wind resource sufficient for the proposed facility? (Note that as stated earlier there is only 1 Meteorological Tower by the Applicant in the Town of Barre).	Per Section 2.9 of the PSS, “the identification and description of reasonably available alternative site locations addressed in the Article 10 Application will be limited to sites owned by or under contract to the Applicant. Even prior to obtaining local site access or control, it is worth noting that the Applicant’s preliminary selection of wind turbine locations on a regional or statewide basis is constrained by several factors that are essential for the Facility to operate in a technically and economically viable manner. As will be discussed broadly in the Application, Applicant must first consider the following when selecting a general area for a potential wind energy project: <ul style="list-style-type: none"> • Adequate wind resource • Adequate access to the bulk power transmission system, from the standpoints of proximity and ability of the system to accommodate the interconnection and accept and transmit the power from the Facility • Contiguous areas of available land • Compatible land use • Limited population/residential development • Avoiding areas of statewide significance or high environmental sensitivity (e.g., Adirondack Park) The Article 10 Application will demonstrate that the location selected for the Facility is suitable for large-scale wind energy production. The Application will also evaluate reasonable alternatives in Exhibit 9.
265.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternative Location Sites	The Applicant identifies facets to be considered when selecting a general area for a potential wind energy project, the adequate wind resource is the first item listed. How does the Applicant know that there is an adequate wind resource in the Town of Barre, please cite.	As described in Section 2.9 of the PSS, the Applicant selected the proposed site for the Facility because of the presence of the wind resource, proximity to the existing Lockport-Mortimer 115 kV line, and the relative ease of access to the site. These factors combine to make the proposed site desirable from the standpoint of large-scale wind power development. The Application will include a broad discussion of these site selection factors, including wind resources.
266.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternative Location Sites	The Applicant states that “wind adequate to support a commercial wind- power generating facility are generally limited to certain unique areas in the state, which include coastal areas, ridgelines, elevated plateaus, and mountain peaks.” The Town of Barre does not meet any of the above stated features.	See responses to comment #264 and #265, above.
267.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of	The Applicant references that the Facility was selected because of the presence of wind, but once again is not cited. Next they identify land	See responses to comment #264 and #265, above.

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				Reasonable Alternative Location Sites	and willing landowners, as the Town of Barre is located in an economically depressed area, is the Applicant taking advantage of this community?	
268.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Facility is located approximately 10 miles from shoreline areas along Lake Ontario, and the Facility Area should be shifted based on the location of the projected turbines which would include the Shoreline areas.	See responses to comment #264 and #265, above.
269.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that the presence of turbines will likely result in a change in perceived land use from some viewpoints. CSAB would like the Applicant to clarify this statement. What is the current land use? Land that is leased or developed for the Facility that is proposed by the Applicant will be classified as what type of land use?	In discussing potential environmental impact in Section 2.9 of the PSS (page 40), the Applicant indicates “the presence of the turbines will likely result in a change in perceived land use from some viewpoints. Overall contrast with the landscape, as determined through evaluation by an expert panel of landscape architects, will be detailed in Exhibit 24 of the Article 10 Application”. The Applicant is not suggesting a change in land use will occur, but references how perceived changes will be assessed from a visual impact perspective. That said, information pertaining to existing and proposed land uses will be provided in Exhibit 4 of the Application.
270.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant references siting the facility components to avoid and minimize impacts to these resources “to the extent practicable.” This statement is subjective, CSAB asks that the Applicant explains in detail what this means with examples and past experiences that Apex the sole proprietor has when they have not avoided or minimized the impact.	This standard is taken from the Article 10 regulations, and is based in part on methods of impact avoidance in New York’s State Environmental Quality Review Act (SEQRA) and the prior iterations of Article 10. While Applicant agrees this standard seems subjective, it will be up to the Siting Board and the Hearing Examiners to determine what “to the extent practicable” means, and whether a proposed avoidance or minimization measure has addressed impacts to the extent practicable.
271.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that the wind turbines are a “zero-emission” wind energy repeatedly throughout the application. CSAB requests that the Applicant clarifies that the “zero-emission” is after construction. The Applicant requests that analysis be done on the amount of emissions that are produced in construction of wind turbines, including all parts of this type of “clean energy”.	As stated on page 66 of the PSS, the Application will discuss impacts to air quality expected to result from the proposed Facility’s construction and operation, including from temporary emissions sources such as increased traffic and on-site concrete batch plant and fuel-fired generators, and identification of appropriate control and mitigation measures to minimize adverse impacts. The Application will identify any air permitting and registration requirements that may be required, if any. During operations, wind turbines do not create air emissions.
272.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant claims that there will be displaced emissions from fossil fuel plants comparing operating costs. The Applicant should be comparing to the Hydroelectricity plant that provides the proposed facility areas electricity for a more accurate analysis.	See response to comments #259 and #271.
273.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The applicant states that the purpose of the facility is to “create an economically viable wind powered generating facility. CSAB requests a financial analysis of this Facility be compiled and presented to DPS with and without subsidies to ensure that this statement is true. We request that assumptions are made based on anticipated monthly wind production, and not average yearly production.	As provided in the PSS, a socioeconomic study will be included as a part of the Application. Financial analysis of the type suggested by this comment is not required by the regulations.
274.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that the Facility Site has ample wind resource for the proposed Facility; however, there is no support of this statement that has been presented. CSAB requests documentation for this statement.	See responses to comments #264 and #265.
275.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that the proposed Facility will have a positive impact on the local economy. CSAB requests for clarification of what the term “local” refers to (Facility area, Town of Barre, Orleans County, etc.). CSAB as a group of concerned residents and property owners in the Town of Barre are concerned about a decrease in Property Value that will have a long term impact, that may negate any positive	See response to comment #241, above.

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					economic impact from the short term construction phase of the proposed project.	
276.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that they will coordinate with local first responders. The Town of Barre First Responders are volunteers, and likely do not have experience with structures of this magnitude. CSAB is concerned with the ensured safety of our residents, and first responders. The Applicant requests a much more detailed and explicit explanation of the public safety and emergency planning.	Per PSS Sections 2.15 and 2.18, this information will be included in the Application. Further, the Applicant will work with local first responders to identify issues or concerns and include additional details in the Application. The Final PSS will be updated to be more specific as to what will be included in the Application.
277.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant has a short statement on public health stating that they will avoid public health impacts. CSAB is concerned with the limited information provided, and not addressing the health concerns that have been cited globally indirectly from wind turbines in a community. CSAB reserves the right to have a health expert comment in detail on this and other related sections at a later date.	Comment noted. Per PSS Sections 2.15, analysis of impacts to public health will be included in the Application.
278.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant acknowledges that it is a wholly owned subsidiary of Apex Clean Energy Holdings, LLC. As a result, in analyzing alternatives to the Project, all holdings of Apex Clean Energy and its affiliates should be evaluated as potential alternative sites. To that end, the PSS should be resubmitted with a complete list of land currently owned or leased by Apex Clean Energy LLC, or its affiliates. The list should also state whether the land currently has industrial wind turbines, and if not whether necessary government approvals have been granted. The Applicant includes the Galloo Island Wind Facility in Hounsfield, New York; but has omitted the Lighthouse Wind Project that has a Facility area that includes the Town of Yates, which is in the same County and the Applicant's Proposed Facility. In addition, based on Apex's website Stockbridge Wind has also been omitted from the PSS. This is in contradiction to the transparency the Applicant claims earlier in the PSS.	Public Service Law Section 164(1)(i) limits the Article 10 alternatives analysis to the same scope as that used under the State Environmental Quality Review Act ("SEQRA"). Alternatives analysis under SEQRA requires a discussion of the range of alternatives which would permit the Applicant to achieve its overall objectives. 6 NYCRR 617.14(f)(5). Other proposed projects sponsored or being developed by the Applicant's related companies are wholly distinct from the Heritage Wind Project and are beyond the Heritage Project's Facility Area. Therefore, the Applicant does not consider those projects alternatives to the Heritage Project, or vice versa.
279.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that the proposed Facility will "satisfy regional energy needs"; however, the Applicant has not shown or demonstrated any electricity needs in the facility region.	A description of the long-term benefits, consistency with New York State energy planning goals, and statewide renewable energy needs will be provided in the Application.
280.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	The Applicant states that proposed facility will "reduce the amount of electricity imported to NYS"; however, the applicant does not demonstrate or show how much electricity is imported to NYS and by how much they will reduce this amount.	A description of the long-term benefits, consistency with New York State energy planning goals, and statewide renewable energy needs will be provided in the Application.
281.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location	The Applicant states that Private landowner agreements strictly limit the use of land to a wind power project. CSAB would like to draw attention to the fact that the Applicant writes the "Private Landowner agreement" that limits this use.	Comment noted.
282.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternatives to the	The Applicant states that the use of on-site meteorological data will be used to optimize and site the wind turbines; however, the Applicant currently one has one Meteorological Tower located in the Facility	See response to comment #257.

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				Proposed Facility at the Proposed Location	area of the proposed project, and has already placed their anticipated Wind Turbines.	
283.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location	The Applicants states “Elevation is a key component of maximizing the capture of wind energy and higher elevations typically correspond to higher wind resource”. The elevation of the proposed Facility Area is only about 660”. The Wind Turbine may be able to be sited, but the Applicant has not shown that the proposed facility area is a strong location for siting of wind turbines.	Per the Article 10 regulations, the Applicant is required to address wind resources at the Facility. This will be described in Exhibits 5 and 8 of the Application, and is addressed in Comments # 264 and 265 above.
284.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location	The Applicant states that exceptions to local town ordinances will be addressed in the Article 10 application. CSAB believes that the Town Ordinances are in place to protect all citizens of Barre and that exceptions should not be made.	Comment noted.
285.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Energy Supply Source Alternatives	The Applicant states that alternative power generation technologies, and do not include evaluation of hydroelectricity as a viable alternative that would meet the goals of the Facility. In addition, the Applicant uses the excuse that this is not an area of expertise and therefore they should not have to provide a detailed evaluation of alternative energy sources. No member of CSAB is an expert in any part of this process, but are diligently working and learning as much as we can. CSAB requests that the Applicant pay to have someone who is an expert in this area do an analysis, being sure to include hydroelectricity in this comparison.	Public Service Law Section 164(1)(i) expressly limits the Article 10 alternatives analysis to the same scope as that used under the State Environmental Quality Review Act (“SEQRA”), and to alternatives that fall within the capabilities of the Applicant. Setting aside the issue of the Barre area not having suitable river resources or areas suitable to hydroelectric pumped storage, the Applicant is not a developer of hydroelectric facilities, and New York State has indicated it would not support development of new large-scale hydroelectric impoundment facilities, which themselves involve significant costs and environmental impacts, and which have significant and complex Federal licensing requirements and processes with the Federal Energy Regulatory Commission. For all of those reasons, hydroelectric generation is not a reasonable or available alternative to the proposed Facility.
286.	May 4, 2018	Kerri Richardson	CSAB	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed and Alternative Energy Sources	As explained above the sole proprietor of Heritage Wind LLC has three other wind facility proposed projects in NYS and these projects should be considered as alternative locations.	Comment noted. See response to comment # 278, above.
287.	May 4, 2018	Kerri Richardson	CSAB	Section 2.10/Exhibit 10 – Consistency with Energy Planning Objectives	As the Facility is located in an area that is already serviced by a renewable energy source, that the Applicant references as a success earlier in the document and this proposed facility does have potential and known negative impacts on the environment and community, CSAB would like to address that this is not inline with	As stated in Section 2.10 of the PSS, the Facility is consistent with New York State energy planning objectives. Information describing the Facility’s consistency with these objectives will be provided in Exhibit 10 of the Application.
288.	May 4, 2018	Kerri Richardson	CSAB	Section 2.10/Exhibit 10 – Consistency with Energy Planning Objectives – Impact on Electric Transmission Constraints	Applicant states that “upstate regions with a surplus of generating capacity to more populous areas with high power demands”. This statement verifies earlier comments by CSAB that the electricity needs that the Applicant references are not for the region of the facility as they claim.	As stated in Section 2.10 of the PSS, the Facility is consistent with New York State energy planning objectives. Information describing the Facility’s consistency with these objectives will be provided in Exhibit 10 of the Application.
289.	May 4, 2018	Kerri Richardson	CSAB	Section 2.10/Exhibit 10 – Consistency with Energy Planning Objectives – Impact on Fuel Delivery Constraints	Jacobsen & High (2008) are cited for why Wind Energy is a preferred on an economic basis. Due to time constraints CSAB was unable to find and read the study, but question if Hydroelectricity was compared to in this study, and if this study evaluated the construction of the facility as well. If the wind energy is a stronger economic choice, then why are subsidies needed to construct?	The Applicant is not in the business of developing hydroelectric facilities and does not have the capabilities of developing a hydropower facility. See responses to comments #278 and #285.
290.	May 4, 2018	Kerri Richardson	CSAB	Section 2.11//Exhibit 11 – Preliminary Design Drawings	The Applicant states that drawings will be submitted to NYSDEC Region 6 staff. The proposed Facility is located in NYSDEC Region 8.	Comment noted, the Applicant will address this error in the Final PSS.
291.	May 4, 2018	Kerri Richardson	CSAB	Section 2.12/Exhibit 12 – Construction – Procedures for	Procedures for addressing public complaints and disputes. As the Applicant has not been effective in their PIP, CSAB would like to know	Page 57 of the PSS states “the Applicant will develop a Complaint Resolution Plan that will be provided in the Article 10 Application. The Complaint Resolution Plan will discuss specifically how public complaints and

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				Addressing Public Complaints and Disputes	how the public will know about this plan, and how it will be implemented.	<p>disputes should be raised, documented and resolved during construction and operation of the Facility. The Complaint Resolution Plan will include the following components:</p> <ul style="list-style-type: none"> • Communications protocol and contacts for construction, operation and decommissioning, including how contact information will be disseminated to the public • Registering a complaint • Process for gathering and analyzing information regarding the complaint, including any specific protocols for certain types of complaints (e.g. noise) • Complaint response and tracking • Complaint response follow up • Procedure for logging, review and transmittal of complaints, updates, and plans for resolution to DPS Staff <p>The Article 10 Application will provide a detailed description of each of these steps in the complaint resolution process and will also include general information on community outreach and communications." As indicated in the PIP, PSS and this response, the Application materials (including the Complaint Resolution Plan) will be provided at local repositories for public review.</p>
292.	May 4, 2018	Kerri Richardson	CSAB	Section 2.13/Exhibit 13 – Real Property	Please explain what improvement district extensions are.	As indicated on page 58 of the PSS, the Facility is not anticipated to need any improvement district extensions, such as creation of a new water or sewer district.
293.	May 4, 2018	Kerri Richardson	CSAB	Section 2.19/Exhibit 19 – Noise and Vibration	CSAB plans to have audiology and infrasound experts review this section, if awarded intervenor funding.	Comment noted.
294.	May 4, 2018	Kerri Richardson	CSAB	Section 2.21/Exhibit 21 – Geology, Seismology, and Soils – Facility Impacts on Regional Geology	"The Facility is not anticipated to result in any significant impacts to geology. However, depth to bedrock in the Facility Area is expected to be variable and it is possible that some turbine foundations may be set into bedrock (additional detail will be provided in the Article 10 Application based on the Preliminary Geotechnical Investigation discussed above)" Please include data found detailing how much (surface) of the bedrock will be effected and to what extent(depth).	As indicated on page 53 of the PSS, the Application will provide information on depth to bedrock and preliminary cut and fill calculations.
295.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Plant Communities	Explain why plant communities are only getting a " broadly identified" and "reconnaissance-level field review?" Likewise the potential hazard of invasive species is only "incidental Observations	The Applicant does not anticipate it will be effective or feasible to identify every plant within the Facility Site. Therefore, to comply with the regulations, the Applicant with broadly identify plant communities through reconnaissance-level field review. These findings will be summarized in narrative and presented in maps.
296.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to Plant Communities	How can an "Invasive Species Control Plan" be effective if the species aren't know?	Please refer to page 98 of the PSS. The NYSDEC has developed a list of invasive species of concern. These species will be used as the basis to develop an Invasive Species Control Plan (ISCP) per NYSDEC guidance. Then, prior to construction, a baseline invasive species survey will be conducted and the ISCP updated as needed.
297.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	"The silver maple-ash swamp community was identified as being of high-quality occurrence of uncommon community type. This type of vegetative community can be found in the northeastern portion of the Town of Barre and primarily consists of silver maple (Acer saccharinum), red maple (Acer rubrum), and Freeman's maple (Acer x freemanii)." Please explicitly state how Heritage Wind LLC will honor and preserve such a "high-quality occurrence of uncommon community type?" It deems more than "a discussion."	A discussion of community types, and their location relative to proposed Facility components, with be included in the Application.
298.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	Coyotes have been documented by game cam's in the area and should be expected to be found present through tracks and scat. We request reaching out to the public to provide you with location specific sightings/ recordings of wildlife and date seen.	Page 98 of the PSS states "observations will target signs of occurrence such as tracks or scat, and evaluation of available habitat. Mammal species expected to be found in the Facility Area include raccoon, porcupine, gray squirrel, eastern chipmunk, whitetail deer, opossum, beaver, skunk, muskrat, woodchuck, mink, weasels, foxes, and a variety of small mammals (mice and shrews)." This list does not exclude coyote or black bear; if signs of

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						occurrence of those species are identified, that will be noted in the Application. These will be added to the text in the Final PSS.
299.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	CSAB called the Applicant to do more than just “adaptive management” for the bat population. Not completing pre-construction monitoring or sampling is neglectful to the community and poor stewardship. CSAB is suggesting pre-construction monitoring and/ or sampling to be conducted for the population the Facility affects and make documentation public knowledge so that accurate information before, during and after the project can then be monitored and avoidance or significant minimizations can be taken.	The need for preconstruction bat surveys was discussed with the NYSDEC and USFWS and it was agreed that the best available science could be relied on to understand risk and effectively avoid or minimize impacts.
300.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	The Christmas Bird Count (migratory) birds was only an approximate 10 miles from the Facility but this information is not being include into Facility consideration because of the distance. The scope of CBC’s researched ended 10 miles away but there is no implication that the migratory bird population is 10 miles distant from the Facility. This is faulty and illogical data. Heritage Wind LLC should minimally evaluate winter migratory birds within the eastern Facility location since the Applicant know the winter migratory birds are not more than 10 miles off. CSAB wants CBC’s data included in Article 10. If any part of the CBC’s data is going to be denied from consideration CSAB requests expert data that disproves the presents of wintering birds on the East side of the Facility to be made public.	Onsite studies of the winter avian community were completed onsite for two years and will be discussed in detail in the application. The Christmas Bird Count was included as one of many sources of information for characterization of bird species in the region, and state agencies have requested that it be included.
301.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	“NYSDEC and USFWS data, and Hawk Migration Association of North America (HMANA) data, to the extent that this information is relevant and accurate;” who is going to deem the data “relevant and accurate?” CSAB request that NYSDEC and USFWS data is included when accounting for bird species in the area because it is already relevant and it is already accurate - review of relevance and accuracy from any party will lead to skewed and partial information.	Comment noted. These agencies will provide data that they deem to be relevant and accurate; the Applicant has no control over how the agencies make determinations regarding their data.
302.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	Refer to 2.24 concern on 10 mile radius. If both Lighthouse Wind LLC and Heritage Wind LLC proposed plans are brought to completion there is a much larger scale of impact and for this reason a wider radius from Heritage Wind LLC’s proposed project needs to be accounted.	As indicated on pages 105 and 106 of the PSS, the Applicant proposed a review of cumulative impacts to birds and bat species from nearby wind projects within a 100-mile radius.
303.	May 4, 2018	Kerri Richardson	CSAB	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Wetland Impacts	What would “based on the level of detail available at the time of submittal” refer to? What will/would be found out after the time of submittal?	The Applicant will provide supporting information as available at the time of filing the Application.
304.	May 4, 2018	Kerri Richardson	CSAB	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Groundwater	“Despite proximity to mapped aquifers, the Facility is not anticipated to result in any significant impacts to groundwater quality or quantity, drinking water supplies, or aquifer protection zones. Excavations for foundations, roadways, and underground collection lines are expected to be relatively shallow, and are not anticipated to intercept groundwater within the surrounding aquifers.” Please elaborate on what actions would be taken and the impact it would have if further than anticipated digging lead to interception within the surrounding aquifers.	Surface waters and groundwaters will be protected by implementation of stormwater pollution prevention plan(s) (SWPPPs), and the SWPPPs will describe measures to avoid impacts to surface waters and groundwaters. Potential impacts to groundwater, and measures taken to avoid impacts, will be addressed in the Application.
305.	May 4, 2018	Kerri Richardson	CSAB	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology	The Facility is not anticipated to result in any significant impacts to geology. However, depth to bedrock in the Facility Area is expected	This comment is the same as comment #294. Please see the response to that comment, above.

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					to be variable and it is possible that some turbine foundations may be set into bedrock (additional detail will be provided in the Article 10 Application based on the Preliminary Geotechnical Investigation discussed above)" Please include data found detailing how much (surface) of the bedrock will be effected and to what extent(depth).	
306.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts	We are concerned that many of the references pertaining to this section are outdated by upwards of 20 years. Please provide explanation for why these references are still valid and are not being replaced with more up to date resources.	A main reference in this section is the NYSDEC Program Policy DEP-00-2 Assessing and Mitigating Visual Impacts (NYSDEC, 2000). The Applicant is not aware of an updated policy from the NYSDEC on this subject matter.
307.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	We are concerned that a 10 mile radius is not sufficient for the topographical region Orleans County is located in with the significant resources surrounding it. The 10 mile radius falls just short of Lake Ontario and we are concerned the distance was specifically chosen for this reason. Although Heritage Wind included a 10 mile radius, only 5 miles (from the proposed Facility site) will receive "inclusive inventory." CSAB, because of the unique location, request that Heritage Wind LLC scope a 20 mile radius from the sight to accurately understand any potential concerns. This would do justice to the visual concerns and address the Facility within the complete topography and, if necessary, be able to identify then consequently address visually sensitive resources within that distance.	PSS page 129 states "to identify visually sensitive resources within the Visual Study Area, a variety of data sources will be consulted including digital geospatial data (shapefiles) obtained primarily through the NYS GIS Clearinghouse or the Environmental Systems Research Institute (ESRI); numerous national, state, county and local agency/program websites as well as websites specific to identified resources; the DeLorme Atlas and Gazetteer for New York State; USGS 7.5-minute topographical maps; and web mapping services such as Google Maps. Aesthetic resources of statewide significance will be identified within 10 miles of the proposed Facility, and locally significant aesthetic resources and areas of intensive land use will be identified within five miles of the proposed Facility.' Therefore, the entire 10-mile Visual Study Area will be assessed for sensitive site resources with an additional level of local review and coordination within the 5-mile Visual Study Area focus on local significant resources.
308.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	CSAB will be submitting at a later time, because of time constraints and need for expert, locations within an appropriate distance that best portray the visual essence of the Barre and Orleans county communities. We ask these locations be used for visual site locations.	The Applicant will be performing visual outreach with local and state visual stakeholders to identify sensitive sites and potential viewpoint locations (see PSS page 130).
309.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Viewshed Analysis	Please expound what ground level vantage points would be, ie is it site location specific or a pre-generated number?	Ground level vantage point is term used to define roughly six feet of the ground to define a typical viewing angle for use in development viewshed mapping and/or visual simulations.
310.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Viewshed Analysis	CSAB values in part the perspective of Heritage Wind LLC on the duration on view and therefore request ample points of view from Receptor's location through Orleans county.	See response to comment #307 and #308, above.
311.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	Heritage Wind neglected to cite where they pulled the subsequent information from: "... [t]he wind turbine model to make a determination of the distance at which the blade would cover 20% of the sun's area. Beyond this maximum distance the turbine will not contribute to shadow flicker impacts." This statement does not resonate with a previously comment that states "it is possible to encounter shadow flicker anywhere," which was cited and came from the U.S. Department of the Interior. Clarification is needed and proper citation of all factual information. CSAB can not properly assess the PSS as it pertains to section 2.24 without the ability understand why Heritage Wind LLC is restricting Shadow Flicker to "20% of the sun's area".	The Applicant will provide additional information and mapping in the Final PSS to clarify the Shadow Flicker Study Area. See response to comment #107, above.
312.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	We are requesting Shadow Flicker effects be broken down monthly per hour and minutes per day to accurately understand the effects that are already being claimed by the Applicant. "Hours per year and minutes per day" will not be an accurate representation as the Applicant has stated how varying the Shadow Flicker can be based on the sun's location.	The Shadow Flicker Report will present this information as: <ul style="list-style-type: none"> • hours/year • minutes/year • days/year • hours/day • minutes/day

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313.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	CSAB notes that the Applicant has changed back and forth from blade height and hub height. An explanation is needed for the change as well as why direct line of sight, from base to tip of blade, is exalted over partial sight. Although we see importance in noting places of direct line of sight, it should not dual the negative effects of partial viewing.	Final blade and hub height will be included in the Application.
314.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	It is unacceptable not to expound upon the feasibility of mitigations regarding visual impact in the PSS. We demand the mitigation measure are fully explained and the feasibility assessed for each particular mitigation that was given by the NYSDEC Program Policy BEFORE an Article 10 Application is submitted so that all residence can voice concerns and suggestions.	The final layout is not yet complete, as such the need for mitigation, and the potential mitigation options, are not yet known. This information will be included in the Application. The Final PSS will be revised to reflect that this information will be included in the Application.
315.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Visual Impact Assessment	Please present Figure 9 for viewing. CSAB is concerned the Study-area radius is too small and does not justly represent the topography and region the Project is proposed in. We sternly ask for a Study area that reaches to Lake Ontario - which is just shy of the 10 mile radius given. We question if the radius was selected to specifically exclude Lake Ontario.	The radii as shown on Figure 9 consist of a 5- and 10-mile radius. The Article 10 regulations call for a Study Area up to 5 miles from a wind energy facility. For purposes of evaluating visual impacts from the Facility, the Applicant has agreed to double the size of the Study Area to 10 miles. This extension of 10 miles is consistent with the Study Area recommended by DPS Staff. See comments # 105 and #181, above.
316.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Viewshed Analysis	“At this time, there are no operating wind facilities within a 15-mile radius of the proposed Heritage Wind Facility.” Proposed project Lighthouse Wind LLC, holding the same sole proprietor Apex Energy LLC, is within 20 miles of Barre, NY and within the same county. CSAB questions the ethics of Heritage Wind LLC company in excluding projects that have the potential to exacerbate Heritage Wind LLC’s wind Facility proposal. CSAB demands the PSS be changed to include such a significant potential cumulative impact that was omitted.	Per PSS Section 2.24, visual impacts will be assessed out to a 10-mile radius. The Applicant has proposed to assess cumulative impacts to other resources (i.e., avian and bats) out to a 100-mile radius, per the PSS, which would include other wind facilities proposed to the Siting Board and/or that are currently operational. The Lighthouse Wind Project is proposed 20 miles from the Heritage Wind Project; thus, no cumulative visual impacts are anticipated. However, the Applicant will agree to include a discussion of potential cumulative visual impacts from both projects, to the extent that any exist, in the Application. The Final PSS will be updated to include that analysis.
317.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts – Viewshed Analysis	See above comment on mitigation. CSAB question what the “typical height of individual turbines” refers to and why that holds mitigation not to be prepared?	See response to comments # 185 and #314, above.
318.	May 4, 2018	Kerri Richardson	CSAB	Section 2.24/Exhibit 24 – Visual Impacts	CSAB is seeking professional counsel related to all aspects of Visual Impact, we therefore are withholding comments pertaining to any aspect that encapsulates extensive knowledge.	Comment noted.
319.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation	Please provide Exhibit 11.	Exhibit 11 will be provided in the Application.
320.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Conceptual Site Plan	Also please state where the “conceptual site plan” can be found for public viewing where the access roads, haul roads, public road constraints and such can be located along with the placement locations for the turbines.	As stated in the PSS, preliminary design drawings prepared in association with Exhibit 11 will serve as the conceptual site plan to satisfy the requirement under 1001.25(a). Those drawings will identify proposed access road locations and widths, and the number of turbines to be accessed per road. These will be made publicly available at the local repositories identified in the PIP, PSS, and this response document.
321.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Description of the Pre-construction Characteristics of Roads in the Area	Amend statement “ However, the final haul routes ultimately will be defined in coordination with the turbine manufacturer” to the restrictions of NYSDOT permits and town ordinances.	Page 132 of the PSS states “a Transportation and Route Evaluation Study will be prepared, which will establish a Transportation Study Area, identify public road constraints (e.g., inadequate turning radii/intersections and road widths) and anticipated haul routes, and will be used to inform the preliminary design drawings through haul route identification and associated access to various turbines. The final haul routes for the turbines and necessary components will be finalized in coordination with the turbine manufacturer.” If there are changes to haul routes after the time of filing, these will be identified and filed with the NYSDPS as a compliance filing, as needed (see page 135 of the PSS).
322.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Traffic and Transportation Impacts	How will Heritage Wind LLC accommodate commute times for residence and students in the public schools, specifically bus routes and times - once that information is know? Respond in detail on propose methods to keep roads clear for emergency responders and	The Application and the Transportation and Route Evaluation Study will discuss potential impacts from construction activities on traffic.

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					how emergency personal and the town will be kept informed on transportation information, especially when delays and obstructions to personal are likely possible.	
323.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Traffic and Transportation Impacts	CSAB request Heritage Wind LLC/ Apex Energy LLC hire a local/ regional traffic engineer to map out weight and bearing restrictions along with traffic patterns and flow (over a substantial time frame including all hours between dawn and dusk) to accurately help the commuting traffic through and around Barre. In addition agricultural traffic should be taken into the highest account as Barre is a Right-to-Farm community and timing is of the highest importance. This information would continue to aid the siting board and/or NYSDOT when issuing permits.	This information will be included in the Application.
324.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Description of the Pre-construction Characteristics of Roads in the Area	“The Application will generally discuss potential impacts from construction activities on traffic, which will be covered elsewhere in this section of the PSS and in Application Exhibit 25.” Provide where else in the PSS potential impacts on traffic are discussed and provide Application Exhibit 25.	Exhibit 25 will be a component of the Article 10 Application and will discuss impacts to traffic and transportation systems.
325.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Traffic and Transportation Impacts	“All potentially impacted roads will be conducted to identify physical restrictions.” Who will conduct these evaluations and what will the basis be on?	This work will be performed by a qualified professional, licensed in the State of New York. The work will be performed in accordance with accepted NYSDOT protocols, and will be described in the Application.
326.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Traffic and Transportation Impacts	Please include what a Road Use Agreement between the Applicant and the Town would entail in the PSS.	The Applicant looks forward to working with the town on a Road Use Agreement, as referenced on page 136 on the PSS.
327.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Traffic and Transportation Impacts	RTS public transit has connecting transportation from Albion to Batavia which uses Route 98 for a stop in Elba. Please include contact information and feedback from RTS as to how potential construction related traffic delays would impact the community transportation system.	The Applicant will include this contact information in the Application.
328.	May 4, 2018	Kerri Richardson	CSAB	Section 2.25/Exhibit 25 – Effect on Transportation – Federal Aviation Administration Review	“Relevant lawmakers” in (f) Federal Aviation Administration Review would consist of who?	Representatives of various federal agencies such as FAA or DoD.
329.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Existing Broadcast Communication Sources	As CSAB continues to seek counsel, we request Heritage Wind LLC provides reasoning as to why only 30 kilometers from the proposed Facilities will be taken into consideration and presented in the Article 10 Application?	Article 10 regulations generally require only a 2-mile radius for communications impacts. However, for certain items (i.e., Doppler/Weather Radar) a larger radius may be required. Therefore, the Applicant is proposing 30 kilometer radius for this analysis, consistent with past projects and technical guidance.
330.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Post-construction Activities to Identify and Mitigate Adverse Effects on Communications Systems	What compensation will the community, especially receptors, see for everyday interferences as expressed in 2.26?	Potential mitigation for interferences will be included in the Application.
331.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Anticipated Effects on Communication Systems	Express in detail how Pacemakers and other life saving medical devices would respond to this either in this section or in 2.35. As a community with the median age of 47.8 (Table 6 in 2.27), the concern is substantial.	The Applicant is unaware of any interference with pacemakers and other life-saving medical devices caused by wind turbines.
332.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Existing Broadcast Communication Systems	Clarify and explain what the “User Segment” is and indicate in the PSS what GPS ground facility is located closest to the proposed facility.	The user segment refers to the GPS receiver used on by individuals which connects to and interfaces with the space and ground segments. The nearest ground facility will be identified in the Application.

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333.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Existing Broadcast Communication Systems	If the information was already obtained from GeoTel Communications LLC why isn't it included in the PSS; Please include Fiber-optic lines within two miles of the facility sites.	Information pertaining to communications infrastructure will be included in the Application per the PSS.
334.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Post-construction Activities to Identify and Mitigate Adverse Effects on Communications Systems	State how complaints will be registered and documented so that the community knows they are registered in the PSS and so that the community as a whole will have access to this information. Likewise do the same with the potential mitigation options so that the community knows what can be expected. When information is withheld from the residence CSAB is concerned that proper mitigation and documentation will be withheld also.	Page 143 of the PSS states “the Applicant will develop a Complaint Resolution Plan through which residents can make a formal complaint should any issues, such as degraded television service, arise as a result of construction or operation of the Facility. This plan will be attached to the Article 10 Application. Complaints will be able to be made in person at the Facility’s O&M building, via phone, or by writing, and the Applicant will contact the individual within 48 hours of receipt of the complaint. “
335.	May 4, 2018	Kerri Richardson	CSAB	Section 2.26/Exhibit 26 – Effect on Communication – Post-construction Activities to Identify and Mitigate Adverse Effects on Communications Systems	Please describe what is meant by “these issues” as there is room for interpretation.	The Applicant is referring to discussion and issues raised by FAA, NOAA, DoD, Department of Homeland Security, NASA, and National Science Foundation as indicated in the prior sentence on page 144 of the PSS.
336.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects	We are concerned that Project/Facility-specific data (Please distinguish between as these terms as they seem to be used interchangeably.) provided by the Applicant has a high probability of being altered when computing numbers. We request Project/Facility-specific data be included in the PSS and Article 10 process including but not limited to Construction site size, staging area, turbine size, facility locations and any other variable needed for computation. There needs to be the ability for the public to review the multipliers produced by IMPLAN in conjunction with Applicant provided information.	See response to comment #214, above. In addition, the Applicant will work to obtain localized county multipliers to further refine the economic modelling.
337.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects	Likewise the JEDI model default values would seem crucial for the community to access to ensure the Applicant’s proposed plan would be a completely coherent economical plan for the community to invest.	See responses to comments #214 and #336, above.
338.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects	“The second step of the JEDI model methodology requires the review, and if warranted, the customization of default project cost values and financial parameter values to more reasonable estimates.” Please elaborate on what this would entitle and elaborate on what grounds would “warrant” what the Applicant is calling “more reasonable estimates.”	The Applicant and its consultants will review the default project costs and make necessary adjustments based on profession experience. For instance, access to project was limited, or there were extenuated physical condition (i.e., steep slopes) then the professionals performing the modelling could adjust the defaults to reflect these unique conditions.
339.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Construction Workforce	Pertaining to (a): Would an estimate of the average work force, by discipline and by quarter be skewed calculations? Will Heritage Wind, LLC’s construction management team also break down what work force would be specialty or non-local employment in those numbers as well? We are requesting such information to be public on the PSS.	The Applicant understands the quarterly estimates have been requested by other agencies and intends to provide this data. Further, it is not anticipated that presenting by quarter will skew the data.
340.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Construction Payroll and Non-Payroll Expenditures	When would an “available non-payroll construction related expenses” be applicable?	A typical non-payroll construction related expense would be construction materials (i.e., gravel, concrete). This will be described in Exhibit 27 of the Application.
341.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Secondary Employment and Economic Activity Generated by Facility Construction	What is meant by “Secondary Employment?”	Secondary employment consisted of additional jobs, not directly related with the Applicant, that will result from the project construction and operations (i.e., supply chain, local restaurants). These will be measured by 1) estimated turbine and supply chain full-time equivalent jobs and total earnings, and by 2) estimated induced full-time equivalent jobs and total earnings.

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342.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Workforce, Payroll, and Expenditures During Facility Operation	In Article 10 the Applicant will provide “expenditures likely to be made in the vicinity” - what will this number be calculated from. Likewise, how will the Applicant seek to provide information on the economical benefit associate with host Facility payments; will it be particular to the people of Barre? All these estimates should strictly pertain to “Facility operation,” not construction, as stated by the Applicant.	See response to comment #214, above.
343.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Incremental School District Operating and Infrastructure Costs	In concerns to (f): please expound upon why potential delays would not affect the cost of the School District Operating funds while in construction phase and why that was not included in this section.	The Application will address potential traffic and impacts to bus routes in Exhibit 25.
344.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Jurisdictions that Will Collect Taxes or Benefits	We request the Applicant discuss in further details the Jurisdictions that will collect taxes or benefits as there is no purpose for withholding this information from the public. There is no reason to postpone this information until the Application and doing so would be highly unethical as the individuals in the community would not have access to it.	The final turbine array and layout will be provided in the Application. Therefore, it is not prudent at this time to identify all jurisdictions which will collect taxes. However, per page 148 of the PSS, the Facility is anticipated to result in economic benefits to the Town of Barre, Orleans County, and local school districts. Additional information pertaining to local jurisdictions that will collect taxes will be discussed in greater detail in the Application.
345.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Incremental Amount of Annual Taxes or Payments	Please elaborate on what a Host Community Agreement is and would entail. Also CSAB requests that the Applicant expound on what the payments would look like after the life expectancy of the turbines was fulfilled - when the turbines are stagnant before decommissioning in the PSS.	A Host Community Agreement (HCA) is an agreement between a developer and a host municipality and describes the relationships between the two entities in relation to decommissioning, road use, etc. An HCA has not yet been developed for this Facility, but the conditions for an HCA will be outlined in the Application.
346.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Equipment or Training Deficiencies in Local Emergency Response Capacity	How will Equipment and training be compensated for responders?	As stated on page 149 of the PSS, any emergency equipment specifically designed for wind facilities will be provided by the Applicant. Page 149 of the PSS states, “The local emergency responders are not expected to have specialized equipment in order to respond to a fire, hazardous substance, or medical emergency beyond the first aid, medical emergency and fire vehicles and equipment typical of a local fire and emergency department. For example, fire and emergency responders are not expected to have the necessary equipment to bring injured personnel down from the tower to ground level. Instead, that equipment will be supplied by the Applicant or others under an arrangement with the Applicant. The Applicant will engage with all local fire departments regarding equipment or training necessary to respond to a potential fire, hazardous substance, or medical emergency at the Facility. The Applicant will continue consultation with local fire departments and first responders in order to ensure that all specialized equipment required to respond to turbine and substation-related emergencies will be available for fire and medical emergencies, and that local departments have an understanding of what kinds of emergencies might arise for which their assistance would be sought.” This information will be included in Exhibit 27 of the Application.
347.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Consistency with State Smart Growth Public Infrastructure Criteria	When asking for NYSDOT permits, whether direct or through the siting board, will NYSDEC guidelines be the basis of allocating these permits? Please also fully address Facility’s consistency with criteria provided in ECL 6-0107(2).	The Applicant anticipates that the NYSDOT standards for issuance of NYSDOT permits would apply.
348.	May 4, 2018	Kerri Richardson	CSAB	Section 2.27/Exhibit 27 – Socioeconomic Effects – Secondary Employment and Economic Activity Generated by Facility Operation	As we seek professional counsel to fully expound upon the Socio-economical effects, we ask that Heritage Wind LLC provide specific calculations for job specific laborers and provide what long-term constant positions would be needed that would be fulfilled by local county applicants.	See response to comment #214, above.
349.	May 4, 2018	Kerri Richardson	CSAB	Section 2.28/Exhibit 28 – Environmental Justice	Heritage Wind LLC is defining the “Impact Study Area’ to consist of a 0.5 mile radius around each of the Facility components.” CSAB is consequently demanding that no portion of the “Impact Study Area” is	Criteria for defining Environmental Justice Areas, and the purpose for evaluating potential impacts on those areas, are set forth in NYSDEC regulations (6 NYCRR Part 487), the Article 10 Regulations (16 NYCRR § 1001.28) and NYSDEC Commissioner Policy 29 (see https://www.dec.ny.gov/public/333.html). The NYSDEC

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					interfering with a receptor property. The Applicant has stated this is an appropriate radius around "each of the Facility components" to look at the impacts. We are currently unwilling to stipulate to a 0.5 mile radius and ask for further explanation of 6 NYCRR 487.4. We also ask for the Applicant to cited where "the intent of an Environmental Justice evaluation is to determine if the air quality and associated health impacts are disproportionately affecting certain communities or populations," in the NYSDEC guidelines or is this is just the Applicant's personal opinion. We ask that Environmental Justice continue to be pursued as the Applicant is dismissing the due process of the Article 10 Application because of personal opinion. There has also been no outreach to the Potential Environmental Justice Area in Genesee County or in the adjacent Monroe County. Please make both Environmental Justice Areas fully aware of this potential Facility.	has an Office of Environmental Justice which identifies and defines environmental justice communities and implements these regulations. The statements cited by the commenter were based upon the information available through those sources, including NYSDEC's GIS mapping tool for identifying Environmental Justice communities. The PSS Section 2.28 (pages 149-150) states "Exhibit 28 of the Article 10 Application requires the Applicant to provide sufficient information for the New York State Department of Environmental Conservation (NYSDEC) and others to assess the potential impact of the Facility on Environmental Justice communities. However, it should be noted that the intent of an Environmental Justice evaluation is to determine if air quality and associated health impacts are disproportionately affecting certain communities or populations. As previously indicated, the Facility is a wind powered electric generation facility that will not result in emissions or air quality impacts (see Section 2.15). Therefore, for the purposes of the Environmental Justice evaluation, and based on the criteria set forth in 6 NYCRR 487.4, the Applicant has defined the "Impact Study Area" to consist of a 0.5 mile radius around each of the Facility components." Therefore, the 0.5-mile radius applies to Environmental Justice Areas only. Based on data obtained from the NYSDEC's Geospatial Information System (GIS) Tools for Environmental Justice website (www.dec.ny.gov/public/911.html), there are no Potential Environmental Justice Areas in the Impact Study Area or in Orleans County. The nearest Potential Environmental Justice Areas is approximately six miles southwest of the Facility in Genesee County
350.	May 4, 2018	Kerri Richardson	CSAB	Section 2.28/Exhibit 28 – Environmental Justice	Since CSAB does not claim to specialize in Environmental Justice, all aspects of our commenting are subject to being revoked and/or expound upon with proper expert advise, review and/or analysis.	Comment noted.
351.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Decommissioning and Restoration Plan	"If not upgraded or if the turbines are not expected to return to operation..." What would "not expected to return to operation" entail, how would that be decided and by whom? The Applicant states "[d]ecommissioning would be triggered if a wind turbine is non-operational for an extended period of time (such that there is no expectation of it returning to operation)." What is the scope on not returning to operation, 2, 5, 10 plus years stagnant? This terminology is to vague; we request the need for specific guidelines instead of "an extended period of time" in the PSS.	The duration for which decommission will be triggered with be included in a Final PSS and in the Application.
352.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Decommissioning and Restoration Plan	"Foundations and collection lines buried above a depth of 36 inches in non-agricultural lands and 48 inches in agricultural lands will be removed, but components buried lower than these depths will remain in place." As per 2.34 of the PSS these are the minimum depth requirements - therefore Heritage Wind LLC would not be removing any components and the wording is superfluous except for the fact it is rather misleading. None of the collection lines should be buried above 36" and 48" respectively. We ask that this be omitted for the sole purpose of not misleading the public.	Per PSS Section 2.34, the minimum depth of the collection line is assumed to be 36 inches. However, other Facility components, including foundations and potentially deep collection lines, etc., will be installed to depths greater than 36 inches. Exhibit 29 will address decommissioning of the entire Facility, not just collection lines.
353.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Decommissioning and Restoration Plan	"To the extent practicable" in regards to ground disturbance and restoration of original contours during decommissioning is too vague and lacks any accountability from the company. Please change to state what would and/ or wouldn't be practicable in decommissioning all aspects.	It is the Applicant's position that the following statement "ground disturbance during decommissioning will be minimized to the extent practicable and the site will be restored to its original ground contours to the extent practicable" is appropriate, and consistent with regulatory requirements. More details regarding these plans will be included in the Application.
354.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning –	For the smoothest possible outcome, we ask the Applicant give two-weeks notice or notice from the date NYSDOT permits are requested for decommissioning - with the full understanding the Town of Barre	The decommissioning plan and procedures, as outlined in Section 2.29, will be provided in the Application. This plan, as well as the Complaint Resolution Plan, will address outreach and notifications to the community.

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				Decommissioning and Restoration Plan	has the jurisdiction to halt to alter plans as they see fit for the good of the community; as well as two weeks notice before the restoration.	
355.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Decommissioning and Restoration Plan	A time restraint between decommissioning and restoration needs to be disclosed in the PSS. It is unacceptable to leave such unknown or up for interpretation.	These aspects will be addressed in the decommissioning plan, in the Application.
356.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Description of Decommissioning/Restoration Agreements Between Applicant and Landowners	Financial assurance should be held in an escrow account. It should not deduce the cost of resale or salvaging since the length of the turbine's existence in this county has no restraint at this time - one could not possibly make an educational inference without this data. Heritage Wind LLC has made known to the public their intent to sell the project. This continued assurance, in an escrow account, would continue to hold accountability to the subsequent companies through deeming the same accountability be placed prior to sale. Likewise cost for restoration should be factored into the escrow account to reassure the Town, county and State proper measures will be taken to return the site to full restoration.	The regulations require financial assurances for decommissioning, per Section 2.29. That information will be included in the Application.
357.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning - Decommissioning and Restoration Plan	We request the stipulation that if roads in the Town and surrounding areas are not restored to their pre-construction conditions prior to the decomposition the company will supersede their "pre-decommissioning" agreement for a "pre-construction." Both of which could be included in a Road Use Agreement with the Town if both parties agree. Please include a Road Use Agreement in the PSS; their is not reason to withhold this until the Article 10 Application (as stated in 2.25).	The Road Use Agreement will be negotiated with the host community prior to filing, and discussed in the Application.
358.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning – Description of Decommissioning/Restoration Agreements Between Applicant and Landowners	Although we value the confidentiality each individual is entitled on their property, we ask Heritage Wind LLC to expound that no private lease with any lease holder in Orleans County overrides any commitment made in the PSS or Article 10. CSAB realizes the rights of leaseholders, however there is also an obligation the Town holds and this cannot be seriously upheld without full knowledge.	The developer has contractual rights, and those contractual rights cannot change the requirements of Article 10.
359.	May 4, 2018	Kerri Richardson	CSAB	Section 2.29/Exhibit 29 – Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Please include Exhibit 29(b).	The actual exhibits will be provided in the Application.
360.	May 4, 2018	Kerri Richardson	CSAB	Section 2.31/Exhibit 31 – Local Laws and Ordinances	Please attach Exhibit 31.	The actual exhibits will be provided in the Application.
361.	May 4, 2018	Kerri Richardson	CSAB	Section 2.31/Exhibit 31 – Local Laws and Ordinances – List of Applicable Local Ordinances and Laws of a Procedural Nature	CSAB requests that the subscripts that were omitted (1+2) be fixed.	These will be revised in the Final PSS.
362.	May 4, 2018	Kerri Richardson	CSAB	Section 2.31/Exhibit 31 – Local Laws and Ordinances – List of Applicable Local Ordinances and Laws of a Procedural Nature	Please refer to Comments on 2.9	See responses to comments above.

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363.	May 4, 2018	Kerri Richardson	CSAB	Section 2.32/Exhibit 32 – State Laws and Regulations - List of State Approvals, Consents, Permits, Certificates, or Other Conditions of a Procedural Nature	State where the procedural requirements of "Permit for Protection of Waters, Article 15,6 NYCRR Part 608" would be supplanted by Article 10.	The statute enacting Article 10, New York Public Service Law § 172(1), preempts the procedural requirements for all state and local permits related to the construction or operation of a major electric generating facility, with some very limited exceptions specifically articulated in that statute.
364.	May 4, 2018	Kerri Richardson	CSAB	Section 2.32/Exhibit 32 – State Laws and Regulations - List of Procedural State Approvals/Permits/Etc. that the Applicant Requests the Board Not Apply	Since the PSS is supposed to house all the available information currently know, we request the Applicant provide "why such an authorization (siting board authorizing NYSDOT permits) would be desirable and/or appropriate" in the PSS. It appears to us that Heritage Wind LLC is trying to bypass State checks and balances put in place to insure Public safety and good stewardship. We would like a thorough explanation of why Heritage Wind LLC would like to be exempt from usual protocol.	When the State Legislature enacted Article 10, it expressly preempted all procedural state and local permits and approvals (with a couple of narrow exceptions), and vested authority for all approvals related to construction or operation of a major electric generation facility in the NY Board on Electric Generation Siting and the Environment (the "Siting Board"). This is a matter of law, and applies to all Article 10 projects and applicants. Heritage Wind is pursuing the State process established by the New York State legislature, in accordance with applicable statutes and regulations. The specific reference cited in this comment actually refers to any requests the Applicant might make requesting that the Siting Board authorize certain State agencies, such as the NYSDOT, to issue certain permits that Article 10 preempts, typically where the Applicant would need to obtain those permits after the Siting Board had made a determination on the Application. Thus, the Applicant has agreed to provide, in accordance with the regulations, a statement justifying to the Siting Board why it should allow other state agencies to exercise otherwise preempted authority in certain limited cases.
365.	May 4, 2018	Kerri Richardson	CSAB	Section 2.33/Exhibit 33 – Other Applications and Filings – Other Applications or Filings Concerning the Subject Matter of the Proceeding	"Besides the list of approvals identified in Section 2.32 and below in subparagraph (B) the Applicant does not have, and is not aware of, any other application or filing before any governmental agency, department or court which concerns the subject matter of this proceeding (i.e., Heritage Wind)."	This comment is not related to a specific PSS section or study scope.
366.	May 4, 2018	Kerri Richardson	CSAB	Section 2.33/Exhibit 33 – Other Applications and Filings – Other Applications or Filings Concerning the Subject Matter of the Proceeding	We demand the PSS is changed to reflex a proposed wind project in the same county;. Lighthouse Wind LLC is propose in Yates, NY which is in Orleans County (and spreads to the adjacent Niagara county). Heritage Wind LLC without proper citation and consideration of other wind facilities within the same county runs the risk of faulty expert analysis' and wildlife/environmental permits granting exceptions without full knowledge. This is unacceptable for the sole proprietor of both Heritage Wind LLC and Lighthouse Wind LLC, namely Apex Energy LLC, to exclude referencing and consideration of the existing proposal.	Article 10's Exhibit 33 is intended to identify any approvals required in order for the proposed Facility to be constructed or operated, which the Siting Board should be aware when it is considering whether to issue a Certificate, such as a federal permit. The identification of other projects is outside the scope of Exhibit 33; it would be inappropriate to include other unrelated projects in Exhibit 33, since the approval of Applicant's parent company's other projects is not a prerequisite for approval of the Heritage project. Further, inclusion of those projects in Exhibit 33 would confuse the issues—those are not "other applications or filings" pending which would have "any effect on the grant or denial of a Certificate." 16 NYCRR 1001.33(a). As noted elsewhere, the Lighthouse Wind project will be addressed in other exhibits and cumulative impact discussions.
367.	May 4, 2018	Kerri Richardson	CSAB	Section 2.34/Exhibit 34 – Electric Interconnections	Include visual via map of Lockport Mortimer 115 kV transmission line connection site. Clearly explain the difference between a transmission line and a collection line. Further conclude why an overhead collection line could be needed, but not expected.	This information will be included in the Application.
368.	May 4, 2018	Kerri Richardson	CSAB	Section 2.34/Exhibit 34 – Electric Interconnections - Type of Cable System and Design Standards for Underground Construction	Minimum depth of electrical collection system at 36 inches "in most areas." Full explain "in most areas" refers to with full explanation or change PSS statement to comply without exception.	Final depths of collection will not be known until later in the design development process. Minimum depths may vary due to physical conditions (i.e., shallow bedrock) or the need to maintain a consistent profile. The collection line will be shown on the Preliminary Design Drawings.
369.	May 4, 2018	Kerri Richardson	CSAB	Section 2.34/Exhibit 34 – Electric Interconnections - Profile of Underground Lines	Give reason why a "typical" drawing of underground connection cables and associated material will be given in Article 10 instead of the actual plan.	Typical details are commonly used for engineering drawings to communicate either standard configurations (i.e., typical concrete conduit) or to represent graphically information that will be applied to a variety of situations provided by a third-party manufacture (i.e., cable details).
370.	May 4, 2018	Kerri Richardson	CSAB	Section 2.34/Exhibit 34 – Electric Interconnections - Need for Cathodic Protection Measures	Expound upon a proactive plan of action if the un-"expected" and non-"anticipated" needs to be implemented OR stipulate if these measure occur a Cathodic Protection Measure will be put in place prior.	As stated in the PSS, there are no cathodic protection measures expected to be required for installation of the underground systems, as no metallic pipelines are anticipated to be used.

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371.	May 4, 2018	Kerri Richardson	CSAB	Section 2.35/Exhibit 35 – Electric and Magnetic Fields - Every Right-of-way Segment Having Unique Electric and Magnetic Field Characteristics	Explain reasoning for assuming a 100 foot ROW.	It is assumed the 100-foot ROW will conform to NYSPSC standards for ROW management.
372.	May 4, 2018	Kerri Richardson	CSAB	Section 2.35/Exhibit 35 – Electric and Magnetic Fields - Enhanced Aerial Photos/Drawings Showing Exact Locations of Each	Request aerial photos/drawings showing exact location between ROW segment and the nearest property line, showing clear a distinction in property lines, to be included in Article 10 Application.	Per PSS Section 2.4, the entire Facility will be mapped on aerial images and included with the Application.
373.	May 4, 2018	Kerri Richardson	CSAB	Section 2.35/Exhibit 35 – Electric and Magnetic Fields - Electric and Magnetic Field Study	Explain what is meant by “change in amperage in maximum average load initially versus 10 years.” Show where magnetic fields described above in 1001.35 (d)(4) is located WITHIN the PSS. Confirm comparison between “maximum annual load initially” compared to “maximum annual load within 10 years.”	As described above and in the PSS, the Facility has been approved for a maximum MW interconnection. This design point applies to the design as will be proposed in the Application and will not be exceeded. Therefore, the initial annual load (as approved for interconnection) is to remain the same load 10 years from construction.
374.	May 4, 2018	Kerri Richardson	CSAB	Section 2.38/Exhibit 38 – Water Interconnection	Facility is not “expected’ to require interconnection facilities,” therefore unknown citation 1001.38 are not applicable. Specify what citation 1001.39 is in reference to and provide appropriate article. Likewise explain why an O&M building is not expected to need water interconnections but appears to have a high probability of being cited to require it. Include why requirement 1001.38 would not be followed if required interconnection is cited.	The O&M building design has not been completed. However, if the O&M building will need to tie into an existing water system, this will be included in the Application. This will be modified in the Final PSS.
375.	May 4, 2018	Kerri Richardson	CSAB	Section 2.39/Exhibit 39 – Wastewater Interconnection	Facility is not “expected’ to require wastewater interconnections,” therefore unknown citation of 1001.39 are not applicable. Please specify what citation 1001.39 is in reference to and provide appropriate article. Explain why the 1001.39 requirements if wastewater becomes necessary would not be followed.	Pages 168-169 of the PSS state “the proposed Facility is not expected to require wastewater interconnection, and as such, the requirements of 1001.39 are not applicable. Specific to the O&M building, if a new building is constructed, wastewater needs will be satisfied through use of an individual on-site wastewater treatment system (e.g., septic system). The Applicant will design any on-site wastewater treatment systems to meet local/state specifications and will coordinate with the Orleans County Department of Health, or any other relevant agency, throughout the Article 10 process as needed. If an existing building is used for O&M purposes, the Applicant will evaluate the adequacy of existing wastewater treatment systems.” If wastewater interconnections are required, they will be identified and described in the Application as needed.
376.	May 4, 2018	Kerri Richardson	CSAB	Section 2.41/Exhibit 39 – Application to Modify or Build Adjacent	Clarify phrase “to modify or build adjacent to an existing facility.” Does this phrase then exclude the other known Project within the region - namely Lighthouse Wind, LLC?	The term “modify or build adjacent” is the exhibit heading in the Article 10 Regulations and refers to modification or expansion of existing facilities, as defined in 16 NYCRR 1000.2(a)(x) and (y). As stated in the PSS, the Applicant is not proposing to modify or build adjacent to an existing facility, as it is defined by Article 10, and as such, the requirements of this exhibit are not applicable and will not be included in the Article 10 Application.
Public Interest Group Comments						
377.	April 6, 2018	Amy Kahn (President) and June Summers (President)	Rochester Birding Association (RBA) and Genesee Valley Audubon Society (GVAS)	NA	We also concur with and applaud the NYSDEC for their comments on this project.	This comment is not related to a specific PSS section or study scope.
378.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 1.4 – Potential Impacts	Long-term unavoidable impacts associated with operation and maintenance of the Facility may include turbine visibility, and minor impacts to agricultural land, wildlife habitat, and wetlands/streams.	Comment noted. Long-term unavoidable impacts will be described in the Application with the relevant exhibit (i.e., visual impacts discussed in Exhibit 24).

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379.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 1.4 – Potential Impacts	Potential conversion of wetland communities as a result of construction activities (e.g. forested to scrub-shrub), and soil disturbance from burial of the electrical collector lines may occur. Indirect impacts to wetlands and surface waters may result from sedimentation and erosion caused by adjacent construction activities (e.g., removal of vegetation and soil disturbance).	See response to comment #168, above.
380.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 1.4 – Potential Impacts	Habitat fragmentation is also a potential Facility-related impact, which divides once continuous large populations into many smaller ones, which can impact threatened and endangered species. Again, these potential impacts will be addressed through detailed studies that will assess potential impacts to wildlife and terrestrial habitats associated with the construction of the Facility – what type of detailed studies?	Habitat fragmentation is described in PSS Section 2.22 which states that a summary narrative and associated mapping will be included in the Application to explain and illustrate potential and expected construction and operational impacts to vegetative cover types, wildlife habitats (including a discussion of impacts from habitat fragmentation), wildlife concentration areas or travel corridors if identified, during pre-construction field studies in relation to the proposed limits of disturbance.
381.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 1.4 – Potential Impacts	No mention is made of possible impacts to wildlife specifically to birds.	Page 6 of the PSS states “facility operation may also produce shadow flicker and sound at some receptor locations such as residences, and result in a permanent loss of forest land, wildlife habitat changes, and some level of avian and/or bat mortality associated with bird/bat collisions with the turbines.”
382.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 1.5 – Impact Avoidance Measures	This area does not answer in enough detail the concerns listed in 1.4	A full description of impact avoidance will be provided in the Application.
383.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.3/Exhibit 3 – Location of Facilities – Description of Proposed Facility Locations	A description verbally defining the Site boundaries would be useful: Townline road on west to West County House and Taylor Hill rd to Powerline Road to Transit Road on the east to Spoilbank Road. Southern boundary is Orleans/ Genesee County boundary, west and east boundaries are Town of Barre boundary.	The Applicant will provide a general description of the Facility Area and Facility Site within the Final PSS.
384.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.4/Exhibit 4 – Land Use – Map of Existing Land Uses	Figures: The boundaries of Iroquois National Wildlife Management Area and Oak Orchard State Wildlife Management Area need to be on all maps.	The boundaries of these, or other sensitive sites, will be shown on applicable land-use or sensitive site mapping.
385.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.4/Exhibit 4 – Land Use – Map of Recreational Areas and Other Sensitive Land Uses	Table 2 list of sources for sensitive areas doesn't include Oak Orchard/Tonawanda Bird Conservation Area bird conservation areas. Oak Orchard is a NYS Bird Conservation Area. Important Bird Areas Iroquois NWR/Oak Orchard and Tonawanda WMAs	Table 2 lists a series of landscape types as identified in the Article 10 regulations. The sites listed in comment #386 are identified on Figure 9 of the PSS as sensitive sites, and as such will be described in the Application under Exhibits 4, 20, and/or 24 respectively.
386.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.9/Exhibit 9 – Alternatives – Comparison of Advantages and Disadvantages of Proposed Alternative Locations	2.9.b.2. Recreational, Cultural, and Other Concurrent Uses of the Site on page 39, doesn't mention the Iroquois wildlife complex which many people travel to hike, bird, fish and hunt.	The PSS Section 2.9 does not provide a comprehensive list of recreation areas within the Facility Area. However, the Iroquois Wildlife Complex is identified in the PSS Figure 9 as a sensitive site resource. As stated on page 39 of the PSS, Section 2.9 will address recreational, cultural or other uses of the site which informed project development and the like.
387.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	2.22.2.vi Wildlife, Mammals Why no mention of larger mammals such as deer? Coyote and black bear are also not uncommon travelers through the area.	Page 98 of the PSS states “observations will target signs of occurrence such as tracks or scat, and evaluation of available habitat. Mammal species expected to be found in the Facility Area include raccoon, porcupine, gray squirrel, eastern chipmunk, whitetail deer, opossum, beaver, skunk, muskrat, woodchuck, mink, weasels, foxes, and a variety of small mammals (mice and shrews).” This list does not exclude coyote or black bear. These will be added to the text in the Final PSS.

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388.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	The Facility Area is located within or immediately adjacent to 8 New York State Breeding Bird Atlas (BBA) survey blocks, including 2278B, 2378A, 2378B, 2478A, 2278D, 2378C, 2378D, and 2478C. Surveys from 2000 and 2005 show multiple blocks having the following species of greater conservation need through endangered: eastern meadow lark, bobolink, horned lark, vesper sparrow, grasshopper sparrow, savannah sparrow, ruffed grouse, redheaded woodpecker, golden winged warbler, cerulean warbler, oven bird, pied billed grebe, American and least bitterns, osprey, northern harrier, bald eagle, coopers hawk, kestrel. Other species of concern found within 2 miles of the site include nesting sandhill cranes, Virginia rails, great blue and green heron colonies, prothonotary warbler, and one of the few colonies of state endangered black tern in the state.	Comment noted.
389.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	The Byron BBS route runs adjacent to the east-west of the eastern border. First there are better long term data sets for comparison such as ebird. The Byron route goes through more populated areas, mostly in Genesee County. It is really biased to talk about European starling when there were 60 species total, 2016 to 2017, with all but 2 native species and a number of species of greater conservation need were found, of course their numbers are fewer but. How about common species such as song sparrow, chipping sparrow or barn swallows? There are numerous spelling typos in this report section which need to be fixed.	The Applicant will review the section and update accordingly in the Final PSS, as well as provide results of the two years of site-specific breeding bird surveys completed for the Project.
390.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Vegetation, Wildlife, and Wildlife Habitats	Preliminary review of the HMANA data indicates that no travel routes are known near the Facility Area. More explanation is required because there are nesting bald eagle, osprey, northern harrier and other raptor species in the oak orchard swamp immediately south west of the project area and in Byron Bergen swamp to the immediate east.	The Applicant, as indicated in Section 2.22, will review a variety of data sources (including HMANA). This information will be provided for and explained in the Application.
391.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Plant Communities	Figures: New Figure: There is a need for a Figure highlighting towers in wooded areas, could be combined with a land cover map, showing the information in 2.22 Table 3.	This will be included in the Application.
392.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Appendix E	Raptor Migration Surveys were conducted weekly for 13 weeks from March 6 through May 22 by completing 1-hour point counts at eight points. There were a total of 16 points throughout the Project area and each point was surveyed once every other week (eight on one day and the remaining eight on another day the following week). Surveying effort included 40 hours (five survey days) in March, 32 hours (four survey days) in April, and 32 hours (four survey days in May), for a total of 104 hours over the survey period. The survey locations are identified in Figure 2-1. 104 hours over 13 weeks, any one sample location was only surveyed 6.5 hours total in 13 weeks. The wind direction and time of day of each point collected are strong biases to data and should be included in any analysis of data. If you sampled 8 sites over 8 hours they cannot be compared directly to each other let alone to a site sampling 4 – 8 hours a day in almost all weather.	Studies were completed based on technical input from NYSDEC and USFWS, in accordance with each agencies guidelines. The protocols for these surveys follow NYSDEC guidelines and are reviewed as part of the study plan in advance of the surveys. These potential biases will be discussed in the application.

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					<p>The key point is that spot points cannot collect as complete a dataset as longer term and longer time period datasets. The best that can be done is an extrapolation of data; hour to the same hour, wind direction to wind direction. The below comparison is not valid; it is like comparing apples to oranges and wondering why apples don't taste like oranges.</p> <p>A total of 73,222 migrating raptors were counted at the Braddock Bay Hawk Watch in spring 2017, with a spring detection rate of 112.92 raptors per hour from March through May (HMANA 2017), which encompasses the survey period evaluated for the Project area (March through May). The difference in overall spring migrant sighting rates between Braddock Bay and the Heritage Project site is substantial, where Braddock Bay saw approximately 35 times as much activity per hour throughout the spring migration period, relative to the Heritage Project site. Over the past 10 years (2008 through 2017), Braddock Bay has an average detection rate of 149.24 raptors per hour for spring migration (HMANA 2017), approximately 47 times that measured at the Heritage Project site. On average, approximately 34% of the annual sightings over the past 10 years at Braddock Bay were comprised of turkey vulture (HMANA 2017). Because the survey coverage was not the same for each set of surveys, daily comparisons are shown in Table 4-2 for the 13 dates where the two surveys overlapped. Analysis of the Braddock Bay Hawkwatch site over the past 10 years suggests that 2017 was a below-average year for raptor migration. Yes finally an accurate statement.</p>	
393.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Appendix E	We question why no surveys have been performed along the project area closest to the boundary of Oak Orchard WMA. The potentially buildable areas and any sensitive habitat in that southwest corner of the site should be surveyed.	The Project area was surveyed using standard protocols in areas proposed for development.
394.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Appendix E	Discussion should include some of the recent Canadian studies of crashing numbers of formerly common species, such as swallows in wind project areas. Swallow populations have crashed around the Erie Shores project since the project opened in 2006. This can be seen by analyzing ebird data and there are professional papers documenting this as well.	The Applicant will further evaluate potential literature sources for inclusion in the Application and will update the PSS accordingly.
395.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Appendix E	The Appendices E 1-3 all say 67 towers, the report body says 47 towers, the figures show 30 tower locations. Please clarify which is true.	At the time of filing the PSS, the design was partially completed and the available information (i.e., 30 turbine layout) was provided. The Applicant will provide updated mapping in the Final PSS.
396.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors	<p>2.22.3(f) Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors</p> <p>This section should also include a summary impact table containing information on all T&E species, SSC and SGCN in the project area, and the potential impacts to each species. If it is determined by the Applicant, NYSDEC, or USFWS that the construction or operation of the Facility is likely to result in a take of a listed species, including the</p>	On page 114, the PSS states “information regarding the presence of federally and state-listed Threatened and Endangered (T&E) species, state-designated Species of Special Concern (“SSC”), and state-designated Species of Greatest Conservation Need (SGCN), and the Facility’s potential to impact such species or their habitats will also be discussed. Documented T&E species, SSC, and SGCN will be based on database records obtained from the NHP, other known records documented by NYSDEC, USFWS, and on-site surveys. If it is determined by the NYSDEC that construction or operation of the Facility is likely to result in a take of state-listed T&E species, including the adverse modification of habitat on which a listed species depends (i.e., breeding,

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					modification of habitat on which a listed species depends, the Applicant should submit an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species. If the Applicant decides to apply for an Incidental Take Permit (ITP) they need to include proposed actions to first avoid all impacts to listed species. If it is determined that adverse impacts are unavoidable, the Application should demonstrate this and contain thorough and clear justification describing why complete avoidance of impacts to each affected species is not feasible, how the proposed minimization actions will minimize impacts to the maximum extent practicable, and proposed mitigation actions. All information and material should be provided to the NYSDEC in full and unredacted form prior to the application submission.	hibernation, reproduction, feeding, sheltering, migration and overwintering), the Applicant will submit an avoidance, minimization, and mitigation plan that demonstrates a net conservation benefit to the affected species pursuant to 6 NYCRR Section 182.11 (Part 182), along with the informational requirements of an Incidental Take Permit (ITP), as provided for in Part 182.'
397.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Map Showing Delineated Wetland Boundaries	2.22.I Offsite Wetland Analysis For a complete off site analysis it is recommended to add hydric soils from soil survey to mapped NWI and DEC wetlands. From page 91: The underlying soil of the Facility Area consists of members of the Ontario, Hilton, Appleton, Palms Muck, and Sun series (USDA, 1977). 3 of 5 are hydric soils and should be shown on Figure 4.	Per the PSS, soils information will be provided in the Application within Exhibits 21 (Geology) and 22 (Terrestrial Ecology and Wetlands).
398.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	2.23.b.2 Description of Surface Waters Does otter creek support trout populations? No mention of surveying or noting potential impact to protected aquatic species other than fish. The Region 8, NYSDEC recently surveyed for fresh water mussels in waters within the site boundaries. They should be noted.	Based on initial mapping, Otter Creek is classified as a NYSDEC Class A water. While this is the highest water quality designation (see page 112 of the PSS for description of NYSDEC standards), it not mapped as a "(t)" stream therefore is not anticipated to support trout population. The Applicant will confer with NYSDEC Region 8 to determine whether freshwater mussels are present in any streams or water bodies proposed to be disturbed in connection with the Facility and, if so, whether any impacts to those resources are anticipated.
399.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	Figures: Figure 4 - Mapped wetlands and streams - need to add hydric soils from soil survey to mapped NWI and DEC wetlands. From page 91: The underlying soil of the Facility Area consists of members of the Ontario, Hilton, Appleton, Palms Muck, and Sun series (USDA, 1977). 3 of 5 are hydric soils and should be shown on Figure 4.	Per the PSS, soils information will be provided in the Application within Exhibits 21 (Geology) and 22 (Terrestrial Ecology and Wetlands), including hydric soils.
400.	April 6, 2018	Amy Kahn (President) and June Summers (President)	RBA and GVAS	Section 2.23/Exhibit 23 – Water Resources and Aquatic Ecology – Surface Waters	Figures: Also on Figure 4, it is a misrepresentation to call class 4 streams unregulated. They are still jurisdictional waters regulated by both NYSDEC and USACOE.	PSS Section 2.23 (page 112) states "the Article 10 Application will identify the classification for all NYSDEC mapped streams within the Facility Site (see Figure 4). Characteristics of the streams in the Facility Area will be described in the Article 10 Application, based on publicly available data and, when available, supplemented by field data collected during on-site wetland and stream delineations." Based on available NYSDEC mapping as shown on Figure 4, the following are the known NYSDEC waterbodies regulated under a Protection of Water Permit (Article 15): <ul style="list-style-type: none"> • Oak Orchard Creek and tributaries Class C • Fish Creek and tributaries Class C • West Branch Creek and tributaries Class C • Otter Creek (upper) and tributaries Class A <p>The Applicant understands that other streams which may not be regulated under the NYSDEC Protection of Waters Permit may still be regulated under jurisdiction of the USACE.</p>
Public Comments						
401.	April 5, 2018	Kerri Richardson	Individual	NA	I would like to request an extension of 90 days for the comment period on the PSS that was submitted by Heritage Wind.	Per the Notice issued by Secretary Burgess on April 18, 2018 the deadline for comments on the PSS was extended to April 27, 2018.

Heritage Wind Response to PSS Comments

Comment Number	Date of Comment	Commenter	Entity or Agency	PSS Section/Exhibit Section	Comment	Applicant Response
402.	April 5, 2018	Kerri Richardson	Individual	NA	<p>The following are the reasons that I am requesting this extension:</p> <ul style="list-style-type: none"> • Letter of notice sent by Heritage Wind contained the inaccurate case number (The letter stated the case number was 15-f-0546, the correct number is 16-f-0546). • Letter was received in my home on Thursday March 29th (the day before Good Friday and last Business day before Easter. Both school districts (Albion and Medina) with Barre Residents have their Spring break through April 9th, with the comment period ending as of now tomorrow April 6th. Providing little to no opportunity or time, especially if residents have travel plans to look into or review this 188 page document and comment. 	Per the Notice issued by Secretary Burgess on April 18, 2018 the deadline for comments on the PSS was extended to April 27, 2018.
403.	April 5, 2018	Kerri Richardson	Individual	NA	In addition myself and many others in our community do not have internet in our home, meaning that accessing this document will take additional time and resources. In addition to the extension I request that 25 additional hard copy be delivered to Barre Town Hall for Residents to borrow and review.	Additional time was granted per the Notice issued by Secretary Burgess on April 18, 2018 the deadline for comments on the PSS was extended to April 27, 2018. The Applicant provided an additional, six hardcopies to the Town Clerk.
404.	April 5, 2018	Kerri Richardson	Individual	NA	I request that Heritage Wind be asked to send a corrected letter drawing attention to the mistake in thier letter through bolding, and highlighting the corrected text and extension period to the comment time (if granted). I also request that Heritage Wind on the front and top of the 1st page of the document state that residents are receiving this corrected letter with the extension date (if granted) and comment information. I ask that this letter be sent out within 10 days of Heritage Wind receiving notice of the extension of the comment period.	This issue has been resolved.
405.	April 14, 2018	Kerri Richardson	Individual	NA	<p>I move for a 45 day extension, ending on June 1, 2018, of the intervenor funding application for case number 16-F-0546. After receiving the PSS notification letter from Heritage Wind Thursday evening March 29th, I and other concerned residents of Barre have been putting in great efforts to get caught up and informed on the article 10 process and more specifics on the Heritage Wind Project. Over the past 2 weeks, we have had countless phone and in person conversations, researched wind turbines, spoken with our neighbors, attended a Town Board workshop (3/28/18) and Town Board meeting (4/4/2018), along with a Heritage Wind open house (4/9/2018), and developed a community organization (Clear Skies Above Barre, Inc.) to educate and inform our community about the impacts that industrial wind can have on our community and individuals.</p> <p>We have submitted an expedited application for corporation for a not for profit in New York, and have held our first organizational meeting (4/12/2018), with two additional meetings scheduled (1 a week). The group has started raise funds, while simultaneously seeking council for the Article 10 process. In addition, we have looked at the intervenor application, and the organization, Clear Skies above Barre, Inc. believes that we would be best served if we had the opportunity to obtain council to help us through the application process and the Article 10 process. The intervenor funding will be crucial to our ability to obtain experts for the stipulation phase. We are a working</p>	Per the Ruling on Intervenor Funding issued on May 16, 2018 Clear Skies Above Barre, Inc. was awarded \$30,000 in pre-application intervenor funding.

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					community and I, and members of this group have been doing this while also holding full time jobs (and in my case also being a mother of 2 small children 2 years, and 4 months). After receiving the letter in regards to the PSS, we are finding that our neighbors, and community have not been informed, or have been misinformed about the project, and therefore, have not had a voice. In order to be able to best educate and inform our community we request this extension. The 45 day extension, ending on June 1, 2018, will provide us the opportunity to get better organized, obtain legal counsel, and submit an application for intervenor funding. I appreciate your attention to this, matter and if you have any questions please do not hesitate to ask. This motion has been submitted to Secretary Burgess, the party list, and the ALJ's assigned to this case.	
406.	March 26, 2018	Tim Allen, Vintage Aircraft Group, WNYSkydiving	Vintage Aircraft Group, WNYSkydiving	Section 2.15/Exhibit 15 – Public Health and Safety – Wind Power Facility Impacts	I own an airport (privately owned, public use) with a skydiving center located on it. My only concern with the wind turbine project is the downwind turbulence coming off of the turbines causing an issue with the parachutes we fly. When we teach new skydivers, we explain that turbulence can come horizontally from up to 20 times the height of an object. In layman's terms, this means if the turbines are 400' tall (including the blades) the turbulence directly behind these turbines can affect the air currents up to 8000' from the location of the tower. Skydivers most often land on their designated field. Occasionally they land off the airport, up to a mile from their designated landing point. Unlike traditional aircraft, skydiving parachutes do not have motor attached to help they make up that distance to allow them to land on their original intended point.	The Applicant understands the concerns expressed by the group and has initiated discussion with the group. The Applicant also anticipates future meetings with the group to address these concerns.
407.	March 26, 2018	Tim Allen, Vintage Aircraft Group, WNYSkydiving	Vintage Aircraft Group, WNYSkydiving	Section 2.15/Exhibit 15 – Public Health and Safety – Wind Power Facility Impacts	Adding up the distances stated above, we are concerned about what happens to the skydiver that lands within a distance affected by downwind turbulence of the turbine location on a windy day? We currently jump in up to 30mph ground winds, and winds just a few hundred feet in the air can be significantly stronger than that on the ground. Ram-air parachutes depend on air pressure to keep them inflated and allow them to fly through the air. This turbulence we are concerned about would collapse the parachute, most likely injuring (or worse) the skydiver suspended underneath it.	The Applicant understands the concerns expressed by the group and has initiated discussion with the group. The Applicant also anticipates future meetings with the group to address these concerns.
408.	March 26, 2018	Tim Allen, Vintage Aircraft Group, WNYSkydiving	Vintage Aircraft Group, WNYSkydiving	Section 2.15/Exhibit 15 – Public Health and Safety – Wind Power Facility Impacts	We would like to see studies that show the direction and distance of downwind turbulence from these turbines to help us alleviate our concern. Should this data not be available, we do not support these turbines being built any nearer than a five (5) nautical mile radius from our airport in order to ensure the safety of our skydivers.	The Applicant understands the concerns expressed by the group and has initiated discussion with the group. The Applicant also anticipates future meetings with the group to address these concerns.
409.	March 26, 2018	Tim Allen, Vintage Aircraft Group, WNYSkydiving	Vintage Aircraft Group, WNYSkydiving	Section 2.15/Exhibit 15 – Public Health and Safety – Wind Power Facility Impacts	As we have explained to each party we have spoken to on this matter, we are pro business - including wind turbines! We are, however, concerned that these turbines will throw our parachutes out of the air and have not been given any indication that it will not be the case by either the FAA or the wind turbine company looking to build these.	The Applicant understands the concerns expressed by the group and has initiated discussion with the group. The Applicant also anticipates future meetings with the group to address these concerns.

Case No. 16-F-0546
Heritage Wind Response to PSS Comments

Comment Number	Date of Comment	Commenter	Entity or Agency	PSS Section/Exhibit Section	Comment	Applicant Response
410.	March 26, 2018	Janet Lynn Bortiz-Sandefur	Individual	NA	I am just a tax payer who loves wildlife and nature. But as a constituent, I feel my voice is important when I am an expert in Wildlife Management / Conservation or not.	This comment is not related to a specific PSS section or study scope.
411.	March 26, 2018	Janet Lynn Bortiz-Sandefur	Individual	NA	The more we continue to negatively impact land and air space, the less we leave for all things wild (animals and plants alike).	This comment is not related to a specific PSS section or study scope.
412.	March 26, 2018	Janet Lynn Bortiz-Sandefur	Individual	NA	If we truly do NOT need another Wind Project, please just don't pursue it.	This comment is not related to a specific PSS section or study scope.
413.	March 26, 2018	Janet Lynn Bortiz-Sandefur	Individual	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors	We are impacting, rhining and killing living animals and plants, and making animals relocate, so much, that soon it won't matter - because there will be nothing left to impact or kill, or ruin.	This comment is not related to a specific PSS section or study scope.
414.	March 26, 2018	Debi Holt	Individual	NA	Any wind project is poorly sighted in my opinion. Wind power, in its present state, is not cost effective & would not even be considered by these wind companies if not for the subsidies that they recieve. The amount of environmental destruction & lack of the amount of power produced makes it a waste of time & the taxpayer's money!	This comment is not related to a specific PSS section or study scope.
415.	March 26, 2018	Debi Holt	Individual	Section 2.22/Exhibit 22 – Terrestrial, Ecology and Wetlands – Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors	In respects to this particular project, it couldn't be any more poorly sited. This is being proposed next to a wildlife management area?! Really?! What part of bird blender does this government not understand?! This is a major bird migration route. These birds depend on the habitat this area provides. This habitat will no longer be a refuge for these migrating birds if this project, Heritage wind, is allowed to continue forward. No wind project should be allowed anywhere in a major migratory bird flyway!	Per the PSS, impacts to wildlife will be described in Exhibit 22 of the Application.
416.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	There are many persons in Barre New York that do not want the wind mills. There are many concerns that have not been explained fully or answered at all. I am one of these persons that want more answers and proof that my health will not be effected, and property will not depreciate. I am very unhappy that the quite, serene, picturesque and tranquil county side we now enjoy is going to be lost.	This comment is not related to a specific PSS section or study scope.
417.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	The organization above has assembled a number of studies on each of our concerns. I am going to send you a copy of one study per concern, as proof there are harmful and liabilities to Wind Turbines Farms.	This comment is not related to a specific PSS section or study scope.
418.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	This organization is going to have a public meeting to bring the knowledge of these studies to the community.	This comment is not related to a specific PSS section or study scope.
419.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	The assets of the Wind Mill Project (revenue) will also be explained. At the end of the meeting conducted by KNOW YOUR FACTS USA, on April 28, 2018, the community will be requested to complete a ballot in favor or against the project. The Majority must rule.	This comment is not related to a specific PSS section or study scope.
420.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	Concerns are as follows: Property Values review study Do Wind Projects Adversely Affect Proximate Residential Property Values	Per the PSS, socio-economic impacts and benefits will be described in Exhibit 27. In addition, a discussion of public health and sound impacts will be included in Exhibits 15 and 19, respectively. A description of impacts on communications will be included in Exhibit 26, while setbacks, as discussed above, will be addressed in Exhibit 6 of the Application.

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					<p>Commutations Disturbances review study Wind Turbines Devaluation, Cell Phone and Internet Interference knowyourfactsusa.org or KNOW YOUR FACTS USA c/o RANCO Management INC PO Box 84 Albion, New York 14411 OR PHONE 716-536-9595 OR FACEBOOK KNOW YOUR FACTS USA</p> <p>Noise Pollution review study Wind Energy, Noise Pollution Birds and Bats review study License to Kill: Wind and Solar Decimate Birds and Bates Effects on Animals review Do Wind Turbines Harm Animals Lighting review Antenna Towers Attract Additional Lightning Stricks Flicker review Flickers and Stray Voltage Health Risk review Are wind farms a Health Risk Set Backs review Facts about Industrial wind Turbines Noises Stray Voltage review Stray Voltage an ongoing issue in wind farm area</p>	
421.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	I am requesting you to cease from allowing this project to advance until all set back are of greater distance and all other issues are resolved.	This comment is not related to a specific PSS section or study scope.
422.	April 2, 2018	Robin Nacca	KNOW YOUR FACTS USA	NA	Please note my objections for the continuation of this project. In the letter I sent you sent on 3-29-2018.	This comment is not related to a specific PSS section or study scope.
423.	April 5, 2018	Colleen Mueller	Individual	NA	<p>If E&E are using methodologies (computer probabilities) for their study guidelines, it is absolutely ridiculous to find this acceptable for their estimates. ONLY unbiased officials with NO vested interests should be conducting studies and all should be done when wildlife is most visible. USFW have been "in bed" with wind developers far too long. Who is working to protect natural resources for future generations? Any, and all bird and bat congregating and migratory paths should NEVER be accepted for wind development of any kind!! Foreign companies could care less about us, our land, or anything else, it's all about the \$\$, that's it, Help to stop the destruction of our country!!</p> <p>PS. No one has the right to take our right to enjoy our property from us</p>	The Applicant will provide studies and reports in accordance with Federal and state protocols as presented in the PSS.
424.	April 6, 2018	Kirk and Alice Mathes	Individual	NA	I'm writing as a lifelong resident of the town of Barre and a 5th generation operator of Mathes Farms, originally founded in 1841. I want to report that there is support for the Heritage Wind project in the town of Barre and explain why I count myself among its supporters. My farm is precious to me and my family so it was only after careful consideration that I agreed to participate in the project by signing a lease.	This comment is not related to a specific PSS section or study scope.
425.	April 6, 2018	Kirk and Alice Mathes	Individual	NA	In my time I have seen family farms struggling to compete with increasingly large farming operations across the country. When I started trucking cattle in the late 70s there were 22 operating dairies in Barre. There are now two. The price of our crops have fluctuated,	This comment is not related to a specific PSS section or study scope.

Heritage Wind Response to PSS Comments

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					making it tough for farmers to maintain family operations like ours. Large scale farms with outside investors cause family farms to feel the need to get big or get out of the business. To me wind represents a new type of crop to harvest and a guaranteed income for my family and community. As a long-time supporter of the local 4-H club, the Farm Bureau, and a tax payer, I know that this community will benefit from the revenue that this project will bring.	
426.	April 6, 2018	Kirk and Alice Mathes	Individual	NA	I respect my neighbors who have decided not to participate in the project but expect them to respect my decision to have a turbine on my property. In a right to farm community such as Barre, the ability for landowners like my family to make their own decisions about their land is the only way for us to survive.	This comment is not related to a specific PSS section or study scope.
427.	April 6, 2018	Mary Webster	Individual	NA	I am a resident of the Town of Barre and am very concerned with the prospect of having wind mills put up in our area. I can't help to believe that this will do nothing but help decrease the value of our properties in the area.	This comment is not related to a specific PSS section or study scope.
428.	April 6, 2018	Mary Webster	Individual	NA	I find it interesting that a representative for the wind mills came to our door, offering money to sign a contract to use the property for the interest of the wind mill project. Living in a poor community, of course this offer would initially sound great, until they go up. One of the greatest things that our area has to offer is the wonderful views of acres of farm land, the quiet of country living, and the beauty of the wild life that surrounds us. We struggle every day to keep our property values up, so that one day, when we decide to retire or relocate, we can get a return on all of the years of hard earned money that we have invested in our homes. I would like to know how the wind mill projects in other areas have effected the value of the surrounding homes, and do not believe it will be found for the better.	This comment is not related to a specific PSS section or study scope.
429.	April 6, 2018	Mary Webster	Individual	NA	Furthermore, what it to be gained from all of this for our area? Tax benefits only? Will that make up for the decrease in our property values down the road? Certainly a few will gain from placing these turbines on their sites, but is it truly for the good of the entire community? As far as I know, there is no energy reduction or benefit for our community as a whole. So while a few will be happy with the income they will generate from signing up, the entire area will be effected for many years by the decisions and consequences of the wind mills. Everyone should read up on areas that have already been effected by the choices made.	This comment is not related to a specific PSS section or study scope. Please note there will be exhibit sections in the Application which will address topic areas raised in this comment.
430.	April 6, 2018	Mary Webster	Individual	NA	In closing, I strongly encourage people in our area to do their homework. Our homes are one of our biggest investments and safe havens, and we need to make wise choices for not only our future, but the future of the generations to come.	This comment is not related to a specific PSS section or study scope.
431.	April 6, 2018	Nancy Blank	Individual	NA	My husband and I have owned our farm on Barre since 1979. We are very concerned for the future of our quiet serene agricultural district...	This comment is not related to a specific PSS section or study scope.

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					I have been studying the ill effects of wind turbines since Iberdrola tried to put them in our town approximately 11 years ago..at that time the studies showed there was not enough wind to sustain them. Some of the ill effects are insomnia, nausea, headaches ear ringing, pollution of well water, soil compaction, flicker, erosion, wildlife and vegetation changes, up to 40% reduction in our land value, and basic disruption of the life we have come to love on our farm.. farmers are stewards of a natural resource that is limited. You are taking our way of life away from us and everything we have spent our lives protecting.. Why are we being targeted for industrial wind turbines when we are an agricultural community? Isn't disrupting our wetlands against sodbuster and swampbuster laws that we farmers are required to abide by? I feel we are being targeted as a small community because The Applicant thinks we are not knowledgeable...this is very disheartening to think we have no say what happens.. at 68 years old I hate to think about leaving my community..	
432.	April 11, 2018	Nancy and Edwin Blake	Individual	NA	I have read both the Preliminary Scoping Statement and the lease agreement for the The Applicant Clean Energy Heritage Wind Project in the town of Barre, Orleans County, New York. My husband and I are incredibly concerned about the future of our farming community. Ed is a lifelong Orleans County resident and I have lived here in 1974. The Applicant is a multimillion dollar corporation that has no interest in our community other than building this wind energy generating facility. The PSS is very vague. It refers to Article 10 repeatedly. The lease was analyzed by Ms. Krista Barth, a contract law attorney, who in a nutshell; is telling landowners to sign a lease as it is written; is giving away our rights to The Applicant or any other company; they transfer it to for the next 49 years!! Besides these two major concerns, in 2008, Iberdrola concluded that there is not enough wind in to drive these large industrial turbines (500-600 feet) that they want to put on our properties. The entire county of Orleans is a class 2 wind power density and a class 4 is needed for generating electricity that can be sold back to the grid. Please do not allow our county/town to fall prey to these companies that are only interested in the tax credit that they will receive to complete their projects. Many studies have been done across the state and country that indicate the industrial wind turbines are ill-conceived while causing many health concerns, soil compaction (permanent), damage to wells, stray voltage, damage to wildlife and birds, migration patterns, insomnia, irritability, nausea, dizziness, and ADHD type symptoms in children. I, personally, get migraine headaches and a neighbor is an epileptic. These two conditions are exacerbated by flicker and strobe on these turbines. I have also witnessed turbines in Wyoming County that just the motion of the blades made me nauseous which led to a migraine. People complain that they have a deficit in concentration, or worse have had to abandon their homes. The PSS talks about disturbing wetlands. If they are allowed to do this; why do we farmers have to be careful not to disturb the wetlands? What about the turbines interfering with radio	<p>This comment is not related to a specific PSS section or study scope. As noted in the PSS Section 2.22(m) and (n), the Application will include an identification and mapping of on-site and nearby wetlands, as well as a discussion of potential impacts to wetlands from the Facility. If impacts are anticipated, the Applicant will be required to show what measures it is taking to avoid and mitigate wetlands impacts, as stated in Section 2.22(n), consistent with substantive State wetlands permitting requirements. If disturbance of Federal wetlands are proposed, the Applicant would need to obtain additional federal permits from the USACE. See PSS Section 2.33.</p> <p>Discussion of potential impacts to communications, such as radio and television, will be included in Exhibit 26 of the Application (see PSS Section 2.26). Potential impacts to, and consultations with, local operators of airports and heliports, including Mercy Flight, will be addressed in Exhibit 25 of the Application (see PSS Section 2.25). Socioeconomic impacts will be discussed in Exhibit 27 of the Application (see PSS Section 2.27).</p>

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					and television reception? Our Mercy Flight helicopters fly over our area at least weekly. What will happen to them? And of course our property values. We just refinanced our farm and the appraiser does many areas where there are turbines. He told us that property values can decrease up to 40%!! We have spent our entire 44 years of marriage increasing the value of our farm and property. This is devastating news. Electricity prices will go up. The Applicant promises electric and tax relief. It has been proven otherwise. Please; can you help our town? Hydro power is abundant in Western NY. Solar power is another alternative and doesn't have the side effects of wind turbines. Someone needs to stand up and protect us from these turbine companies.	
433.	April 13, 2018	Branden Knab	Individual	NA	Greetings, I am writing this in proxy for my mother (Brenda Knab), and brother (Daniel Knab) who currently reside at the Address Listed. We firmly believe that clean energy generation is a very important step in creating a sustainable future for our country, and are pleased our community can be a part of this transition.	This comment is not related to a specific PSS section or study scope.
434.	April 13, 2018	Branden Knab	Individual	NA	We, as a community, would be handing over the use of plots of land and unsullied views that have been with our families for generations. We are fine with the change of scenes, so long as you directly take care of the energy needs of our community in the process. We personally don't have land to offer like some of our fellow community members, but what we do have to offer is acceptance. We will be living here, in the shadow of the turbines for generations to come. Don't leave us bitter that we agreed to say yes. If I ever have to hear over morning coffee with mom, "This damn turbine, they came in, set up, left me an eyesore, and don't even help keep my lights on." Then you've done your job wrong, and you've done our community a major disservice.	This comment is not related to a specific PSS section or study scope.
435.	April 14, 2018 and April 16, 2018	Benjamin Wahl	Individual	NA	[April 14, 2018] I moved to Barre for the beautiful views and quiet living. Me and my family are very opposed to the wind turbines. They will change the dynamic of the life we sought when we purchased our home. The negatives out weigh the positives, I'm not willing to look at these all day on my days off of work, listen to them because they make an audible hum. They will effect all wildlife and potentially effect our well water. If this gets approved we will be forced to sell our home and move. [April 16, 2018] I'm opposed to the idea of massive wind turbines in the town of Barre. As a resident, I bought my home to raise a family in a quiet country style of living. The massive eye sore of turbines will ruin the feel of country living, plus the negative effects having them so close to home. They affect wells, produce noise and cause power surges. I'll be forced to move my family if this passes and wind mills go up.	This comment is not related to a specific PSS section or study scope.

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436.	April 16, 2018	Kevin Witkop	Individual	NA	<p>I am writing to express my support for the Heritage Wind project in the town of Barre NY. This project gives our town the opportunity to be part of the solution with regards to supplying clean, efficient, and safe energy to the American people. Let's compare wind energy to the nuclear plant in Ontario County, or Somerset coal plant - it is cleaner and safer than both of those options. Furthermore, Barre has the highest taxes in Orleans Co - which has some of the highest taxes in all of New York State. If the wind energy project lowered our taxes, every resident would win, regardless if they had a turbine on their property or not. Lastly, the farmers who could profit from the turbines have shouldered the taxes for years, and are currently in a terrible downturn. Their incomes have been cut nearly in half within the last few years and they have little to no control over that. This would be a lifeline to keep them alive and financially viable until better prices return.</p> <p>It is my belief that this project would be good for our community and I hope you're willing to support it.</p>	This comment is not related to a specific PSS section or study scope.
437.	April 19, 2018	Charles Mathes	Individual	NA	<p>To whom it may concern. I support the windmill project. As a small farmer this project will greatly help me to continue farming and to ensure the future for my family.</p>	This comment is not related to a specific PSS section or study scope.
438.	April 28, 2018	Richard Wagner	Individual	NA	<p>I am writing this response because I believe the wind turbine project in the town of Barre is one of the best sources of renewable energy available. NYS has mandated that 50 per cent of the electricity produced in NY will be from renewable energy by 2030. I only know of 3 forms of renewable energy. Hydro, Solar, and Wind. Hydro has probably been maxed out but I understand Niagara falls has more potential but need to divert more water from the falls with a negative effect on beauty and tourism. Solar is a proven source of power but is limited by only being able to produce during daylight hours. Another negative of solar is that they want 25 acres or more to construct their system and that acreage would no longer be tillable so it would reduce the food source potential that we need to survive. Next is the wind generators. To me, this makes the most sense. Doesn't matter if its daylight or dark, these generators will produce electricity continuously 24 hours a day as long as the wind blows. It also has minimal impact on the land being used to produce crops. I was one of the first property owners to sign a contract with Apex/Heritage Wind because I truly believe it's the best solution to produce our future electricity needs. One of the other benefits to Wind is the fact it does not affect the air we breathe. I respect the decision of some property owners to oppose this project but they should also respect my decision to want it and not try to prevent it.</p>	This comment is not related to a specific PSS section or study scope.
439.	April 28, 2018	Richard Wagner	Individual	NA	<p>The next topic is the recent article in the Orleans Hub under community news in the town of Barre sharing the views of Milli Richardson. I'm not sure what her agenda is but it's my understanding that she is not a resident in the town of Barre nor does she own property in Barre. She seems to think that the resulting revenue from this project won't go to the places it's supposed to. She obviously has</p>	This comment is not related to a specific PSS section or study scope.

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					not read the contract information. Property owners are paid rent annually for as long as the Apex contract specifies. Construction of a wind mill on that property provides for additional money to the property owner(s). The contract specifies that any increase in assessed value will be the sole responsibility of Apex and they will pay it. Of coarse the state and federal government get some money as well. Any money paid to the property owner becomes taxable income and in the case of SS recipients, it also increase their taxable SS benefits. When I pay my property tax it is paid to the Town of Barre. School tax on said property is paid directly to Albion Central School. I really can't understand her remarks about the money going to other recipients.	
440.	April 28, 2018	Richard Wagner	Individual	NA	Last topic is the affects on wildlife. I hear statements that these turbines will kill birds and disrupt other wildlife. I know jet airplanes suck in birds at air ports but we continue to have flights. I could care less about a few birds as long as I have electricity and breathe clean air. Consider the number of deer that are killed by automobiles on the highways in this area. I don't see anyone proposing that we stop driving.	Per the PSS, impacts to wildlife will be included in Exhibit 22 of the Application.
441.	April 28, 2018	Richard Wagner	Individual	NA	I am 100 percent in favor of this project going forward and I believe it's the right approach to provide future electrical needs with the least impact on the environment. I also feel that it will help the Town of Barre financially and may even reduce property taxes to the benefit of all residents.	This comment is not related to a specific PSS section or study scope.
442.	April 28, 2018	Stephen Harling	Individual	NA	As a life long resident of Barre, I often hear people complaine of the high tax rate we all pay. I enjoy the benefits of living in the country and feel the taxes are a trade off of living in a less congested area. One of the greatest assets of the country living is the neighbors. I am surrounded by great neighbors who are always willing to help out me and my family. My closest neighbors are in favor of windmills so therefore so am I. It is unfortunate that in a small community, issues such as this one, are not given proper vetting before everyone starts taking sides. My understanding is that this proposal will most likely end up going to a vote by the residents. Until we know how the majority feels, I hope our town residents can keep this a friendly dialogue.	This comment is not related to a specific PSS section or study scope.
443.	April 30, 2018	Cyndy Van Lieshout	Individual	NA	Our dairy farm has been in the hamlet of Barre for years and We have been the owners since 1978. But our county is property tax deficit it is so said to drive around and look at. With that being said we are a fantastic place to live, close to cultural opportunities if one chooses, great schools, a community park and 75 percent of the tax base is paid by agriculture. I attended the Facts You Need to Know and Blue Skies Over Barre public meetings. I was not happy that they only push their agenda, for every study they produce I can produce one on the other side, so nothing is factual. I think we elected Town Board Members and a Supervisor to look out for all parties involved. Please give them that ability to do so. I truly believe we live in the best country in the world, most countries would not even have this opportunity to give their opinions.	This comment is not related to a specific PSS section or study scope.

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444.	April 30, 2018	Cyndy Van Lieshout	Individual	NA	I am in favor of the windmills at this point and hope the Town Board is able to do the due diligence needed to get all the facts good or bad and make a knowledgeable decision. Thank you for the opportunity to let my voice heard.	This comment is not related to a specific PSS section or study scope.
445.	April 30, 2018	Mike Van Lieshout	Individual	NA	I have seen two towns with windmills and both the communities are flourishing.	This comment is not related to a specific PSS section or study scope.
446.	April 30, 2018	Ernest and Christine Loss	Individual	NA	As long-time residents and land owners in Barre, we are in favor of the Heritage Wind Energy project. We feel that this project will be positive for all of the residents here, and will provide clean, renewable energy for many years to come. This will not only be good for the environment, but will bring many advantages for the residents, for the farmers, and for businesses. As we look into reputable studies and at factual information, the downside of having windmills would be very minimal, and the advantages many. We have heard the arguments posed against Windmills and have found that they are largely not fact based or credible. Please count us as supporters of this project.	This comment is not related to a specific PSS section or study scope.
447.	May 1, 2018	Martin Bruning	Individual	NA	My name is Martin Bruning and live in the town of Barre. I have been a resident for 8 years and plan to raise my family in Barre. That said; the prospect of a wind farm is no personal deterrent to my wife and I. I would like to show my support to further the discussion of wind turbines in our township. Thus far APEX Clean Energy has answered every personal question to date with an answer (most importantly in writing) Through attempts at another project I personally feel APEX has proved they want to work as a partner with the town that supports them. If properly executed; a wind farm in the town of Barre could set a precedent between private and public sector where ALL parties (taxpayers, Apex, future residents) benefit. As a country there is a clear and evident shift to newer types of energy such as wind. We can rally behind opinion based studies to hide from this reality but we are better served to explore best management practices and lead by example.	This comment is not related to a specific PSS section or study scope.
448.	May 1, 2018	Paul and Penny Gillette	Individual	NA	We are in support of the Heritage Wind project in our town. It makes sense to harvest something that is free like wind. We have been to Lowville, NY, where there are a bunch of windmills and the area is doing great. The town will benefit financially from the payments that will lower everyone's taxes.	This comment is not related to a specific PSS section or study scope.
449.	May 1, 2018	Ernest and Christine Loss	Individual	NA	...Please register our support for the Heritage Wind Project. The tax breaks that everyone will enjoy will also help our farmers with the incredible tax burden they have been carrying. Virtually all of the concerns raised by certain other groups have been based on half-truths and hyperbole...trying to scare everyone out of an incredible opportunity for this area. They refuse to look at data from more reputable sources. Lost in all the fearmongering I have heard from them is that Windmills provide a clean, renewable source of energy. We cannot go on with the use of fossil fuels for all of our energy needs. We need to use Windmills, along with solar and other clean energy sources so that we can leave a planet that will be viable for our grandchildren. This is a great opportunity for Barre, and we can't get lost in all the half-truths and outright lies. Windmills are not the killing	This comment is not related to a specific PSS section or study scope.

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					machines that some are portraying them as, in fact, they are much safer than Nuclear plants and fracking. I wish that everyone who has concerns will look into this much further, and go to sources that are reputable. You can find almost anything online that would support any point of view, but you must look for sources that have more credibility. Power lines that are up and down all of our roads are probably more dangerous than any Wind Turbines, and our cell phones! This energy project will be a win for everyone. And the idea that Wind Turbines are just an eyesore is so incredibly subjective, as many people find them beautiful and calming to look at.	
450.	May 1, 2018	Ruth Miller	Individual	NA	The Barre Town Board has spent endless hours researching the pros and cons of Industrial Wind Turbines and the company, Apex, that is proposing to build @35 turbines scattered through out the town of Barre. As a long time resident of Barre, I, too have done research and have concluded that the Heritage Wind Turbine project possesses very little harm to humans and wildlife, would be a significant economic boost for Barre residents and would help reduce the use of toxic energy sources. I vote yes for the Heritage Wind project.	This comment is not related to a specific PSS section or study scope.
451.	May 1, 2018	Jonh (sic) Metzler	Individual	NA	Europe has had wind energy for over 40 years and it has been proven to be unprofitable, unmanageable, inefficient and a danger to humans, animals, and anyone in proximity. Please review Europe's wind history and you'll discover the truth.	This comment is not related to a specific PSS section or study scope.
452.	May 2, 2018	Randall Shortridge	Individual	NA	My neighbors have signed contracts with Apex. I don't want these within one mile of my house for health reasons. Barre set back distance is currently 1,000 feet. It needs to be increased to a higher distance.	This comment is not related to a specific PSS section or study scope.
453.	May 2, 2018	Richard Miller	Individual	NA	Our farm is located in the town of Barre. Barre is a Right to Farm community. A statistic regarding land & school taxes in Barre: There are 780 tax payers in Barre; of that 780, 70 pay 75% of all land & school taxes; of the 70, many are farmers. Barre's taxes are high because there are very few businesses in this town. As a farmer, it is a hardship to continue to pay such high taxes without some other industry in Barre. I vote in favor of the Heritage Wind project as an economic boost for the town of Barre. The Heritage Wind project would be a benefit to all tax payers in the town of Barre.	This comment is not related to a specific PSS section or study scope.
454.	May 2, 2018	Judy Prentice	Individual	NA	I have lived in the town of Barre since 1969. myself I'm not in favor of a wind farm out my front window. Also I think the whole town should get a tax break not just the land owners.	This comment is not related to a specific PSS section or study scope.
455.	May 2, 2018	Edwin Blank	Individual	NA	I would like to communicate my thoughts on the proposed Industrial Wind Turbine Farm proposed for the Town of Barre in Western New York. My first concern is for the residents of the town. I fear the noise, infrasound, and flicker from 600 + foot 4.2 mw turbines will jeopardize the health of our residents. I have experienced noise and flicker from smaller turbines in Wyoming County. How much more noise and flicker will be produced by these turbines that produce 2x the power? Secondly, why should our tax dollars be spent on projects that are not profitable? Governments in Europe are struggling to keep windfarms	Per the PSS, impacts to public health will be described in Exhibits 15 and 19 of the Application.

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					<p>operational. These farms are inefficient and inconsistent in production resulting in higher energy bills.</p> <p>Our farm is situated on the migratory path of Canadian Geese. I think about how many will meet their fate in a wind turbine or will they change their migratory route?</p> <p>Lastly, and sadly, is the division in the towns population. The pros looking for compensation to keep their farms solvent. the cons concerned about their health, devaluation of property values, and losing the sanctity of the rural atmosphere.</p> <p>I think wind energy should be abandoned in favor of other green energies such as a hydro electric alternative.</p>	
456.	May 2, 2018	Laura Shortridge	Individual	NA	<p>After much research, I am strongly opposed to wind turbines being put in Barre for several reasons. The top three are: 1) health risks. As a person prone to seizures, I don't want to live anywhere near a wind turbine since studies have shown that they can induce seizures (as well as other health problems), 2) interruption of cell and Internet service. Our service is lacking as it is; if it gets any worse, it will not only be a huge inconvenience but can harm my online business. Obviously, I am only one of many that would be adversely affected. 3) risk to wildlife. Beside the hundreds of "regular" birds, hawks, and geese that would no doubt be killed by each turbine every year year, it is likely that swans and eagles would die as well since we are in their corridor from Iroquois Wildlife Refuge.</p> <p>Putting up wind turbines would be very irresponsible toward the citizens of Barre. Please don't put us at risk!</p>	<p>This comment is not related to a specific PSS section or study scope.</p> <p>Generally, as stated in the PSS, potential impacts to public health will be addressed in Exhibit 15 of the Application (see PSS Section 2.15); potential impacts to communications, such as cellular and internet service, will be addressed in Exhibit 26 of the Application (see PSS Section 2.26); and potential wildlife impacts will be addressed in Exhibit 22 and the avian and bat studies performed for this project, as outlined in PSS Section 2.22.</p>
457.	May 3, 2018	James Peglow	Individual	NA	<p>As a Barre resident for 62 years and actively farming for 50+ years, I am supporting the Heritage Wind Project in the Town of Barre.</p> <p>Farming is a constant struggle with all factors being out of our control (weather, cost of machinery, cost of seed & fertilizer, low market price-setting for our products to name a very few).</p> <p>Having this wind project will not only be advantageous for the landowners, but the whole town will benefit with reduced taxes; schools and county will receive funding as well.</p> <p>This is a positive step for the Town of Barre and I am in full support of this project moving forward.</p> <p>Thank you for your time on this matter.</p>	<p>This comment is not related to a specific PSS section or study scope.</p>
458.	May 3, 2018	Jean Peglow	Individual	NA	<p>I am a lifelong (63 yrs) Town of Barre resident and have been involved in farming as long. I was raised and worked on the family dairy farm and then married a dairy farmer. Obviously I love the farm and country living.</p> <p>I am in support of the Heritage Wind Project for the Town of Barre. I do not feel it will "ruin" our country life by having 30ish scattered turbines around Barre. Opposition does not want to "see" them out</p>	<p>This comment is not related to a specific PSS section or study scope.</p>

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					<p>their window, but with only 30ish in the whole town, many will not see them right there.</p> <p>I was disappointed when I attended a meeting presented by Know Your Facts USA wind energy pros & cons. Very biased with slides against the wind project - nothing pro. I also attended the Clear Skies Above Barre meeting in which they had no desire to hear both sides and stated as such. I understand their concerns and realize there are pros and cons to everything in life. How do you make an informed decision without hearing both sides?</p> <p>On Sunday, April 29, 2018, four of us drove to the Town of Sheldon to witness first hand how wind turbines affected the area. We observed farmers still farming and houses were well kept (did not notice empty houses from anti-turbine locals). The only sound of the turbines was a "whoosh" - not any louder than a house fan or humidifier. As a bonus, we took a video of a small herd of deer resting unaffected in a field which backed up to several turbines.</p> <p>Also video of ducks and geese in a pond in the middle of the wind farm.</p> <p>How forward thinking of Ithaca College that even they are going green by using all wind energy!</p> <p>We may not be directly affected with using wind power in our town, but we can certainly do our part to help ensure that future generations have a cleaner earth. I am in full support of the Heritage Wind Project. We appreciate your time and attention in this matter.</p>	
459.	May 3, 2018	Andrea Rebeck	Individual	NA	<p>In 2007, I had the opportunity to critique the wind ordinance drafted by the Town of Barre, NY, the location of the above-referenced project. I am heartened to see that many of the flaws in that law have been corrected by requirements now imposed on wind developers by various State agencies. Nevertheless, I oppose this project based on several items I have read in the PSS submitted by Heritage Wind, LLC.</p>	This comment is not related to a specific PSS section or study scope.
460.	May 3, 2018	Andrea Rebeck	Individual	NA	<p>I am the owner of the Skinner-Tinkham House, the National Register listed property located at 4652 Oak Orchard Road at the corner of Maple Street, in the approximate center of the Facility Area. Despite the fact that this property is shown in Figure 9, noted in the report as a visually sensitive resource, and Mr. Kenneth DaLusio swore that he served me with a copy of the Notice of Filing of the PSS on March 26, 2018 (I am listed as #899 on the list attached to the Affidavit of Service), I have received no communications from Heritage Wind LLC. I wrote to the project developer, Mr. Yazman, in 2016 and provided him with my contact information. Although I am not always in residence at the Barre property, both the Town Clerk and the Tax Assessor have my mailing address, email and phone number. I mention all this to alert you that Ashley Moreno's direction in her letter of March 21, 2018 to Heritage Wind to improve communications with potentially affected persons is not being fully carried out.</p>	<p>Impacts from the Facility on cultural resources, including archeological resources, will be included in Exhibit 20 of the Application. Visual impacts, including visual impacts on sensitive historic resources, will be included in Exhibit 24 of the Application.</p>

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461.	May 3, 2018	Andrea Rebeck	Individual	NA	For the record, I wish to inform you that my property is also an archaeological site which has been examined by the University at Buffalo Archaeological Survey and the Anthropology Department at SUNY Brockport, where 8,000 artifacts taken from a handful of units are in storage. The site has potential to reveal a great deal more about the history of early settlement in Barre.	Comment noted. Impacts from the Facility on cultural resources, including archeological resources, will be included in Exhibit 20 of the Application.
462.	May 3, 2018	Andrea Rebeck	Individual	Section 2.20/Exhibit 20 – Cultural Resources – Historic Resources	As for my concerns with the PSS: On page 87, the PSS states “It is also worth noting the visual setting may or may not be an important factor contributing to a given property’s historical significance. Scenic views and/or association with the landscape are not specifically identified as contributing to the significance of any of the historic resources in the study area.” This is an improper statement to be included in a scoping document, and indicates a bias on the part of the expert who is presumably going to conduct the Historic Architectural Resources Effects Analysis.	<p>Per PSS Section 2.20 (page 86) the Applicant indicates they will provide a Phase 1A Historic Architectural Resources Survey & Work Plan to NYSOPRHP staff prior to completing a Historic Architectural Survey. The purpose of the Phase 1A Historic Architectural Resources Survey Report and Work Plan is to define the Facility’s APE relative to historic architectural resources; determine whether previously identified historic architectural resources are located in the APE; and propose a methodology to identify historic architectural resources within the APE, evaluate their eligibility for the NRHP, and assess the potential effect of the Facility on those resources.</p> <p>The PSS further states the Facility will have no physical impacts to historic architectural resources (i.e., no historic structures will be damaged or removed). The Facility’s potential effect on a given historic property would be a change (resulting from the introduction of wind turbines) in the property’s visual setting, and/or potential noise. Per the SHPO Wind Guidelines, the APE for visual impacts on historic properties for wind projects is defined as those areas within five miles of proposed turbines which are within the potential viewshed (based on topography) of a given project (NYSOPRHP, 2006).</p> <p>Page 87 also states “the Facility’s potential effect on historic resources would be a change (resulting from the introduction of wind turbines) in the visual setting associated with a given historic resource and potential impacts from noise/vibration (see Section 2.19 of this PSS). The potential effect of the Facility on the visual setting associated with historic resources is highly variable and is dependent on a number of factors including the distance to the Facility, the number of visible turbines, the extent to which the Facility is screened or partially screened by buildings, trees, or other objects, and the amount of existing visual clutter and/or modern intrusions in the view. It is also worth noting the visual setting may or may not be an important factor contributing to a given property’s historical significance. Scenic views and/or association with the landscape are not specifically identified as contributing to the significance of any of the historic resources in the Study Area. These impacts will be described in the Article 10 Application.</p>
463.	May 3, 2018	Andrea Rebeck	Individual	Section 2.20/Exhibit 20 – Cultural Resources – Historic Resources	I wrote the National Register nomination which placed this property on the Register in 2004. My original draft included more material on the integrity of setting and context, but SHPO staff made edits to reduce the size of Sections 7 and 8, resulting in only a few references to the rural character of the surroundings and the continued cultivation of the 50 acres to the west of the property that originally constituted the remainder of the Skinner farmstead in the 1830s. If the architectural historian mentioned on page 87 is indeed 36CFR61 qualified (as I am), it should be obvious to him/her that this farmhouse is still surrounded by farmland, and thus retains integrity of setting and association with the landscape. However, erecting 500 ft. turbines within a mile or less of this property will destroy that setting, and that constitutes an Adverse Impact.	See response to comment #464.
464.	May 3, 2018	Andrea Rebeck	Individual	Section 2.20/Exhibit 20 – Cultural Resources – Historic Resources	Furthermore, on page 86 the PSS states that “The Facility will have no physical impacts to historic architectural resources (i.e., no historic structures will be damaged or removed).” It is premature to make this statement and once again is an indication of bias. Other portions of	The PSS statement of page 86 (see response to comment #467 below) is related to direct, physical impacts to historic buildings. Impacts associated with vibration to N/SRHP listed properties will be described in Exhibit 2.19 per the PSS.

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					the PSS acknowledge that structures can be damaged by vibration. The Skinner-Tinkham House is located quite close to State Route 98, the major north-south route through the Facility Area. To the west are quarries that supply crushed stone and, in all likelihood, will be supplying this material for the construction of roadways, foundations, etc. Heavy trucks carrying this material will rumble down both Rt. 98 and Maple St. and the vibration from this prolonged and steady traffic may generate enough vibration to produce hairline cracks in the mortar joints of the brickwork, leaving it susceptible to damaging moisture penetration. This insidious damage can doom a building for there is no economical way to correct the problem.	
465.	May 3, 2018	Andrea Rebeck	Individual	Section 2.20/Exhibit 20 – Cultural Resources – Historic Resources	As I am sure your agency is well aware, Part 428.4 of Section 14.09 of the NYS Historic Preservation Act requires that undertakings that may or will cause any change in the quality of a registered property in the project impact area must be reviewed by the NY SHPO (OPRHP), and defines “change” to include “alteration of the property’s surrounding environment; the introduction of any visual, audible or atmospheric elements or any other actions with might cause or contribute to the destruction, alteration or neglect of the property.” The Applicant states that it has initiated consultation with SHPO and provides detailed information on protection of archaeological resources, but when it comes to standing buildings, the PSS concerns itself almost exclusively with visual effects. This may be at the urging of SHPO staff who too often in the past have shown more concern for the appearance than the structural integrity of historic properties. However, unless a building’s structure is intact, its appearance – and its very existence – are in jeopardy.	See response to comment #464.
466.	May 3, 2018	Andrea Rebeck	Individual	Section 1.5 – Introduction - Impact Avoidance Measures	This leads to another concern I have, that the Applicant assumes when it comes to historic architectural resources, that it need not comply with Section 428.8 to explore “all feasible and prudent alternatives” to avoid any adverse impacts. On page 7 the PSS lists many steps it will take to avoid or minimize negative impacts of all kinds, but the only place historic resources are mentioned is in the list of “specific measures to mitigate potential impacts” which include “Preparing a historic resource mitigation program to be developed in consultation with the SHPO.” Jumping straight to mitigation seems to be a trend with the SHPO in recent years, but it cheats the community and does nothing to prevent harm to “these irreplaceable assets” (to quote Section 428.8 again). For a project this vast, with its potential to radically alter the landscape and affect the quality of life for a generation of Orleans County residents and property owners, it is imperative that the Applicant be required to seriously explore alternatives that will avoid or significantly minimize negative impacts.	As indicated in the PSS, the APE for visual impacts on historic properties for wind projects is defined as those areas within five miles of proposed turbines which are within the potential viewshed (based on topography) of a given project (NYSOPRHP, 2006). State- or federally-listed historic properties will also be identified as sensitive receptors for purposes of the Noise Impact Analysis in Exhibit 19, and potential significant impacts, avoidance measures, and/or mitigation, where relevant, will be discussed for such resources. The five-mile-radius Study Area for the Facility includes parts of the towns of Albion, Barre, Clarendon, Murray, Ridgeway, and Shelby in Orleans County, New York, and the towns of Alabama, Byron, Elba, and Oakfield in Genesee County, New York.
467.	May 3, 2018	Andrea Rebeck	Individual	Section 2.27/Exhibit 27– Socioeconomic Effects – Construction Workforce	On a different topic, under Socioeconomic Effects, Section 2.27 (a), Construction Workforce, transparency would be better served by having the Applicant state what proportion of the construction workforce will be imported from outside the Orleans County area. There have been complaints that due to the specialized nature of the	In addition to the information in PSS Section 2.27, the Applicant will also utilize local county data to model the economic impacts. A summary of effects on the local economy will be provided in Exhibit 27. The Final PSS will reflect that this information will be included in the Application.

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					work, most members of the construction crew are brought in from other parts of the country and the actual involvement of local workers is minimal.	
468.	May 3, 2018	Gary Palmer	Individual	NA	it saddens me to see all the misleading and bad info being passed around in these comments. as a resident of Barre and a world traveler with the US Marines, I have seen how "the small people" get pushed aside by misleading information put forth by those mostly likely to gain by it. the very fact that the wind company has been sneaking around signing up some people but not others is troubling. it is also troubling that they don't want to be taxed, instead do payments in lieu of taxes based on their output. the only sure way that a township will get a steady income is by taxes, not payments based on poor performance, non performance, or no need for the electric. if this wind project is so great why does the wind company look for the cheap way out of not paying taxes.	This comment is not related to a specific PSS section or study scope.
469.	May 3, 2018	Gary Palmer	Individual	NA	you have to ask yourself why the contracts that people have signed are so secret. why would they say that if there was no government subsidies they would not put them up. how does a met tower 100 feet tall record wind at 600 feet? why did some people have their lease say no windmill on home farm? it's ok to put it in my yard but not theirs?	This comment is not related to a specific PSS section or study scope.
470.	May 3, 2018	Gary Palmer	Individual	NA	I am opposed to the windmill project, they are not cost efficient, they are not nice to look at, and I like to hear the night creatures at night, not a fan running.	This comment is not related to a specific PSS section or study scope.
471.	May 3, 2018	Richard Cox	Individual	NA	I don't want the windmills, I don't want to see them, I don't want to listen to them and I don't want them interfering with the wildlife. I don't want them because they would interfere with the military aircraft and commercial air craft. I don't want our road torn up while they are putting them in. If they do come in I want them to repair all the roads, a new fire hall, and we pay no taxes. I just don't want them because I would like to see the Town of Barre stay as it is, quiet and peaceful.	This comment is not related to a specific PSS section or study scope.
472.	May 3, 2018	Judy Cox	Individual	NA	I am opposed to the windmills coming to the Town of Barre because these windmills create noise and have an effect on peoples health. They would have a negative effect on the wildlife in the area. Property values also would be lessened. The extra traffic on the roads would destroy them and be an additional cost to the taxpayers. The only people that benefit are the landowners but the rest of us have to suffer the consequences. If these windmills are such an asset to a community why aren't all the rural towns inviting them in and why isn't Apex going there instead of trying to locate in our town?	Per the PSS, impacts to wildlife and transportation will be included in Exhibits 22 and 25, respectively.
473.	May 3, 2018	Cindy Burnside	Individual	NA	I do not believe there are any families in the Town of Barre living without electric availability. The Town of Barre consists of Federal Wetlands and is host to a few Bald Eagles which our area is trying to cultivate as they are still listed on New York State's list of threatened species. We have clean air, with the exception of a few dairy farms and the smells from their slurry systems and field farmers that spray their fields with chemicals while its windy. Barre is a Right to Farm Community, but wind is not a crop and therefore cannot be harvested. There are many other alternatives for the Barre Community,	This comment is not related to a specific PSS section or study scope.

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					surrounding communities, and businesses, as well as schools, to save money through use of private wind mills or private solar panels and therefore there is no need for commercial wind turbines and therefore the Heritage Wind Project is unnecessary. I believe that the alternative should be explored before exploiting a 55 square mile town to over 60, 620+ feet commercial wind turbines. And, I was told by an APEX representative that there is a very likelihood that the electricity will be used elsewhere and not in our town.	
474.	May 3, 2018	Cindy Burnside	Individual	NA	The very real and documented health risks outway the necessity. One must also question how many combat veterans with PTSD would be affected by them and a thorough study should be conducted before putting those veterans at risk.	Per the PSS, impacts to public health will be addressed in Exhibit 15 of the Application. The Applicant will also conduct a literature review (i.e., peer reviewed journals) of potential impacts from shadow flicker on combat veterans with post-traumatic stress disorder and will include a description of findings in the Exhibit 15.
475.	May 3, 2018	Cindy Burnside	Individual	NA	I question why the attorneys in Long Island are already calling for 60 or more Abstracts of Title to be prepared, as to my knowledge, the project has not been granted the go-ahead yet and begs the question if we are being bullied.	This comment is not related to a specific PSS section or study scope.
476.	May 3, 2018	Cindy Burnside	Individual	NA	I have personally had conversation with one individual from Portageville, NY who is looking to purchase a cottage near Point Breeze, NY to get away from the constant buzzing of the turbines around him. Another couple from California told me of the slaughter of birds which turned into a law suit against the company. There is too much controversy surrounding this issue which would indicate it to be a less than favorable idea.	This comment is not related to a specific PSS section or study scope.
477.	May 3, 2018	Cindy Burnside	Individual	NA	There are too many questions as to the negative impact on the value of homes, as well as the stigmatization of homes, near turbines. With the questionable health effects, it may prove to be difficult for properties to increase in value and may very well find a substantial decrease with a sluggish market in the town and certainly near the turbines. Location, location, location!	This comment is not related to a specific PSS section or study scope.
478.	May 3, 2018	Cindy Burnside	Individual	NA	We refused APEX offer to sign a lease and I am hopeful that very careful consideration will be taken and that, although leases have already been signed and those folks are in favor of Heritage Wind Project, it will be deemed unnecessary and detrimental to the Town of Barre and to Orleans County.	This comment is not related to a specific PSS section or study scope.
479.	May 3, 2018	Scott Carr	Individual	NA	There is a lot of concern with such a short setback from turbines compared to other local towns. Property values lost and heath remain a concern. Being so close to the wildlife refuge it is very likely the eagles that fly here in barre will get killed.	Per the PSS, setback will be addressed in Exhibit 6 of the Application. In addition, public health and wildlife will be addressed in Exhibits 15 and 22, respectively.
480.	May 3, 2018	Nancy and Edwin Blank	Individual	NA	I have already written to you about my studies of industrial wind projects across the state, country, and Canada for the past 10 years. Why can we not learn from the mistakes of other townships?	This comment is not related to a specific PSS section or study scope.
481.	May 3, 2018	Nancy and Edwin Blank	Individual	NA	Since my letter to you last month, I have found out more concerning facts regarding our "Heritage Wind" project in Barre. #1 – the Barre town board has 5 members (including zoning and planning board) that are making decisions for the entire town while holding leases with Apex. Isn't this a conflict of interest? I feel that the board is NOT listening to our concerns, and it is their responsibility to advocate for	This comment is not related to a specific PSS section or study scope.

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					the health, welfare and safety of our town as is required by Article 9 of the NYS Constitution.	
482.	May 3, 2018	Nancy and Edwin Blank	Individual	NA	#2 – the Barre town board in 2008 prepared a 23 page type written local law to safeguard the town from industrial winds negative effects. The Heritage Wind project tells us the turbines will be in excess of 600' tall and be 4 megawatt. Our local law enacted in 2008 gave a maximum of 500' tall turbines and a maximum of 45dBA decibels (no more than 10% of the time). These larger megawatt turbines will be producing more noise nuisance. How can a town board with 5 members holding leases be objective in making decisions or changing the local laws already placed in effect?	This comment is not related to a specific PSS section or study scope.
483.	May 3, 2018	Nancy and Edwin Blank	Individual	NA	Ed has lived and farmed in Clarendon and Barre his entire life. He will be 68 years old this month. I have been married (1974) to Ed and lived in Barre (1979) since 1974. We do not want to see our home and farmland become part of an industrial wind turbine project. It has turned the lease holder (our neighbors) against those of us that do not want them here (the turbines).	This comment is not related to a specific PSS section or study scope.
484.	May 3, 2018	Nancy and Edwin Blank	Individual	NA	#3 – I am concerned that there is a tremendous amount of secrecy and misinformation that Apex has brought to Barre. By the time the first met tower was put up; there were numerous leases signed already. Ms. Krista Barth, a contract lawyer, has read and analyzed the 33 page lease; and warns us that she would never sign it as it is written. Leaseholders are giving up all rights to their property.	The Applicant has filed a PIP Plan in accordance with the Article 10 Regulations and has implemented a variety of pre-application outreach (see PSS Section 1.3). The Applicant will continue to engage the public during this process as defined in the PIP and will summarize these efforts in Exhibit 2 of the Application.
485.	May 3, 2018	Nancy and Edwin Blank	Individual	NA	Three people that I know of went into the Apex office in Albion and asked what the setbacks would be. They were given 3 different setbacks. Also, setbacks should be from non participating citizens property lines – not from their homes. Setbacks should be closer to 1-2 miles from residences. I am sick to my stomach about what this is doing to our community and to our neighbors. Why don't we learn from other's mistakes?	Per the PSS, information on setbacks will be provided in Exhibit 6 of the Application.
486.	May 4, 2018	George Mckenna	Individual	NA	State jobs for community What track record jobs brought in from outside help They talk a lot about impact of hotel rooms and food which would allude that it is not local employment. State Greater stability to customer bills Will go up Use words such as Potentially Beneficial Potential Positive Impacts: Most of them impact temporarily or does it mean the minor impacts will be permanent Stated facility construction will cause permanent impact on vegetation and wildlife. Site turbines in open field loss of agricultural land. Recc 85 A member of NY Archeological sites in are lot should be on site during digging to be aware of of Indian artifacts They state	Comments noted. The Applicant plans to adhere to the standards and methodologies discussed in the PSS and above to several comments.

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					<p>If they find anything archeological interest windmill is still going up and will be visible and have a significant visual effect with and auditory impact They also state that worst case assessment will be visual for 5 miles NOT TRUE. The tower near our home that is under 200 feet can be seen from at least 15 miles away. They state that they may need to blast in the construction, What kind of blasting? Dynamite? And that they may damage property, Potential problems are gas and wells Invasive species of plants may come in from other areas How well do they know the area? Animals expected to encounter porcupines, beaver muskrat mink veal We do not have porcupine We do they really know our area? Why No preconstruction monitoring of bat, How do you know how destructive the turbines are if you don't know the bat population was before you started? Page 108 Wetland aerial maps Are they going to be in spring when the water levels are higher or in late summer which would be advantageous to your construction. Measures to avoid investigate wetlands Why are they even talking about direct impacts and crossings and additional measures where impact are unavailable Should stay out of wetlands Page 110 well owners will be sent a letter if within 500 Feet of proposed blastings, Is this a typo? Are you kidding? This could have a much further impact and just to be courteous to anyone within sound of it! Health concerns Noise, Placed back 2500 feet from household residence Flicker should be at least 1 mile away from any residence Falling debris should be 1 mile away from roads 2nd concern Decrease in property values- who is responsible? 3rd the concern Bird danger and ex studies not done correctly 4th concern Discussions Concrete block should be cut down to a minimum of 6 feet at a minimum , covered with topsoil to allow for good drainage 5th concern wetlands Muckland should not be developed they should not be here 6th Does it change agriculture district to industrial? 7 pilot program What is it? How long does it last? What are the facts, NOT IT DEPENDS 8th company information, how many has this company put up and where are they? How tall are the wind turbines in that area. Was this company previously under a different name? What turbines did they put up and where?</p>	

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					<p>9th Visual blight and destroy peaceful serenity 10 The majority of the population is not being heard and lost their voice in the design process. It went from an investigatory phase (see if there is enough wind) to a sign here and well get you some money phase. It seemed that the only ones they were interested in informing was the ones that could grease their palm and allow their money making to begin, regardless of the fact that Ben from Apex said If it were not for subsidies the business would not be profitable. 11th concern, if this does not benefit everyone in the community, why are we doing</p>	
487.	May 4, 2018	Iva Mckenna	Individual	NA	<p>I am concerned for everyone in our community because the whole process has not been dealt with appropriately. There is a huge issue of conflict of interest in many levels of authority. The town board supervisor, the planning committee . That is to say that many people are making the decisions for our community that are being paid by Apex to have either an easement or turbine on their property. They should recuse themselves but have not, they speak on behalf of Apex, obviously forwarding their interests and not that of the whole community. I am also very uncomfortable with the way that the board made it seem that the meteorological towers were only to find out whether or not there even was enough wind to merit putting up the towers and then Apex proceeded to sign iron clad contracts and money was exchanged with the community thinking that no decisions were going to be made or contracts were going to be signed until the data from the met towers came back. I do not feel that the community understands what the contracts really mean as far as the use of their land and how difficult it can be if someone wants to transfer their property to either a family member or someone else. I am concerned that the FIVE wind turbines proposed within 1 mile of our home would be a disruptive intrusive sound and TWELVE within 2 miles, if the wind is right would be very disturbing. I like windows open and fresh air. I also am concerned with the migration and destruction of birds. There is no way they can anticipate the movement of the blades and I feel that there are alternative options such as solar power that is much less invasive and has much less in the form of negative side effects. I am concerned with the negative health effects that no information from Apex is going to objectively present.</p>	<p>Per the PSS, public health and sound impacts will be assessed in Exhibits 15 and 19 of the Application.</p>