FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE THE NOBLE BLISS WINDPARK TOWN OF EAGLE, WYOMING COUNTY

TABLE OF CONTENTS

FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE THE NOBLE BLISS WINDPARK TOWN OF EAGLE, WYOMING COUNTY

TABLE OF CONTENTS
(Continued)

1.0 SUMMARY

1.1 INTRODUCTION

This Final Environmental Impact Statement ("FEIS") has been prepared by the Town of Eagle (Town), Wyoming County, New York, in accordance with the requirements of the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 N.Y.C.R.R. 617, for the Noble Bliss Windpark Project.

1.2 PROJECT DESCRIPTION

Noble Bliss Windpark, LLC (Noble) has proposed the construction of a wind energy generating project (project) in the Town. The project will require the construction and use of access roads connecting each wind turbine to a town or county highway allowing equipment and vehicle access for construction and subsequent maintenance of the facilities, and the construction and use of an electrical collection system allowing delivery of electricity to a new substation. Where practicable, the electrical collection system will be installed along the same right of way (ROW) corridor as the access roads.

The wind turbines that will be installed at the Noble Bliss Windpark will be General Electric 1.5 MW, SLE, 80 Meter, MTS, T-Flange wind turbine generators.[1] The turbine is a three-bladed, upwind, horizontal-axis wind turbine with a rotor diameter of approximately 253 feet. The nacelle is located at the top of each tower and contains the electrical generating equipment. The turbine rotor and the nacelle are mounted on top of a tubular tower giving a rotor hub height of 262 feet. The maximum height for the turbine is 388 feet 9 inches when a rotor blade is at the top of its rotation. Once installed, each wind turbine will occupy a round, slightly exposed base approximately 18 feet in diameter.

The details of the Noble Bliss project can be found in the DEIS, which is incorporated by reference into this FEIS.

The project involves the installation and operation of 67 wind turbines within an approximate 5,071 acre area in the Town and construction and use of approximately 16 miles of access roads. The actual Project Site is located on an approximate cumulative 93 acres within the 5,071 acre Project Area. Land uses within the Project Area are a mixture of agricultural (2,532 acres), forested land (2,475 acres), and developed land (3.5 acres). The Project Area also includes wetlands (49 acres) and surface waters (11 acres) based on New York State Department of Environmental Conservation (NYSDEC) and National Wetlands Inventory (NWI) wetland mapping. Current agricultural use is largely limited to hay production and pasture, although some row crops (e.g., corn) are grown

[1] 1.5MW refers to the maximum production capacity of the turbine, which is 1.5 megawatts. SLE is used to designate that the diameter size of the turbine rotor is 253 feet. The height of the tower is 263 feet or 80 meters. MTS designates the type of tower configuration, and T-Flange designates the type of flange used to connect the tower directly to the foundation.

throughout the area. Forested land within the project area varies from recently clear-cut stands to late successional forests. Current and historic silviculture is evident throughout the project area.

A 5.5 mile transmission line will be constructed within a separate 2,040 acre area to carry energy to the grid. The transmission line will be constructed and connected to a newly constructed switchyard, placed adjacent to the existing substation owned by the Village of Arcade in the Town of Arcade. The switchyard provides interconnection to the grid. The actual Project Site is located on an approximate cumulative 67 acres within the 2,040 acre Project Area. Land uses within this area are a mixture of agricultural (1,103 acres), forested (917 acres), wetlands (19 acres), surface waters (0.81 acres) and developed land (0.58 acres).

1.3 SEQRA AND APPLICATION REVIEW PROCESS

This FEIS is a step in the Town's review of the proposed wind energy generating facilities in accordance with the SEQRA and the Local Laws of the Town. Previously, the Town issued a Positive Declarations for the Project (See Appendix D, Exhibit K) and required the preparation of a Draft Environmental Impact Statements ("DEIS"). Filing of the DEIS for the project commenced a 34 day comment period that ran until May 31, 2006. No public hearings were held.

Notice of the comment period was mailed to residents of the Town and published in the Town's official paper. Notice was also mailed to each Involved Agency and published in the *Environmental Notice Bulletin*. All of the referenced legal notices are contained in Appendix A.

The Town received comments on the DEIS during the public comment period and full copies of all written comments are located in Appendix B.

1.4 CHANGES IN PROJECTS SINCE DEIS

1.4.1 Project Layout Changes

In response to comments by the public, the NYSDEC, the US Army Corps of Engineers (COE), and the New York State Department of Agriculture and Markets (during post DEIS publication site visits) there have been a number of minor changes in the location of turbines, roads and transmission lines for the projects since the DEIS was published. Each of these changes was made to reduce impacts to wetlands and/or agricultural lands. Prior to incorporating changes to turbine location into the final design, Noble verified that noise and setback requirements of the Wind Energy Facilities Laws were met. Field surveys verified the changes reduced the net project impacts to agricultural land, wetlands and biological resources. The revisions to the project do not affect any other project impacts. The changes for the project are summarized in Table 1 below. Revised turbine coordinates, setback figures and design detail drawings are provided in Exhibit A.

Table 1- Bliss Windpark Summary of Changes from the DEIS			
	Turbine Modifications	**Road Modifications**	**Modifications Proposed**
Cluster 1	Yes	Yes	Access road was redesigned to provide a single access route to the substation and the turbines in cluster 1. Minor turbine realignments to facilitate engineering design.
Cluster 2	Yes	Yes	Turbine 31 was moved south west and the access road was modified to minimize impacts to agricultural fields at the landowners request. Additional minor turbine moves to facilitate engineering design.
Cluster 3	Yes	Yes	Turbine 55 was moved north to increase setbacks to the homes located to the south. Turbine 26 was moved slightly to minimize wetland impacts and Turbines 25 was moved slightly to facilitate engineering design. Roadway between T55 and T26 was realigned to minimize impacts to active agricultural fields at the request of the landowner. Roadway between T20 and T69 was realigned to minimize impacts to wetland areas and to avoid difficult topography.
Cluster 4	No	No	
Cluster 5	Yes	Yes	Turbine 23 and access road modified at the request of the landowner to minimize impacts to agricultural activities.
Cluster 6	Yes	Yes	Minor turbine and access road realignments to facilitate engineering design and to accommodate landowner requests.
Cluster 7	Yes	Yes	Turbine 44 was moved slightly to facilitate engineering designs and minimize wetland impacts. Access road was moved slightly west minimize impacts to wetlands.
Cluster 8	No	Yes	Access Road from turbine 3 to 42 was moved slightly west at the request of the landowner in order to follow existing topography within an agricultural field and to straighten the road.
Cluster 9	No	Yes	Access road adjustments to minimize impacts to agricultural land and wetlands.
Cluster 10	No	No	
Cluster 11	Access road eliminated to minimize wetland impacts. Turbines combined with cluster 13.		

Cluster 12	No	Yes	Access road was moved slightly south to minimize impacts to wetlands.
Cluster 13	No	Yes	The access road was changed to extend from Wing Road to reach Turbines 67 and 60 as a result of the elimination of access road 11.
Cluster 14			Turbines were deleted or combined with other clusters.
Cluster 15	No	Yes	Access road adjusted to facilitate engineering design.
Cluster 16	Yes	Yes	Minor turbine realignments to facilitate engineering designs and avoid water features. Access road was moved slightly east to accommodate landowner request to not impact agricultural fields to the west.
Cluster 17	Yes	No	Minor turbine realignments to minimize wetland impacts.
Cluster 18	No	No	
Cluster 19	Yes	Yes	Access road moved to access turbines from the west at the request of the landowner to minimize impacts to agricultural fields. Minor turbine realignments to facilitate engineering design.
Cluster 20	No	No	
Cluster 21	Yes	Yes	Turbine 65 was moved south to minimize impact to wetlands. Access roads were modified to accommodate for the new turbine location and to minimize impacts to wetlands. Additional minor turbine moves to facilitate engineering designs.
Cluster 22	Yes	Yes	Turbine 15 was moved slightly south at the request of the landowner. Additional minor turbine moves were made to minimize wetland impacts and to accommodate setback requirements. Roadway realigned to minimize wetland impacts.
Cluster 23	Yes	Yes	Minor turbine and road realignment to minimize impacts to wetlands. Also, access road moved from Telegraph Road to Centerville Road to avoid topographic constraints (steep terrain) and NYSDEC protected stream.
Cluster 24	Yes	Yes	Access road moved to be accessible from Route 39 to account for engineering constraints. Minor turbine realignment to

			facilitate engineering design.
Cluster 25	Yes	Yes	Access moved slightly near Turbine 52 to facilitate engineering design and minimize impacts to wetlands and water features. T51 adjusted to minimize impacts to wetlands.
Cluster 26	Turbines were deleted or combined with other clusters.		
Cluster 27	Turbines were deleted or combined with other clusters.		
Cluster 28	No	No	
Cluster 29	No	No	Created after the deletion of Roadway 11. Access road serves turbine 10.
Electric Collection System			
Electric collection system has been modified to account for many engineering and siting constraints such as wetland avoidance, minimization of agricultural disturbance, avoidance of non participating landowners, and to account for modification in roadway design.			

1.4.2 Decommissioning Plan

The Local Law requires a decommissioning plan be put in place to ensure removal of obsolete and unused towers. Based on their calculations, the independent engineers retained by the Town have prepared a revised decommissioning cost estimate, which will be used as the cost estimate for Noble's proposed plan.

The revised value for the total estimated removal cost per each unit is $56,600 and the total estimated scrap value of steel for each unit is $43,000 to result in a total estimated cost of decommissioning per unit to be $13,600.

This value would be viewed as the baseline minimum and this value will be reevaluated annually and the bonding requirement will be adjusted upward if deemed necessary.

It should be noted that these values do not cover the components in the Town of Arcade such as the 5.5 mile 115 kV Transmission Line and Switchyard since these components are outside the jurisdiction of the Town of Eagle's Local Law.

1.4.3 Additional Changes

In addition, other modifications that will be implemented include:

- The permanent width of the access roads is reduced from 16 feet to 12 feet;
- The temporary width of the access roads is reduced from 35 feet to 30 feet; and

- The right of way of the 115 kV transmission line will have a 100 foot clearing of undesirable vegetation (e.g. tall trees) versus the initial plan of a 40 foot clearing. Table 2 summarizes the impacts.

Table 2- Project Impacts on Current Land Use/Land Cover in the 66-acre Overhead Transmission Corridor

Land Use/Land Cover Type	Temporary Impacts* (acres)	Permanent Impacts * (acres)
Developed	0	-
Forest	40.2	40.2
Open Water	0	-
Agricultural	24.4	-
Wetlands	1.6**	0**
Total Acreage	66.2***	40.2

* Based on a 100-foot ROW for the transmission line. With the exception of the clearing of forested vegetation, actual disturbance within the ROW will be limited to the minimum width necessary to safely construct the transmission line.
****** While no wetlands will be permanently filled, 5.52 acres fall within the 100' transmission ROW and will be permanently cleared of trees. Not all 5.52 acres of wetlands are forested. Any permanent removal of vegetation from forested wetlands is accounted for in the 'forested' category above.
***Total acreage includes wetland areas, which overlap both forested and agricultural areas.

1.5 ADDITIONAL MITIGATION MEASURES

As a result of the comments to the DEIS, particularly the input from involved agencies, and additional work by Noble and the Town's outside experts, the following additional/clarification of mitigation measures will be completed:

- Noble will pay the costs for an Environmental Monitor to be hired by the Town as part of the Noble Quality Assurance Program. The Environmental Monitor will monitor and document all construction activities in accordance with the approved compliance program and applicable permitting guidelines. This shall be implemented as part of the site plan approval.

- Noble will have on staff/hire an internal Environmental Inspector with sufficient knowledge and experience in environmental matters to complete the inspections and audits as part of their Quality Assurance Program prior to the start of construction. This shall be implemented as part of the site plan approval.

- Noble will prepare a Quality Assurance Program prior to site plan approval. The Noble Quality Assurance Program will employ a number of dedicated, discipline oriented Quality Technicians/Inspectors, at least one of whom will have credentials required for understanding the environmental needs for this project. It will be the Environmental monitor's responsibility to include timely reviews to substantiate compliance with issued Quality verification steps included in such documents as the SWPPP and any other required environmental program during the construction process. These Quality steps will be properly posted, updated, monitored and reported, as necessary, to maintain the integrity of the project Quality Program. The Quality Assurance Program will also be available for the Town and applicable agencies to review. Major components of the Quality Assurance Program are how to

respond to violation(s) and remediation steps necessary to not only maintain the integrity of the Program, but to ensure compliance with Program requirements. This shall be implemented as part of the site plan approval.

- Noble will produce a compliance monitoring document as part of their Quality Assurance Program prior to site plan approval. This plan will contain permit conditions and other commitments made by Noble during the EIS process including those associated with wetland and stream disturbance, vegetation removal, stormwater management and erosion control, and agricultural impacts.

- Noble will submit a Complaint Resolution Procedure to the Town. This Complaint Resolution Procedure will address concerns, comments and/or complaints by local residents that may occur during or after construction. This shall be submitted before and implemented as part of the licensing agreement.

- Town Residences of the project that experience excessive shadow flicker, as documented by the Town shall be offered the opportunity to have appropriate landscaping (e.g. tree groupings), fencing, window treatments or other screens to mitigate this impact from shadow flicker. This will be implemented and paid for by Noble through the Complaint Resolution Procedure. This shall be implemented as part of the licensing agreement.

- Town Residences of the project that experience sound pressure levels above the maximum noise levels established by Town Law shall be offered the opportunity to have appropriate landscaping (e.g. tree line between the offending wind turbine(s) and window(s)), fencing, window treatments or other screens to mitigate noise impacts. Town/Independent Engineer shall investigate the noise levels at a residence once a complaint has been lodged, in order to verify that the noise levels are above applicable Town Laws. This will be implemented and paid for by Noble through the Complaint Resolution Procedure. This shall be implemented as part of the licensing agreement.

- Noble will also employ the strategic placement of fencing, tree groupings, window treatments and other screens to block views of specific turbines or turbine clusters in response to Town Residences whose viewshed is negatively impacted. This will be implemented and paid for by Noble through the Complaint Resolution Procedure. This shall be implemented as part of the licensing agreement.

- Noble shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared and certified by a licensed/certified professional that meets all the requirements of the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A copy of the SWPPP and any amendments will be submitted to the Town/Environmental Monitor no later than 5 business days before the start of any construction.

- Noble will perform a post-construction avian/bat mortality study and ensure a protocol has been developed (see Appendix C, Exhibit E: Work Plan for Avian and Bat Post Construction Studies at the Bliss Windpark) and approved by the NYSDEC.

The post-construction study will include avian/bat mortality monitoring during spring and fall migration periods for up to 3 years following construction. The study is designed to identify specific turbines and weather conditions that result in increased collisions and identify potential mitigation measures if substantial mortality occurs. The post-construction mortality results will be compared to the number of estimated collisions presented in the DEIS and radar study passage rates. The protocol shall be approved as part of the NYSDEC wetland permit process.

- To mitigate the impacts of the project on National Register of Historic Places (NRHP) eligible properties, a mitigation plan will be developed between the New York State Historic Preservation Office (SHPO), Noble and the Town identifying specific mitigation measures and how they will be implemented. This shall be implemented through the site plan approval process. All submittals relative to the mitigation plan shall be submitted also to the Town when sent to SHPO.

- At this time, the Town has no specific vehicle to address the installation of collection/distribution lines either along or crossing public roads. Noble and the Town intend to work together to establish a permitting structure that will address the need for application, detailed description of the intended activities and subsequent permitting of the intended activities to the satisfaction of the Town Board. This shall be implemented through the site plan approval process.

- A Health and Safety Plan and Emergency Response Plan shall be prepared by Noble and will be kept updated and fully implemented throughout construction and operation of the Windpark. This plan shall be available for review by the Town, Environmental Monitor as well as the Wyoming County Office of Emergency Services and local fire stations and emergency services at anytime. This shall be implemented as part of the licensing agreement.

- A road use agreement between the Town and Noble will be obtained prior to any construction for the use of local roads. Permits for the use of state and county roads will be initiated with the New York State Department of Transportation (NYSDOT) and Wyoming County respectively prior to construction affecting those particular thoroughfares. This requirement shall be implemented as part of the site plan approval while the road use agreement shall be in place prior to construction.

- In the unlikely event that blasting becomes necessary, a detailed blasting plan will be prepared and submitted to the Authority Having Jurisdiction and copied to the Town, the Wyoming County Emergency Response Coordinator, and the Wyoming County Health Department for their review. The blasting plan will include at a minimum the requirements as set forth in OSHA Standard 1910.109 and other applicable New York State Standards. No activities requiring blasting will proceed until full approvals have been obtained. This requirement shall be implemented as part of the site plan approval.

- Noble will conduct geotechnical investigations prior to construction at all of the turbine locations. As part of the geotechnical investigations, information will be collected relating to depth to ground water within the Project area. This information

will be provided to the Town for use in analyzing any complaints received from residents of the Town relating to residential wells. Mitigation for verified Project related impacts to residential wells, as determined by the Town, will be implemented and paid for by Noble through the Complaint Resolution Procedure. This shall be implemented as part of the licensing agreement.

- Underground 34.5KV underground collection lines will be a minimum of 36" below existing grade and most generally located at 42" below grade depending upon soil conditions, depth of rock or other unknown subsurface conditions except in agriculture fields where the target burial depth will be 48". The underground cabling will have a protective notification cable or layer identifying that a buried cable lies underneath and advising not to proceed without contacting Noble. This shall be implemented as part of site plan approval.

- For the 115 kV transmission line, Noble will enter into a ROW maintenance contract/agreement with a reputable contractor normally employed in vegetation maintenance to support appropriate clearances from conductors and other sensitive areas associated with collection/distribution systems. Noble will have the referenced contract/agreement in place prior to the commencement of distribution line installation. Noble will monitor the status and report on the maintenance of this procedure as part of the project's Quality Assurance Program. This shall be implemented as part of the site plan approval.

- Active measures including reseeding or replanting of native species will be used to restore wetlands temporarily impacted by construction activities. Specific revegetation measures, including invasive species controls and monitoring of revegetation progress, will be required in the wetland permits that will be issued by the NYSDEC and USACE for this project. This shall be implemented as part of the wetland permits issued by the NYSDEC and USACE.

- Concrete trucks will not be allowed to rinse on site. They will return to their respective plants or to appropriate wash out areas. Concrete placement will be monitored through the Noble Quality Assurance Program to ensure that these operations will comply with the applicable environmental standards. This shall be implemented as part of the site plan approval.

1. 6 FEIS CONTENTS

In addition to this Introduction, this FEIS consists of the responses to the substantive written comments (Section 2 Responsiveness Summary), additional correspondence, notices, DEIS written comments, updated reports (Appendices), and the original DEIS, which is incorporated by reference.

2.0 RESPONSIVENESS SUMMARY

This Responsiveness Summary is the formal responses of the Town to all substantive written received on the Draft Environmental Impact Statement and permit application by Noble Bliss LLC (Noble) to construct a wind energy generating facility in the Town of Eagle (Town).

The comments shown in Table 1 below were submitted by the following agencies regarding the DEIS prepared for the proposed Noble Bliss Windpark:

- New York State Department of Agriculture and Markets (NYSDAM), in a letter dated May 25, 2006
- New York State Department of Public Service (DPS), in a letter dated May 31, 2006
- New York State Department of Environmental Conservation (NYSDEC), in a letter dated May 24, 2006
- Wyoming County Department of Health (DOH), in a letter dated June 2, 2006
- Wyoming County Planning Board, in a letter dated June 5, 2006.

These comment letters are presented in Appendix B. Responses to these comments were initially developed by Noble and have been reviewed and edited by the Town were deemed appropriate and are also shown in Table 1.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-1	NYSDAM	(Re. Page 1-4). Based on NYSDAM's observations of other projects, the poles used for the overhead 34.5 kV and 115 kV transmission lines can cause interference with agricultural operations when located in farmland. The 34.5 kV lines generally have shorter spanning distances between poles, resulting in a number of poles being placed in farm fields. Both types of power lines can create long term interference with agricultural land use. As a result, NYSDAM recommends that these lines be located outside field boundaries wherever possible. When these lines must cross farmland, the line location and pole placements should be reviewed with	Where practical, placement of poles in farmlands has been avoided. Where avoidance of agricultural fields was not practical due to other engineering and/or environmental constraints, Noble selected locations for appropriate placement of above ground collection and transmission lines have been chosen in consultation with the individual landowners. Design drawings showing the proposed pole placements of the overhead 34.5 kV lines and 115 kV transmission lines are presented in Appendix C, Exhibit C.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		NYSDAM prior to final design.	
Bliss-2	NYSDAM	(p. 2-34). The DEIS states "subsoil decompaction and topsoil replacement will be avoided after periods of high precipitation, unless landowners specify otherwise (on site by site basis)." Subsoil decompaction is not effective when soil is in a plastic state (after heavy precipitation) and permanent damage to the topsoil can occur if replaced under wet conditions. NYSDAM recommends that such activities not be conducted during wet soil conditions, as determined by the Environmental Monitor using the Department's guidelines.	Noble will not conduct subsoil decompaction during or after periods of high precipitation. Elasticity of subsoil configurations need to be monitored and addressed on a case by case basis. If conditions are too wet to effectively decompact the soil, the activity will be postponed until the conditions are such that soil can be decompacted in accordance with recommendations from NYSDAM and as part of Noble's normal Quality Assurance Plan.
Bliss-3	NYSDAM	P. 2-175 states 'collection lines will be buried within the construction corridor as close to the permanent road as possible to a minimum depth of 3 ft. below the subsurface. This will not impact future agricultural usage because less than 1 foot of clearance is required for farming operations.' While typical tillage operations generally disturb less than 1 ft of soil, farm operators often install both surface and subsurface water and erosion control practices. Buried electrical cables and other utilities can interfere with such practices. As a result, the collection lines should have a minimum burial depth of 4 ft in agricultural fields to prevent interference with agricultural land improvement practices.	Underground 34.5KV underground collection lines will be a minimum of 36" below existing grade and most generally located at 42" below grade depending upon soil conditions, depth of rock or other unknown subsurface conditions except in agriculture fields where the target burial depth will be 48". The underground cabling will have a protective notification layer identifying that a buried cable lies underneath and advising not to proceed without contacting Noble Power. Noble has consulted with individual landowners to minimize interferences in agricultural and/or crop areas. Revised drawings are included in Appendix C, Exhibit C, drawings BL-E-SK8 and BL-E-SK9.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-4	NYSDAM	P. 2-188 discusses construction of access roads. This section should include a statement that topsoil will be stripped from agricultural areas prior to construction of the access roads.	Per the NYSDAM guidelines, prior to the construction in any work area (including access roads) topsoil will be stripped from agricultural areas through the topsoil layer to the next horizon or to the maximum depth of disturbance. All topsoil will be segregated from native soil and stockpiled immediately adjacent to the area from which it was removed and shall be used for restoration on that particular site. Topsoil stockpile areas shall be clearly designated in the field prior to commencing access road construction and on the on-site "working set" of construction drawings. A monitoring program will be established as part of the project's Quality Assurance Program to maintain the stockpiled topsoil in accordance with established NYSDAM standards.
Bliss-5	NYSDAM	P. 2-188 states that all overhead cables will be located along existing roads. Based on NYSDAM's field review, it appears some of the overhead cables may not follow existing roads.	The turbine, road, collection and distribution line design presented in the DEIS has been modified slightly to address agency and landowner concerns. Revised drawings depicting the relationship of overhead cables to existing roads are included in Appendix C, Exhibit C, figure BL-E-201-A. Where possible, collection cables (overhead and underground) were located along existing roads or proposed access roads. In some limited instances it was necessary to install a collection line from one turbine cluster to another and it was necessary to place transmission lines along a new Right-of-Way (ROW). After evaluating routing scenarios to minimize land use impacts and maximize collection line efficiencies, some of these collection lines were placed overhead. These decisions were coordinated with landowners, incorporating guidelines received from NYSDAM and other agencies, before finalizing the routing. Wherever overhead collection lines are routed, Noble has taken care to minimize impacts to any land use applications.
Bliss-46	NYSDEC	DEC has reviewed the ABR report. Comments are as follows: 1) The radar study conducted Sept- Oct 2005 at Bliss is not comparable to	The radar study conducted September - October 2005 at Bliss was not intended to provide the same level of information as those prepared at other sites in the state where no relevant

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		other radar studies done throughout the state. Only 8 nights of data were collected, 3 of which had rain events. The standard DEC recommendation is 60 nights in the fall. Major migration events could very well have been missed due to the narrow range of dates sampled. The settings of the radar unit were changed within each hour sampling period, which alters the detectability of targets. 2) No visual nighttime observations were conducted (infrared goggles with spotlights, moon watching). 3) Use of a prior Wethersfield radar study to represent the Bliss site isn't consistent with currently accepted methodology, which has changed significantly since Fall 98-spring 99 when that study was conducted. Changes in methodology include duration of study, sample size each night, type and setting of radar. The report indicates that flight altitude data from the Wethersfield study are not comparable to that obtained through currently accepted methods. 4) Limited bat data were collected. Anabat detectors at the Bliss site were placed on silos instead of met towers as recommended. Placement on silos may result in interference by pigeons.	historical radar data is currently available. The study was intended as a supplement to the Avian work plan that had been developed for the project in the spring of 2005 and submitted to NYSDEC on May 13, 2005, and discussed during a windshield tour of the Bliss project area and Wethersfield Wind Farm on May 24, 2005 with two NYSDEC staff members. The methodology included conducting a mortality study at the existing wind energy facility located just north of the project area and reviewing a previous radar study conducted (pre-construction) for that nearby facility among various other bird and bat surveys. The only comments provided by the NYSDEC to this scope of work were related to the protocol for the breeding bird survey. The NYSDEC never provided any indication that a radar study or nocturnal observations be included in the work plan. As indicated in section 2.3.7 of the Avian and Bat Risk Assessment (Appendix F of the DEIS), at Noble's initiative additional radar data were collected over several nights in fall 2005 to obtain some site-specific data and a better measure of nocturnal flight altitudes. The collection of radar data was an addition to the activities described in the work plan presented to NYSDEC in May 2005. The comment correctly points out that the report does indicate that flight altitude data from the Wethersfield study are not comparable to data obtained using standard methods. It is worth noting that the Wethersfield altitude data is biased low, and with current methodologies, the mean altitude would have been higher. NYSDEC was provided a copy of the "Bliss Avian and Bat Risk Assessment" for comment prior to its publication in the DEIS and at a meeting in March 2006, NYSDEC for the first time indicated a need for additional radar data. As a result of that meeting it was agreed that Noble would provide radar data collected in accordance with standard methodologies in the towns of Wethersfield to the north and Centerville to the south of the project area in the Spring of

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			2006 to supplement the information that had already been provided. As these two additional sites, and the proposed project site, are located in the same geographic region with similar habitat and land use practices, the bird/bat use and migration patterns are expected to be similar. The results from the Centerville and Wethersfield studies in conjunction with the Bliss studies will provide additional data sets to estimated mean passage rates for the area. The results of the spring 2006 radar study at Wethersfield also provide more accurate altitude data than the 1998-1999 study conducted at a comparable location and referenced in the Avian and Bat Risk Assessment. The Centerville and Wethersfield radar report for Spring 2006 is provided in Appendix C, Exhibit F. As a point of clarification the Radar Report for Bliss and provided as an appendix to the DEIS Avian and Bat Risk Assessment was prepared by Marine Services Diversified LLC (MSD). The spring 2006 studies at Centerville and Wethersfield were done by ABR. Because of contractor health and safety concerns it was not possible to affix the Anabat units to a met tower. Therefore, placement on a silo was the only alternative available that would provide data from 50' and 80' altitudes. This methodology was described in the work plan provided to NYSDEC in May 2005 and to NYSDEC staff during a site visit in May 2005 and explained to Mr. Chris Hogan of NYSDEC in April 2005. Pigeon interference did not affect the quality of the Anabat recordings.
Bliss-47	NYSDEC	The ABR report indicated that the mean passage rate for migrating birds was 444 targets/km/hr. This figure is the second highest avian passage rate when compared with studies conducted for other wind project proposals in the state. 1293 targets/km/hr were recorded on the busiest night, which is the 5th highest one-night passage rate found in studies conducted	As indicated in section 3.3.7 of the "Avian and Bat Risk Assessment," the very high passage rates on the nights of September 15/16 and September 23/24, 2005 likely skewed the mean passage rate higher. There were favorable conditions on those nights for bird migration. The comment indicates that the passage rate from September 23/24 is the 5th highest one-night passage rate found in studies conducted in NY; however, among three radar studies conducted in fall 2005 available to

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		in the state. Because of the limited sample size (8 days) of the radar study conducted in the project area, it can't be determined from this study if these results are representative of the mean number of birds/bats that would be expected to pass over the site during spring and fall migrations.	the project for review, it is the third highest passage rate on that night alone. The closest study available for review (a Woodlot Alternatives radar study in Howard, Steuben County, NY) indicated the 2nd-highest passage rate during their 45-night Fall 2005 study was on the night of September 23/24, with a very similar passage rate of 1297 targets/km/hr to the 1293 targets/km/hr found at Bliss. An even higher passage rate (1,392 targets/km/hr) was recorded that same night from a radar study conducted by ABR in Ellenburg, Clinton County, NY, which was the peak passage rate of the 60-night fall 2005 study. While the Ellenburg study is not very proximate to the project area, the occurrence of three radar studies in NY with the peak or next-to-peak passage rates of the season on the same night is not likely a coincidence and it supports the assessment that it was a night of strong passage in the state and the mean passage rate from the MSD Fall 2005 study is likely skewed high. Further, the passage rate from the 30-night radar study at Wethersfield (adjacent to Bliss) in Fall 1998 had a mean passage rate of 168 targets/km/hr. Therefore, it is inaccurate for NYSDEC to compare the mean passage rate from an 8 night-study, with several nights on known 'favorable' migration nights, to those of longer duration and analyze the passage rate from one night and suggest the project location is an increased migratory corridor. As noted in the response to comment 46, the nocturnal radar study that was provided as an appendix to the DEIS Avian and Bat Risk Assessment was completed by Marine Services Diversified LLC (MSD).

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-48	NYSDEC	DEC has made recommendations for conducting additional spring and fall radar studies in the project area. The applicant has provided a SOW for further data collection in the Towns of Wethersfield and Centerville, to the north and south of the project area. This SOW incorporates current DEC recommendations for acceptable protocols, collection of nocturnal radar data, Anabat recordings, raptor and breeding bird surveys. As these two sites, and the proposed project site, are located in the same geographic region w/similar habitat and land use practices, the bird/bat use and migration patterns are expected to be similar. The results from the Centerville and Wethersfield studies will help determine if this comparatively high number represents an accurately estimated mean passage rate for the area. These results should be included in the FEIS.	See response to BL-46. The Centerville and Wethersfield radar reports for Spring 2006 are in Appendix C, Exhibit F.
Bliss-49	NYSDEC	A letter from the NY NHP dated Nov. 30 2005 determined that the following species have been found within 10 miles of the project area: Eastern Small-footed Myotis, Short-eared owl, Upland sandpiper and pied-billed grebe, and a bat colony. The FEIS should include a plan for a post-construction mortality monitoring study to collect data on the estimated mortality rate of birds and bats that pass through and use the project site. The plan should include a comparison of the number of estimated collisions with passage rates obtained through radar during peak bird and bat migration periods at the Bliss project area. Searcher	Noble will perform a post-construction mortality monitoring study and a protocol has been developed (see Appendix C, Exhibit E). The post-construction study will include bird/bat mortality monitoring during spring and fall migration periods for up to 3 years following construction. The study is designed to identify specific turbines and weather conditions that result in increased collisions and identify potential mitigation measures if substantial mortality occurs. The post-construction mortality results will be compared to the number of estimated collisions presented in the DEIS and radar study passage rates. The study will be submitted to NYSDEC for review and comment prior to implementation.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		efficiency and scavenger removal tests should also be conducted. The use of Anabat detectors should be included in the final post-construction study protocol. The plan should include an adaptive management strategy that identifies mitigation measures that will be implemented if adverse impacts are identified. The protocol should be submitted to DEC for review and comment prior to implementation.	
Bliss-50	NYSDEC	The DEIS estimated that construction of access roads, turbine sites, and installation of collection and transmission lines will result in a temporary disturbance of 3.33 acres of wetlands within 0.72 acres of permanent impacts. While mitigation is proposed as a viable alternative, it is DEC policy that wetland impacts are not permitted, even with mitigation, until other alternatives have been explored, including avoidance, minimize or reduction of impacts. Generally, applicants are required to 1) examine alternative project designs that avoid and reduce impacts to wetlands; 2) develop plans to create or improve wetlands or wetland functions to compensate for unavoidable impacts to wetlands; and 3) demonstrate overriding economic and social needs for the project that outweigh the environmental costs of impacts on the wetlands.	An alternatives analysis is provided in Section 1.3 of the DEIS. That sections includes a general evaluation of alternative project designs. Section 1.4 of the DEIS evaluates the need for the project and compares benefits versus costs. An analysis of impacts to specific wetlands is provided in Section 2.8 and justifications for any unavoidable impacts are presented in Table 2.8.1. A mitigation plan describing Nobles proposed plans to create/improve wetlands to compensate for unavoidable impacts was included as Appendix E of the DEIS. In addition, a Joint Permit Application for the proposed project was submitted on March 10, 2006 to the U.S. Army Corps of Engineers - NY District and the New York State Department of Environmental Conservation. Since that time Noble has met with the DEC wetland biologists to verify the wetland delineations prepared for the project and reevaluated alternatives including avoidance, minimization and reduction of impacts and only proposed unavoidable impacts to wetlands. The Joint Permit application process will ensure that the concerns raised in this comment will be adequately addressed prior to construction in any wetland.
Bliss-51	NYSDEC	Before DEC can consider a permit request, wetland delineations must be verified by agency staff. Details to clearly define temporary impacts to wetlands should be provided. Any clearing or grading that disturbs	A Joint Permit Application for the proposed project was submitted on March 10, 2006 to the U.S. Army Corps of Engineers - NY District and the New York State Department of Environmental Conservation. Since that time Noble has met with the DEC and COE wetland biologists to verify the

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		wetland soils can result in permanent impacts to wetlands. Simple re-grading to pre-construction contours may not be enough to restore the wetland, and select vegetation may need to be planted, rather than simply allowing the areas to re-vegetate, potentially with invasive species. Mitigation to offset permitted temporary and permanent impacts to wetlands must be developed in consultation with DEC and USACE. Mitigation activities must be conducted concurrently with other construction activities; not after other construction activities have been completed.	wetland delineations prepared for the project and reevaluated alternatives including avoidance, minimization and reduction of impacts and only proposed unavoidable impacts to wetlands. The Joint Permit application process will ensure that the concerns raised in this comment will be adequately addressed prior to construction in any wetland. It is recognized that active measures including reseeding or replanting of native species may be required to facilitate the restoration of some wetlands temporarily impacted by construction activities. Specific revegetation measures including invasive species controls will be required in the wetland permits that will be issued by the NYSDEC and USACE for this project. Noble will adhere to those conditions.
Bliss-52	NYSDEC	Consideration needs to be made regarding future recurrences of 'temporary' wetland impacts during the de-commissioning process, or in response to a catastrophic event, when large trucks and cranes may again need to access all or portions of the project site, permanent roads may need to be temporarily widened, or vegetation removed. Subsequent or emergency permits may need to be obtained to conduct these activities to ensure that wetlands are properly restored. The Decommissioning Plan should include requirements for environmental permits that may be needed during the decommissioning process.	Permitting requirements for decommissioning activities are expected to be similar to those required for construction and operation. In the event that decommissioning activities are not addressed by existing permits, appropriate permits will be obtained.
Bliss-53	NYSDEC	DEC recommend that the project sponsor conduct a revised visual assessment to include consideration of a five mile distance from the perimeter edge of the proposed project site. According to DEC GIS, one site on the State and National register of historic places, the Arcade Center Farm, is located approximately	Based on NYSDEC's recommendation, for the purpose of the Visual Impact Analysis the Study Area has been extended to a 7.5-mile radius (See Appendix C, Exhibit D, Figure BL-32.45.53.b). Impacts to sensitive scenic resources including the Arcade Center Farm within this area have been analyzed using ZVI modeling. The ZVI was developed using topography only and does not take into account tree cover or man-made

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		5 miles from the western edge of the project area. Since a wind farm represents a large landscape alteration, the assessment should examine an area greater than 5 miles from the turbines if there are any potential sensitive receptors as described in section V (B) of the DEC Program Policy. The DEIS recognizes that the action will have an impact on the visible landscape of the region, and the turbines will become unique and prominent visible features of the landscape from many locations. Based on the results of the revised visual assessment, consideration should be made to provide visual offsets as mitigation according to the DEC visual policy.	structures that are likely to block some of the view but shows the project is generally visible from most elevated locations within 7.5 miles of the project. While the turbines are a dominant part of the landscape at 1-2 miles and present a severe difference in scale contrast, they are co-dominant at greater distances with a more moderate difference in scale contrast. Based on the field visit to the Arcade Center Farm it does not appear that the project will be visible from this site. A field visit was made to the Arcade Center Farm, which is approximately 5 miles from the project area, in July 2006 to evaluate impacts. Based on that visit it was found that vegetation and topography appear to screen most views to the north, east, and south. Based on the ZVI which does not take into account vegetative screening, it is possible that a portion of the project may be visible during periods when the existing vegetation lacks foliage. However, due to the distance and screening, it is likely that the majority, if not the entire project would not be visible or easily identifiable to visitors (see Appendix C, Exhibit D, Bliss Technical Memorandum: Figure A1a for Arcade Farm Photos). **Mitigation:** The Project design has been continuously evaluated, and the proposed location of turbines reflects guidance from landowners, agencies, local authorities, and project consultants. The turbines will be painted a non-reflective gray-white color, and the turbine layout results in a carefully achieved balance of energy production and environmental protection. Relocation or removal of one or more turbines may cause further visual impact, in that the location of other turbines would have to be re-examined and possibly changed in order to maintain an efficient Project design. Removal of several turbines from a project of this size would not significantly reduce visual impact of the entire Project. Panamerican Consultants, under the direction of

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			Senior Vice President Dr. Michael A. Cinquino, Ph.D., RPA, has evaluated the architectural survey data and has made a determination as to the eligibility of surveyed properties for National Register of Historic Places (NRHP) and the impacts of the projects on NRHP eligible properties. (See Appendix C, Exhibit I, Panamerican Consultants Report). Noble expects that mitigation will be required to address impacts at some NRHP eligible properties. For other wind power projects in New York State, SHPO has determined that a mitigation program that meets the needs of the local community and focuses efforts on those resources, communities, and individuals that may be impacted by the project is appropriate. Noble's consultation with SHPO is ongoing. A mitigation plan will be developed between the SHPO, Noble and the Town identifying specific mitigation measures and how they will be implemented. In addition, Noble will also employ the strategic placement of fencing, tree groupings, window treatments and other screens to block views of specific turbines or turbine clusters in response to Town Residences whose viewshed is negatively impacted.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-54	NYSDEC	If any state agency approvals are needed for the project, compliance with the New York State Historic Preservation Act of 1980, Section 14.09, will be necessary. In addition, should federal agency approval or permitting be needed, compliance with section 106 of the National Historic Preservation Act will be required. The FEIS should identify the extent of any state or federal agency involvement and discuss the status and results of any historic preservation studies undertaken.	In a letter dated September 23, 2005, the SHPO has determined that an archaeological survey is not warranted for the Bliss project (see Appendix C of the DEIS). The SHPO did however request a survey of all structures 45+ years old within a 5 mile radius from the project. That request has since been modified to include only those structures 50+ years old. In accordance with SHPO's request Noble submitted an architectural survey on February 3, 2006. Based on that survey SHPO preliminarily identified nine properties within the survey area that were potentially eligible for National Register listing and requested that the original survey area be extended to 7.5 miles. The survey of 50 + year old structures in this larger area has been completed. SHPO is currently evaluating the supplemental survey data and will make a final determination as to the eligibility of surveyed properties for National Register of Historic Places (NRHP) and the impacts of the projects on NRHP-eligible properties. Panamerican Consultants, under the direction of Senior Vice President Dr. Michael A. Cinquino, Ph.D., RPA, has evaluated the architectural survey data and has made a determination as to the eligibility of surveyed properties for National Register of Historic Places (NRHP) and the impacts of the projects on NRHP eligible properties. (See Exhibit I, Panamerican Consultants Report). Noble expects that mitigation will be required to address impacts at some NRHP eligible properties. For other wind power projects in New York State, SHPO has determined that a mitigation program that meets the needs of the local community and focuses efforts on those resources, communities, and individuals that may be impacted by the project is appropriate. Noble's consultation with SHPO is ongoing. A mitigation plan will be developed between the SHPO, Noble and Town identifying specific mitigation measures and how they will be implemented.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-55	NYSDEC	DEC recommends that an environmental consultant be retained to monitor construction activities to ensure that contractors are aware of and conduct mitigation activities identified in the FEIS. The FEIS should include plans for mitigation of potential environmental impacts during construction, including those associated with wetland and stream disturbance, vegetation removal, stormwater management and erosion control, and agricultural impacts. The scope of work for the environmental construction monitor should include coordination of environmental monitoring activities, documentation of implementation of mitigation activities as they are conducted, and preparation of a final report available to involved and interested agencies.	Noble will pay the costs for an Environmental Monitor to be hired by the Town as part of the Quality Assurance Program. The Environmental Monitor will monitor and document all construction activities in accordance with the approved compliance program and applicable permitting guidelines. Noble will produce a compliance monitoring document as part of their Quality Assurance Program prior to site plan approval. This plan will contain permit conditions and other commitments made by Noble during the EIS process including those associated with wetland and stream disturbance, vegetation removal, stormwater management and erosion control, and agricultural impacts. The scope of work for the Environmental Monitor will include coordination of environmental monitoring activities, documentation of implementation of mitigation activities as they are conducted, and preparation of a final report that will be made available to the Town.
Bliss-6	DPS	The DEIS is general in nature, discussing the impacts and proposed mitigation, but there is no indication as to how site-specific conditions will be reviewed, addressed and approved. The Applicant should identify the intended approving agency(ies).	Site specific review of existing conditions has been conducted by NYSDEC and USACE for wetlands and waterbodies and NYSDAM for agricultural lands. A Joint Application for Permit was submitted to NYSDEC and USACE on March 10, 2006 and subsequently both agencies conducted site visits. No activities involving stream crossing or impacts to wetlands will be issued until permits from NYSDEC and USACE are received. The issuance of these permits triggers consultation with the SHPO and other federal agencies including USFWS but separate approvals from these agencies is not required. A Water Quality Certification is required from NYSDEC before a USACE permit can be issued. A Notice of Intent for Stormwater Runoff Associated with Construction Activities will be filed with NYSDEC at least 5 days before construction. No approval is required. An Application for Certificate of Public Convenience and Necessity Pursuant to Public Service Law § 68 was submitted to the NYSPSC on January 31, 2006.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			Facility construction can not begin until the Certificate is issued. Though no permits or approvals are required from NYSDAM, the agency conducted a site visit on May 11, 2006 and has requested an opportunity to review final site plans. The Town of Eagle as lead agency will issue a Permit to Construct containing restrictions and requirements that will be adhered to during the construction process. In addition to the above, approvals will be required from NYSDOT and local highway departments for connections from access roads to public roads and approval of lighting plans will be required from FAA.
Bliss-7	DPS	The Applicant commits to adequate preconstruction documentation, monitoring of the project during construction, post-construction monitoring and restoration, Best management practices, and complaint resolution. The DEIS should specify how these commitments will be carried out with oversight to ensure execution of the commitments made or methods to make field changes in an expeditious, environmentally sound and cost effective manner.	Pre-construction design drawings and specifications were developed using information gathered from field surveys that incorporated environmental input, NYSDAM input, direct DEC and COE comments and landowner interfaces, at a minimum. This information, provided in Appendix C, Exhibit A, has been prepared to support bid packages for project construction. This information will also be used as the substantive support for permit applications. The bidding process will incorporate additional dedicated geotechnical and other pre-construction activities required to finalize design drawings unique to each access road and turbine foundation that will be used for construction. During the bid process, the Noble Quality Assurance Program will begin pre-construction reviews that will lead to the construction Quality plan oversight incorporating individual contractor Quality Control programs. The Noble Quality Assurance Program will employ a number of dedicated, discipline oriented Quality Technicians/Inspectors, at least one of whom will have credentials aligned with the environmental needs for this project. It will be this Inspector's responsibility to include timely reviews to substantiate compliance with issued Quality verification steps included in such documents as the SWPPP and any other required environmental program during the

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			construction process. These Quality steps will be properly posted, updated, monitored and reported, as necessary, to maintain the integrity of the project Quality Plan. The Quality Assurance Program will also be available for the Town and applicable agency review. Major components of the Quality Assurance Program are how to respond to violation(s) and remediation steps necessary to not only maintain the integrity of the Program, but to ensure compliance with Program requirements.
Bliss-8	DPS	Applicant should have its own environmental monitors on site during all phases of construction and defray the costs of a third-party monitor that would report to the Town to ensure that all of the commitments made are undertaken. Include appropriate language in all contractual documents that the contractors are to comply with, specifying the commitments made by Noble.	Noble will hire/have on staff an Environmental Inspector with sufficient knowledge and experience in environmental matters to complete the inspections and audits as part of their Quality Assurance Program prior to the start of construction (see response to Bliss 7). Language will be included in all contractual documents requiring Noble contractors to comply with permit conditions and commitments made by Noble. Additionally, Noble will pay the costs for an Environmental Monitor to be hired by the Town as part of the Quality Assurance Program. The Environmental Monitor will monitor and document all construction activities in accordance with the approved compliance program and applicable permitting guidelines.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-9	DPS	As a condition of Project approval, the Town should require the Applicant to present for the Town's review and approval in advance of construction: construction plans and specs that incorporate Noble's commitments; the SWPPP; measures that meet all of the Town's Wind Siting Law requirements for the required site plan review; comments by the public; and identification of the location of all construction associated with the project and how the project will be constructed, restored and maintained. Plans should include measures to demonstrate conformance with requirements of all other permits and approvals. Where permits and approvals aren't available before construction, copies should be supplied when available. Applicant should also provide, in construction plans, a list of all agency contacts w/names and phone numbers.	Detailed drawings and specifications sufficient to initiate final construction designs are available now and are being prepared for bidding (see Appendix C, Exhibit A). The successful contractor will produce drawings stamped Issued For Construction, incorporating detailed information specific to the placement of each access road and route, each individual WECF location and its associated foundation. These drawings will become Issued for Construction after a review of detailed information that will include additional geotechnical work, incorporation of final placement coordination specific to individual easement statements, or agency comments and incorporation of issued details specific to each of these installations. The SWPPP is being finalized by a third party engineering firm, Beardsley and Beardsley, incorporating DEC and COE comments and Noble commitments to those agencies. Affected areas of construction will have the SWPPP in place, posted and a specific SWPPP compliance monitoring program in compliance with the agency procedure prior to beginning construction. Noble shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared and certified by licensed/certified professional that meets all the requirements of the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A copy of the SWPPP and any amendments will be submitted to the Town/Environmental Monitor no later than 5 business days before the start of any construction. Noble maps, drawings and specifications meet the intended requirements of the Town Law (see Appendix C, Exhibit A). Agency Contacts are listed in Appendix C, Exhibit H.
Bliss-10	DPS	(pp 1-1 to 1-4). Figure 1-2 and 2.27-2 do not disclose complete information on the location	See Appendix C, Exhibit C for drawing BL-E-201-A (rev L). The figure shows County Roads, turbines and turbine access

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		of the underground vs. the overhead electrical collection system. Applicant should provide drawings that specifically locate all of the proposed mileage of overhead vs. underground segments of the electrical connection lines, indicating those segments within the road ROW and the locations and length of the 3 larger feeder cables.	roads involved with the collection systems. The calculated cable lengths are as follows: 88,000 feet or 16.7 miles of underground cable trench 37,500 feet or 7.1 miles of overhead pole lines.
Bliss-11	DPS	DEIS doesn't provide a reasoned explanation of the factors considered, or impacts resulting from, the proposed placement of the electrical collection system along public roadways. The DEIS should provide an analysis of: 1) advantages and disadvantages of maintenance of the overhead system vs. underground placement of the electric collection lines; 2) thermal limits associated with the underground collection lines; 3) detailed cost estimate and justification for overhead placement vs. underground with all backup material including environmental concerns, specific costs of facility construction and maintenance incl. vegetation management over the life of the facility; and 4) environmental analysis of the site-specific impacts on land use, visual ecosystem and cultural impacts of such an overhead placement versus underground.	Noble outlined specific criteria at the outset of Project design for the siting of collection and distribution lines. "First order" criteria for collection line routing were: 1) shortening the length of circuits to minimize electrical losses; subject to 2) availability of property rights; and 3) absence of environmental "fatal flaws". Once preliminary collection routes were identified an evaluation of the advantages and disadvantages of overhead vs. underground collection lines was made for each segment of the line based on the following factors: environmental; cost; reliability; and safety/maintenance. **Environmental:** The primary environmental consideration was to locate collection lines, to the maximum extent possible, in areas of previous disturbance. This criteria was satisfied by installing collection lines along existing roads regardless of whether the line was overhead or underground. Other important environmental factors considered in determining whether to install overhead or underground were minimizing visual impacts and avoiding streams and wetlands. Both overhead and underground installations have the potential to impact streams and wetlands. A number of select procedures can be used to minimize these impacts including the possible use of directional drilling, maintaining cable burial depths that meet the needs of the landowner in agriculture areas or by strategic pole placements. Installing underground cable simultaneously with road construction is another

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			consideration. Overhead impacts can be minimized by siting overhead lines on existing poles and/or along roads where other distribution lines exist. **Cost:** As between overhead and underground placement, overhead routing was generally favored because it is less costly to install and maintain. It costs about 5 to 10 times more to install underground collection lines than those run overhead. If trouble shooting or repairs are required, it is much easier to detect and fix a problem on an overhead circuit than an underground one. **Reliability:** There is a perception that underground circuits are more reliable than overhead, and that this consideration outweighs higher installation and maintenance costs. However, in actual performance, underground power lines do not demonstrate significantly higher reliability. While underground systems tend to have fewer outages, these outages last longer due to the time it takes to locate and repair the problem. Access to data for reliability of underground lines has been limited. Over the last several years more research has been compiled as utilities evaluate the pros and cons of placing their power lines underground. Some of these findings are summarized in a Maryland Public Service Commission's report on overhead and underground feeder reliability. That study, issued on 2000, determined that the impact of running distribution cable underground on reliability was "unclear." The findings indicated that underground systems suffer approximately half of the outages as overhead systems, but those outages last almost twice as long. Improperly maintained overhead distribution lines tend to have more outages due to contact with trees, however, it is relatively easy to locate and repair faults. Comparatively, underground distribution lines tend to have much higher failure rates immediately after installation, then fewer outages after the first few years of

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			service but outages tend to increase as they approach 20 years of age. Overhead reliability concerns can be reduced with the proper installation of systems such as a Hendrix system rather than the bare wire typically used on overhead systems. The Hendrix company manufactures an overhead electrical distribution system, developed in 1951, that utilizes partially insulated wire. The wire covering reduces the spacing required between phase conductors allowing for a compact design. The phases are kept separated by hanging on specially designed spacers that are in turn supported by a high strength steel wire. The high strength messenger cable and cable covering greatly reduce outages due to trees. **Safety/maintenance:** Both overhead and underground lines would be designed to meet the National Electric Safety Code (NESC) requirements the same as utility overhead lines. One design consideration might be that motor vehicle accidents are reduced with underground lines. This advantage is minimized if overhead distribution lines properly sited and engineered incorporating proper offsets from roadways and proper clearances so as to not interfere with pedestrians, traffic or animals. Based on a consideration of these factors, overhead vs. underground placement decisions were made based on the area of installation. In areas where new roads were to be constructed, underground distribution lines were determined to be an alternative based on the following factors: possible cost savings, minimizing additional disturbances to wetlands or agricultural fields and minimizing certain visual impacts. In areas where distribution lines were to be constructed along existing roadways or overhead transmission line ROWs, overhead distribution lines were determined to be the preferred alternative because overall installation costs were significantly less, construction disturbances are temporary and the impacts to wetlands could be minimized with pole spanning and

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			installation matting. Visual impacts would be minimal because of the presence of other overhead lines, using a previously disturbed corridor and installing poles in less traveled areas.
Bliss-12	DPS	Assuming overhead placement of the electrical collection lines along public roads, the Applicant should describe the contents of the agreement proposed to be executed with the municipality. Provide a draft copy of the agreement that includes the typical distances for the location of the proposed electrical connection lines from the centerline of the road ROW and the vegetation maintenance measures to be utilized to maintain the required vegetation clearances from the conductor.	At this time, the Town has no specific vehicle to address the installation of collection/distribution lines either along or crossing public roads. Noble and the Town intend to work to establish a permitting structure that will address the need for application, detailed description of the intended activities and subsequent permitting of the intended activities to the satisfaction of the Town Board. In line with this effort, Noble has suggested that the associated New York State Department of Transportation Highway Work Permit Application for Utility Work Form Perm 32m (2/00) be followed as the baseline document to establish this permitting activity. In that same venue, Noble will enter into a maintenance contract/agreement with a reputable contractor normally employed in vegetation maintenance to support the maintenance of vegetation clearances from conductors and other sensitive areas associated with collection/distribution systems. Noble is committed to having this procedure in place prior to the installation of electrical collection lines along public roads. Also, as part of this procedure, Noble will monitor installation and maintenance of the collection system as part of the Quality Assurance Plan with associated reviews and reports available at any time for review by the Town Board. Copies of this permit and Quality Assurance Plan including any resulting programs, will be properly posted and maintained at the associated Noble office as required.
Bliss-13	DPS	Provide DPS staff a copy of the Draft SRIS submitted on 2/17/06.	SRIS volumes are available to view in Appendix C, Exhibit G. They are also available on the NYISO website for review by any interested agency.
Bliss-14	DPS	Provide DPS staff a complete copy of the engineering drawing and specifications for the substations, switchyards and transmission line.	See Appendix C, Exhibit B for engineering drawings (BL-E-301, BL-E-302, BL-E-303, BL-E-304, BL-E-305, BL-E-306, BL-E-308, BL-E-309, BL-E-310) and specifications (BL-

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			16321-1, BL-16321-2, BL-16320, BL-16325, BL-16723-3, BL-16907, BL-16322, BL-16910, BL-16905, BL-16323-2, BL-16080) for the substations and switchyards; and see Appendix C, Exhibit C (T-301 PG1, T-310 PG2, T-301 PG3, T-301 PG4, T-301 PG5) for transmission line drawings.
Bliss-15	DPS	Explain the need for a 16-ft wide permanent access road for operation and maintenance of the turbines. Most equipment for turbine maintenance is over-the-road cranes and/or tractor-trailer moved equipment with normal equipment width that is moved on state highways w/out special permits. Therefore, the permanent road should need to be no more than 10-12 ft wide.	After a review of project operational needs, Noble will reduce the width of the permanent maintenance access road to a nominal 12 foot width. Subsequently the 35 foot wide temporary construction access road will be proportionately reduced to a 30 foot width.
Bliss-16	DPS	(p. 1-5) The 40-ft clearing of the ROW is not sufficient. Removal of the undesirable vegetation on the ROW is required to a minimum width of 100' for 115 kV transmission facilities, with the additional removal of danger trees as necessary. Explain the need for a 32-ft wide temporary construction access road for transmission line construction. A 10-12 ft wide road is generally sufficient for temporary construction access and permanent access with pull-offs as needed for equipment passage.	The 115 kV transmission line will have a 100 foot minimum width as required. The 32 foot wide temporary road was chosen as a conservative figure. It is intended to allow a haul truck and pole lifting vehicle to work side by side. Modifications within the maximum 32-foot wide temporary access road will be limited to compaction and minor grading to allow safe passage of construction vehicles. Where wetlands or streams are crossed, temporary access will be limited to the minimum width necessary and timber mats will be used to eliminate the need for fill materials or grading. No permanent access road will be required within the transmission line ROW.
Bliss-17	DPS	(p.1-5) Noble states that all land w/in the transmission line ROW will be allowed to revert to pre-construction conditions. On p. 1-8, Noble indicates that the project won't require the use of herbicides and pesticides to control vegetation of pests. Provide a detailed explanation of the management practices and measures it proposed to employ to control	Noble will enter into a maintenance contract/agreement with a reputable contractor normally employed in vegetation maintenance to support appropriate clearances from conductors and other sensitive areas associated with collection/distribution systems. Noble will have the referenced contract/agreement in place prior to the commencement of distribution line installation. Noble will monitor status and report on the maintenance of this procedure as part of the

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		undesirable vegetation from invading the conductor security zone and maintain 115 kV line reliability.	project Quality Assurance Program. The procedure will be posted and maintained in the associated Noble office.
Bliss-18	DPS	p.1-6. Provide information on the contents of the Emergency Preparedness and Fire Protection Plan and the training and actions to be undertaken by the local Emergency Management Services and Fire Departments in the event of a fire or other emergency at a turbine site.	The Noble Environmental Power Emergency Response Plan (ERP) is being finalized to meet specific project needs prior to start of construction. Noble will be coordinating with equipment vendors, local Emergency Response System Coordinators for Wyoming County and surrounding counties and local fire departments. This ERP is being supported by direct involvement from General Electric Wind Energy safety, ABB Electrical Division safety and the Noble Environmental Power Safety program. The ERP is being broken down into SIX (6) distinct initial categories: 1. Locator addresses for first responder efficiency (a 911 address from the Wyoming County EMS Coordinator for each access road). 2. Equipment familiarization. 3. Noble/Vendor furnished emergency equipment and training. 4. High work rescue orientation and training. 5. First responder fire orientation and training. 6. Proper communication training. Other emergency training activities that can be incorporated into the local training cycle will also be supported by the ERP throughout the year. The Health and Safety Plan and Emergency Response Plan shall be kept updated and fully implemented throughout construction and operation of the wind turbines. This plan shall be available for review to the Town/Environmental Monitor as well as the Wyoming County Office of Emergency Services and local fire stations at anytime.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-19	DPS	Section 1.2.1, page 1-7. A draft SWPPP should be prepared for review and comment in advance of filing of the FEIS.	Noble has contracted the development of the SWPPP for the Bliss Windpark through Beardsley and Beardsley. A generic draft SWPPP is provided in Appendix C, Exhibit M for informational purposes only. Noble will provide a SWPPP NOI 5 days prior to the start of construction as per current guidelines. Noble shall have a site specific Stormwater Pollution Prevention Plan (SWPPP) prepared and certified by licensed/certified professional that meets all the requirements of the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A copy of the SWPPP and any amendments will be submitted to the Town/Environmental Monitor no later than 5 business days before the start of any construction.
Bliss-20	DPS	Section 1.2.1, p. 1-7. Paragraph 6 discusses underground vs. overhead collection lines. If collection lines are to be routed along access roads to the public roads, any disturbances to wetland areas encountered will have already been made during access road construction, so the collection lines can be placed underground.	To the greatest extent possible, it is Noble's intent to run all collection lines along access roads leading to public roads underground taking into consideration the comments above.
Bliss-21	DPS	Section 1.2.1, p. 1-8. There is no discussion of using boring techniques under existing roads, nor recognition that roads can be open cut and restored to as good if not better condition.	Boring and/or directional drilling are possible construction tools to cross under existing roadways, however, Noble will be using a patented trenching operation that will leave no open cuts during the installation. Noble will also incorporate the necessary procedures to leave each trenched road crossing in as good as or better than the as found condition. A road use agreement between the Town and Noble will be obtained prior to any construction for the use of local roads. Permits for the use of state and county roads will be initiated with the New York State Department of Transportation (NYSDOT) and Wyoming County respectively prior to construction affecting those particular thoroughfares.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-22	DPS	Section 1.2.4, p. 1-9. Applicant should state how it intends to maintain the 115 kV transmission line from the Bliss substation to the Village of Arcade Freedom Substation. Explain costs and vegetation management techniques.	Noble will enter into a specific agreement/contract for yearly vegetative maintenance with a reputable, qualified company normally engaged in the associated business to address vegetative clearances. Techniques will be dependent upon vegetation involved, area of involvement, proximity to wetlands or environmental areas and specific landowner requests. Costs cannot be furnished at this time.
Bliss-23	DPS	2.4.1, p. 2-34. The employment of decompaction techniques and topsoil replacement are not appropriate activities after periods of heavy rain. While landowners may decline to have restoration undertaken, any plans not to restore specific areas need to be evaluated to ensure there will be no adverse environmental impacts associated w/such inaction.	Noble will not conduct subsoil decompaction during or after periods of high precipitation. Noble agrees that elasticity of subsoil configurations need to be monitored and addressed on a case by case basis. Noble will document each case, evaluate and establish a unique restoration plan for each case in accordance with recommendations from NYSDAM and as part of Noble's normal Quality Plan.
Bliss-24	DPS	2.4.3, p. 2-9 through 2-50. Without a soils map that depicts the soils information (or for that matter, the consistent use of the same scale maps and figures throughout the document) at the same scale as all of the other maps and figures, it is difficult to determine whether constraints were considered or tradeoffs were made.	Noble has prepared a map depicting the soils information presented in section 2.4.3 of the DEIS as requested (see Appendix C, Exhibit H).
Bliss-25	DPS	2.4.5, p 2-37 and 2-38. Table 2.4-3 states that there are 66 acres affected on a temporary basis and 26.35 acres that will be permanently withdrawn from the agricultural district and/or affected by the project. Identify the agricultural district boundaries and locations/manner of the permanent affected agricultural district land on appropriate scale drawings. This information could be included on the soils maps or included on a separate figure to indicate proposed	Noble has provided a map depicting the agricultural district boundaries as requested (see Appendix C, Exhibit H).

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		agricultural district land withdrawals.	
Bliss-26	DPS	2.4.6, p 2-39. Efforts should be undertaken by applicant in conjunction with landowners, County Soil Conservation District, and USDA's Natural Resource and Conservation Service to determine the likelihood of any subsurface drainage before construction. Prepare a proposed detail drawing and specification for repair and replacement of any uncovered drainage field affected by construction. Drawing should also identify any known drainage fields to be affected by construction.	Noble will collect information from landowners at locations either in the path of or in close proximity to our construction efforts. Noble has prepared a typical detail drawing and procedure addressing the replacement of uncovered drainage tile encountered during construction (see Appendix C, Exhibit H). Repair or replacement of affected tile will be coordinated directly with individual landowners.
Bliss-27	DPS	2.6.1.1, p 2-51. With regard to encountering shallow groundwater during foundation excavation: applicant plans to pump and discharge any water from the excavation. Provide construction details and specs in the SWPPP that show the location and type of detention devices that will be employed.	Presently there is a generic detail for this application that is incorporated into the generic draft SWPPP (see Appendix C, Exhibit M). During the finalization of the SWPPP process, if there is a need for further detail or a descriptive procedure, this will be incorporated into the site specific SWPPP, design details and the Construction Execution Plan.
Bliss-28	DPS	2.6, p. 2-51. Identify on the construction drawings the specific locations for concrete chute washout, mixer cleanout, and dumping locations for excess concrete.	Noble recognizes the significance that these activities can have on the environment even if controlled. Therefore, at this time, Noble is planning not to have any onsite or areas outside normal concrete production areas for chute washout, mixer cleanout or dumping locations. If, during the civil bidding process, we find that any of these activities will become necessary, Noble will identify specific areas and provide that information on final design drawings 10 days prior to the start of construction.
Bliss-29	DPS	2.6.2, p 2-52 and 2-53. Show each stream crossing on the construction drawings and identify the specific technique to be employed.	Presently, there are sufficient details included in the drawings provided in Appendix C, Exhibit A to show the intent for each type of stream crossing so that bidding and contract award can be accomplished. Noble will include, with the final design, specific stream crossing details 10 days before the start of construction to be incorporated during the construction

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			process. Design details for stream crossings are finalized in consultation with the COE and DEC in the Wetland Joint Application process. All Joint Wetland Permit Conditions will be followed.
Bliss-30	DPS	2.8, Table 2.8-1. ROW will require periodic cutting of undesirable vegetation and the removal of danger trees as ongoing maintenance of the ROW. Provide an explanation of the maintenance and costs to undertake the vegetation management and identify locations requiring permanent access roads necessary to maintain reliable transmission line operations.	See the response for Bliss-17.
Bliss-31	DPS	2.13. While the applicant plans to use a non-glare off white/white color for the turbine nacelles, props, and towers in an effort to blend with the sky colors, the turbines will be installed on high points in the landscape skyline with a contrast in scale and will be apparent at greater distances. A cumulative impact analysis (including a cumulative visual assessment) should be undertaken that includes the existing Wind Farm and any other proposed wind farms that may be visible in the project area (Wethersfield mentioned).	In response to this comment a supplemental evaluation of the cumulative visual impacts of the proposed Noble Bliss project (67 turbines), the existing Wethersfield project (10 turbines) and the proposed Noble Wethersfield project (86 turbines based on preliminary turbine siting information) was performed. Noble has preliminary plans to construct a Windpark in Centerville but that project was not included in the analysis because land acquisition has not been completed and no turbine locations have been identified. To support this evaluation photo simulations were developed from three locations in the Bliss project area. Simulation locations were selected to represent views of the Bliss Project and the existing Wethersfield project, the Bliss Project and the proposed Noble Wethersfield project, and all three projects in the same viewshed. A simulation location map and the visual simulations are provided in Appendix C, Exhibit D, Bliss Technical Memorandum, Figures A2-A5c. The simulations from various locations shows that while the individual projects will each produce a unique and prominent feature on the landscape that will be visible from many

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			locations, the visual impact of multiple projects on the horizon is not directly proportional to the number of towers visible in a viewshed. While the number of locations in the area from where a turbine would be visible increases with the addition of more turbines, the overall character of the viewshed in the region does not change significantly with the additional projects.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-32	DPS	DEIS does not include NYSDEC's policy statement that "...in large landscape alterations, greater distances have been shown to be important in some landscape settings, and must also be considered," and the inventory of structures was developed per the SHPO's requirements, and will be evaluated as required. These are missing steps in the DEIS's analytical process- consideration of the project's potential impacts beyond the 5-mile radius and the visual impacts on properties potentially eligible for the National Register. These potential impacts of proposed project require assessment WITHIN the DEIS. Without the assessment, it is impossible to determine whether there are impacts on historic resources and the DEIS is thus deficient. A hold should be placed on the DEIS comment process while Applicant develops necessary information and analysis to complete the DEIS for comment, incl. potential mitigation strategies for analysis in the FEIS.	As per NYSDEC policy, a 5-mile radius from a project is typically an adequate area in which to analyze visual impacts. In response to this comment, the study area has been extended to 7.5 miles (see Exhibit D, Figure BL-32.45.53.b and Section 4.0 of the Bliss Technical Memorandum) and an analysis of the impacts within this larger area has been completed (see responses to comments BL-33, BL-34, BL-45 and BL-53). The conclusions of the DEIS regarding visual impacts are supported by the supplemental analysis. A supplemental survey of historic resources within the revised study area has also been completed. Photo documentation of structures greater than 50 years old in the 7.5 mile study area has submitted to SHPO. SHPO is currently evaluating the architectural survey data and will make a determination as to the eligibility of surveyed properties for National Register of Historic Places (NRHP) and the impacts of the projects on NRHP eligible properties. It is anticipated that mitigation will be required to address impacts at some NRHP eligible properties. Given the nature of the project components and siting criteria (tall structures on high elevation sites), mitigation options for the project are limited. For other wind power projects in New York State, SHPO has determined that a mitigation program that meets the needs of the local community and focuses efforts on those resources, communities, and individuals that may be impacted by the project is appropriate. A mitigation plan will be developed between the SHPO, Noble and the Town identifying specific mitigation measures and how they will be implemented.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-33	DPS	p. 2-125. Noble provided a list, with photos, of structures w/out any analysis of the project's impacts (visual or other) on the identified structures that are either listed or eligible for listed on the State or Federal Registers. Without the analysis, the DEIS doesn't demonstrate that there are no structures eligible for listing on the State or Fed. Registers.	Panamerican Consultants, under the direction of Senior Vice President Dr. Michael A. Cinquino, Ph.D., RPA, has evaluated the architectural survey data and has made a determination as to the eligibility of surveyed properties for National Register of Historic Places (NRHP) and the impacts of the projects on NRHP eligible properties. (See Appendix C, Exhibit I, Panamerican Consultants Report). Noble expects that mitigation will be required to address impacts at some NRHP eligible properties. For other wind power projects in New York State, SHPO has determined that a mitigation program that meets the needs of the local community and focuses efforts on those resources, communities, and individuals that may be impacted by the project is appropriate. Noble's consultation with SHPO is ongoing. A mitigation plan will be developed between the SHPO, Noble and the Town identifying specific mitigation measures and how they will be implemented.
Bliss-34	DPS	2.13, p. 2-129. Applicant should provide the typical heights as well as a basis for the conclusion that 'wind turbines are generally compatible with other existing industrial objects such as farm silos and radio towers.'	Heights of representative agricultural silos, utility poles, communication towers and the existing Wethersfield turbines were obtained during field surveys to provide a basis for comparison with proposed wind turbine structure dimensions (see Appendix C, Exhibit D, Bliss Technical Memorandum, Table 3 and Figures A6a-A6e). Representative dimensions of agricultural silos within the project area range from 20(width) x 65(height) feet to 25x90 feet. Representative heights of utility poles are 40 feet tall. Representative heights of communications towers range from 210 to 520 feet tall. The Wethersfield turbines are 290 feet tall. The proposed Bliss turbines are 389 feet tall and are in character with the physical appearance of other man-made vertical elements in the project area.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-35	DPS	2.13, p. 2-130. Mitigation for shadow flicker includes natural and artificial shading devices. Describe these devices and potential for success of such mitigation, indicating how the Applicant will provide such mitigation for the 93 residences that are not property lessors and are potentially affected by shadow flicker.	Mitigation will be provided on a case by case basis of actual incidence of shadow flicker, not on all potential sites. It is anticipated that the actual number of affected residences will be drastically reduced. The modeling software assumes that the sun is always perpendicular to the blades, the wind is always blowing (turbines are moving) and there is no existing vegetative barrier. Additional factors reducing the incidence of shadow flicker would be location of doors and windows, presence of fog as is common in the early morning and early evening (when the sun is the lowest in the sky and the potential for shadow flicker the greatest). Standard industry mitigation methods could include the planting of a vegetative barrier- a row of trees or shrubs between the wind turbine(s) and the window(s) or installation of indoor and/or outdoor window treatments (blinds, drapes, shutters, or awnings). These methods are generally effective. Mitigation will be addressed on a case by case basis through the Noble Complaint Procedure which provides a vehicle for residents to document and resolve project related issues.
Bliss-36	DPS	2.15, p. 2-140, last paragraph. Prepare a procedure that includes submittal of the monitoring reports for review and verification by the Town. Procedure should also include provisions for complaint reporting and resolution.	Noble will submit a Complaint Resolution Procedure to the Town. This Complaint Resolution Procedure will address concerns, comments and/or complaints by local residents that may occur during or after construction. This shall be submitted before and implemented as part of the licensing agreement.
Bliss-37	DPS	p. 2-153. Provide clear explanation as to how the visual opacity associated with fugitive dust will be limited to no more than 20% during a six-minute period. The monitoring to ensure the application of dust control measures and enforcement of the speed limit should be a component of the final construction plans.	During construction activities, dust control will be conducted, so as to limit "fugitive dust", by individual contractors using pre-approved chemical dust control measures that are both OSHA and EPA compliant. Water may be used only during periods of high heat and when the soil is deemed dry enough so as not to reach saturation during normal travel with water distribution trucks. First line monitoring will be the responsibility of individual contractors on a daily basis with a secondary monitoring step implemented by Noble as part of

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			the normal Quality Assurance Program for the project.
Bliss-38	DPS	While a final route survey will be undertaken, there is no information about the numbers of loaded and unloaded truck trips on the roads nor any information (even preliminary) about the present road conditions, loading limits on the roads, bridges, and culverts that will be traversed.	Table 2.22 of the DEIS showed the estimated number of truck trips for the project duration as net round trips. That is, each trip is one-way loaded and one-way unloaded. When the hauling permit application is submitted to NYSDOT, the DOT will review suitability of road condition, bridges, and culverts for state roads being traversed. There are no restricted load (R-Posted) bridges along the haul route (New York State DOT publication "New Prohibition on Crossing R-Posted Bridges Effective April 1, 2006"). State Routes 16, 98, and 243 are 2-lane asphalt or overlay surface. Routes 16 and 243 are in good to excellent surface condition. Route 98 exhibits general alligator cracking in the nine mile stretch intended for component hauling. This road section is asphalt overlay construction and was last improved/reworked in 1983. It is past due for repair compared to all neighboring sections of State Route 98. Cornering and obstruction improvements on town and county roads were already discussed in the DEIS Appendix K. The reader is referred to Bliss Comment 59 for further discussion of local road conditions.
Bliss-39	DPS	Text should provide resource location and proposed haul routes for the crushed stone for roadway construction and the concrete for foundations. If delivery of offsite concrete redi-mix is not planned for project, the location for the concrete batch plant (with a layout plan for the batch plant) should be identified, together with the proposed routes for delivery of cement, sand and stone.	At this time, Noble has no plan to use a portable batch plant for this project. Potential gravel and aggregate suppliers have been identified in the West (Arcade, Chaffee), Southwest (Freedom, Machias, Delevan, Franklinville), North (Alexander), and East (Fillmore, Mt. Morris). Within the project site, Telegraph Road and Centerville Road form a crossroads accessing all turbine sites. Routing to this location from the various supplier sites is described below. From the West: Deliveries are expected to travel NY98 on the north side of Arcade. From NY98, turn east on South Road. Continue east across NY39, at which point South Road becomes Telegraph Road.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			From the Southwest: Deliveries are expected to travel NY98 on the south side of Arcade. From there, two alternatives are available. 1.) From NY98, turn east on Freedom Road. Continue east on C.R. 3. Turn north onto North Hill Road. Continue north until N. Hill Road becomes Centerville Road. 2.) From NY98, turn ENE onto Eagle Road. Cross Bray Road and continue north on Hiram Road. Turn east onto South Road and continue east until South Road becomes Telegraph Road. From the East or North: Deliveries are expected to travel NY19 or NY39 to NY19. From NY19, turn west onto Telegraph Road.
Bliss-40	DPS	Third bullet, p. 2-164. Two additional school districts affected by turbine component delivery which may be affected by construction vehicle were not included in the list to be consulted. These are the Hinsdale School District and Franklinville School Districts, which have school buses traveling on NY Route 16 from I-86 North. Copies of the DEIS for this analysis and delivery plans should be made available to all affected school districts, as well as the Allegany County Manager and the Supervisor of Centerville, the Cattaraugus County Chairperson of the County Legislature and the Town Supervisors of Hinsdale, Ischua, Franklinville, Farmersville and the Mayor of the Village of Franklinville. Applicant should also inform them of the plans for transporting turbine components and the possible construction vehicle traffic through these counties, towns and municipalities.	The Franklinville School District and Hinsdale School District were identified in the DEIS for consultation regarding delivery traffic in DEIS Section 2.22.1 on pages 2-164 and 2-165. All the possibly affected school districts will be contacted for coordination with school bus activity and transportation issues associated with the project. Delivery and transportation plans will be made available to all towns and villages through which haul routes are planned and which could be affected by construction traffic. Noble will distribute any additional copies of the FEIS as requested by the lead agency.
Bliss-41	DPS	Appendix K: Wind Turbine Component Haul Route determined by aerial photo should have	The haul route did receive field review. The segment between NY243 and North Hill Road (via. Fairview Road) did not

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		had a field review. The route description connection between NY Route 243 and North Hill Road/Centerville Road is neither included nor assessed.	receive further mention because it was benign to hauling and produced no features considered noteworthy. Meanwhile, the haul route itself is being reevaluated in the expectation that a storage and component laydown area will be located near the project boundaries. This area will serve as an intermediate depot on the haul route.
Bliss-42	DPS	2-168. Section indicates that the Town has a land use control ordinance and that an electrical transmission line is a permitted use. There is no information that indicates the municipality's permitted use requirements or any site plan requirements.	As stated in Section 2.23.3, the Town of Eagle does not have a zoning law. Site plan requirements for the Town are described in the Town of Eagle Wind Energy Conversion Facilities Siting Law of 2005 (Local Law No. 3) which is provided in Appendix I of the DEIS. The Town of Arcade does have a zoning law. Section 2.23 summarizes uses permitted in the project area, which include essential services. Transmission lines are considered an essential service, and are therefore a permitted use in the Town of Arcade. A more detailed discussion of the municipality's permitted use requirements is set forth in the Zoning Law of the Town of Arcade (1990), which is included in the DEIS as Appendix I.
Bliss-43	DPS	2.24, p. 2-175. Land use information is provided for the Town of Clinton. Should provide correct information for the Town of Eagle.	Due to a production error the Land Use section for the Noble Clinton Windpark DEIS was inadvertently included in the Noble Bliss DEIS. The correct Section 2.24 is provided as Appendix C, Exhibit H of this comment response packet and provides information for the Town of Eagle. While the section has been updated to reflect project-specific impacts, the DEIS conclusions with regard to land use are unchanged. Construction of the Project Site and the associated transmission corridor will not preclude current or future agricultural uses; total permanent impacts are similar (less than 95 acres); and the project is compatible with existing laws, ordinances and local land use plans.
Bliss-44	DPS	2.29, pp. 2-197 to 2-200. Information provided mixed Wyoming County and Clinton County and individual town requirements. Revise this section and provide copies to all who received	Due to a production error the Health and Safety section for the Noble Ellenburg Windpark DEIS was inadvertently included in the Noble Bliss DEIS. The correct Section 2.29 is included in Appendix C, Exhibit H.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		the DEIS.	
Bliss-45	DPS	Present Wethersfield Wind Farm is visible from the proposed Bliss Wind Farm; and proposed Bliss Wind Farm will be visible from Wethersfield. DEIS should be revised to address the extent of visibility of the Noble Bliss project over Wyoming, Allegany and Cattaraugus. Counties. Describe and analyze the cumulative visual impacts associated with the Noble Bliss project, existing Wethersfield Wind Farm and other proposed wind facilities in the area.	As per NYSDEC policy, a 5-mile radius from a project is typically an adequate area in which to analyze visual impacts. In response to comment BL-32, the study area was extended to 7.5 miles (see Appendix C, Exhibit D, figure BL-32.45.53.b and Section 4.0 of the Bliss Technical Memorandum) in order to better address the extent of visibility of the project and the cumulative impacts associated with the Noble Bliss project, the existing Wethersfield Wind farm and other proposed wind facilities in the area. An analysis of these impacts has been completed (see responses to comments BL-31, BL-33, BL-34, and BL-53). The ZVI was developed using topography only and does not take into account tree cover or man-made structures that are likely to block some of the view, but shows the project is generally visible from most elevated locations within 7.5 miles of the project. While the turbines are a dominant part of the landscape at 1-2 miles and present a severe difference in scale contrast, they are co-dominant at greater distances with a more moderate difference in scale contrast. To further support this evaluation, photo simulations were developed from three locations in the Bliss project area. Simulation locations were selected to represent views of the Bliss Project and the existing Wethersfield project, the Bliss Project and the proposed Noble Wethersfield project, and all three projects in the same viewshed. A simulation location map and the visual simulations are provided in Appendix C, Exhibit D, Bliss Technical Memorandum, Figures A2-A5c. The simulations from various locations shows that that while the individual projects will each produce a unique and prominent feature on the landscape that will be visible from many locations, the visual impact of multiple projects on the horizon is not directly proportional to the number of towers visible in a viewshed. While the number of locations in the area from where a turbine would be visible increases with the

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			addition of more turbines, the overall character of the viewshed in the region does not change significantly with the additional projects.
Bliss-76	DPS	Noble secured the services of a visual assessment consultant that provided, as a project addendum, a Visual Technical Memo that did not assess the impacts on the historical and potentially (eligible) historic structures, whereas the architectural historians, in their addendum, concluded that 61 of the 67 turbines would be seen can be seen from the eligible properties.	A review was completed of the Panamerican and Saratoga reports by the Town. Based on this review, it is noted that the Saratoga report provided no conclusions regarding the visual impacts, rather, presented visual photograph simulations from three specific points of the "before", only Bliss projects and finally the Bliss and Wethersfield projects. The Panamerican report however, identified a number of significant visual resources within the Town based only on a Zone of Visual Influence (ZVI). It is further noted that although the Panamerican report identified a potential visual impact to a large number of significant resources, their assessment is based solely on a ZVI analysis, which, by its nature, does not account for visual obstructions (e.g., ground cover, buildings, orientation of windows). Therefore, based on this, the two reports and their findings are not considered contradictory as they do not use the same analytical techniques in their respective studies.
Bliss-70	Wyoming County DOH	It is not clear that the applicant has considered any proposed changes in land use in the DEIS assessment of potential project impacts. For example, if plans for a commercial development in the project area/vicinity are being considered, the Wyoming County IDA may want the applicant to examine the possible impacts of any proposed future development.	In siting project components, Noble has been engaged in ongoing discussions with landowners, businesses, and local officials in the vicinity of the Project Area. These discussions did not identify any commercial development plans for the immediate vicinity of the Project Area that would impact, or be impacted by, construction or operation of the Project. Evaluation of the impacts of future land use changes should be undertaken in the context of a specific project proposal.
Bliss-71	Wyoming County DOH	Should blasting become necessary, Noble should provide the following: 1) Describe all blasting operations, include location, measures to inform people when blasts will occur, measures to ensure safe transportation, storage and handling of explosives and coordination	Based on geotechnical tests completed to date, Noble does not expect that blasting will be necessary for the Project. In the unlikely event that blasting becomes necessary, a detailed blasting plan will be prepared and submitted to the Authority Having Jurisdiction and copied to the Town, the Wyoming County Emergency Response Coordinator, and the Wyoming

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		w/local safety officials; 2) An assessment of potential impacts of blasting to environmental features, aboveground structures and below-ground structures such as any pipelines or drinking water wells.	County Health Department for their review. The blasting plan will include at a minimum the requirements as set forth in OSHA Standard 1910.109 and other applicable New York State Standards. No activities requiring blasting will proceed until full approvals have been obtained.
Bliss-72	Wyoming County DOH	We would request confirmation that no construction activity will take place in proximity of the water transmission main from the Telegraph Road Spring Supply to its junction with Route 39. Superimposing this pipeline location on the delineation map might be helpful.	A section of the electrical collection system will be installed perpendicular to the water transmission main. The location of the main will be shown on the construction drawings and will be marked in the field. Noble will notify the Water Department prior to the inception of construction activities in the vicinity of the water supply line. Noble will consult with the Town and the Water Department to develop a contingency plan should circumstances arise that require temporary disruption of the water service.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-73	Wyoming County DOH	Although a minimum of 1000 ft. distance appears to be an adequate buffer for adjacent properties in the case of a tower collapsing, it isn't clear from the DEIS that 1000 ft. would be adequate in the case of blade throw or ice shedding. Please be aware that similar windfarm projects reviewed in NYS have sited a minimum buffer distance of 1312 feet (400 m). Setback distances, as set by Local Law No 3, allow a setback of only 540 ft (which can be altered by the town board). Note that w/a blade length of 123 ft. this throw distance is reduced to 417 ft. from a roadway. In the rotational direction is perpendicular to the highway, concern should be addressed for public highways to exist in the fall zone. Based on local law compliance, the applicant should provide documentation, modeling results or other info. to show that the outer limit for impact of a thrown structural component or ice formation would be w/in 1000 ft. (540 ft in the case of an affected highway) of the tower (fall zone) if it were cast from the structure with a horizontal component to the trajectory at velocities consistent with the operation of the wind turbine across a range of rotation rates. Are any other areas of public exposure situated within these distances of the proposed tower sites?	Operational considerations for ice fall were discussed in DEIS Section 2.29.5. Although some calculations have generated dramatic distances for theoretical ice shedding, these have been idealized with no air resistance and with turbines operating at top speed. Published literature (Deutsches Windenergie-Institut) reports typical drag coefficients for ice particles at 1.2. Accounting for air resistance limits trajectories for ice shedding to about 130 meters (425 feet) horizontal displacement from the 80 meter turbines. This is in general agreement with the same German report which related observed ice fragment throws, the longest of which was slightly less than 125 meters (410.1 feet). Turbine setbacks from residences and public roads exceed these distances. A second factor limiting the horizontal displacement of ice fragments is the effect of ice on the blade airfoil itself. Ice buildup reduces the aerodynamic efficiency. The plant operators have a standard operating procedure that requires them to closely monitor turbine performance vs. wind speed (anemometers are heated so icing is not an issue for them) when icing conditions could exist based on weather forecasts. If performance is below normal the operators will initiate shut downs pending field visual confirmation of conditions Operator attention to these weather effects will typically result in manual shut down of the unit or in extreme cases an entire windplant. An added layer of safety exists in that due to uneven ice build up, generally an imbalance would result in an excess vibration. Turbine(s) will be automatically shut down by the vibration monitoring in the control systems should it sense a vibration exceeding the threshold. Following an automatic shutdown, the turbine(s) would require a manual start by an operator. AWEA's Wind Power Myths vs. Facts states that: "Blade throws were common in the industry's early years, but are unheard-of today because of better turbine design and engineering."

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-74	Wyoming County DOH	We do not note in the report any section characterizing and assessing the impacts of shadow flicker. Only the statement "shadows from turbines will fall on some residences" in the Visual Impact section. This drastically conflicts with the Exec. Summary, page 3, which states "Shadows from the turbines will fall on 129 residences". Based on demographics provided by the US Census (2000), this is 30% of the total number of households in the Town (424). With an average household size of 3 persons (2.82) the number of residents potentially affected could be as high as 387 or 32% of the population. NYSDOH's review of the scientific and medical literature has identified physiological effects (e.g., retinal vasodilation, neural oscillations in visual cortex) at flicker frequencies less than 10 Hz. Please address health concerns associated with this issue.	Due to the conservative nature of the model used in the DEIS it is likely that a much smaller number of homes will be affected than the 129 identified in the Visual Impact Assessment. Noble does not anticipate that shadow flicker will result in any impacts. Extensive literature reviews and consultations with NYSDOH personnel in the Bureau of Environmental & Occupational Epidemiology, the public affairs group, the Center for Community Health, and the Wadsworth research center were unable to confirm the source of the quotation attributed to NYSDOH. Literature searches using the leading medical, environmental, and energy data bases covering thousands of scientific journals in the science and medical literature were performed to independently evaluate the available literature on this issue. Noble found no scientific studies that reported links between windmill shadow and adverse impacts on individuals with any pathological effects. In the event such impacts occur, Noble will work with the Town and affected homeowners and provide the funds to pay for mitigation. Mitigation measures to be considered will include natural and artificial screening devices.
Bliss-75	Wyoming County DOH	DEIS doesn't mention health concerns associated with exposure to EMFs. Address the issues and concerns associated with them, and describe any measures they will take to minimize people's exposure to EMF associated with the project.	EMF (Electric and magnetic fields) is a term that describes electric and magnetic fields associated with the flow of electricity through power lines, wiring in buildings and electrical appliances. The strength of EMF falls rapidly as one moves away from the source. At the frequencies used in the electric power industry, the evidence for adverse health effects associated with potential exposure to EMF is very weak. New York State has established limits for magnetic field strength of 200 milligauss at the edge of the right of way. The Noble Wind Turbine project will be engineered to meet New York State EMF Standards.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-56	Wyoming County Planning Board	Page 2-44, first paragraph mentions potential impacts to existing aquifer system. Before the Town Board makes a final SEQR finding, applicant should determine if aquifer impacts will occur and provide a specific mitigation plan.	As stated in Section 2.5, the main source of the potable water supply in the town of Eagle is the Cattaraugus Creek Basin Aquifer System, identified by the USGS as the principal aquifer for the Project Site. From general data gathered from USGS for local wells and the soils database, it was determined that the depth to groundwater ranges from the surface to 10-20 feet below ground surface at the Project Site and surrounding areas. Construction, operations, and maintenance activities are not expected to affect local aquifers or private residential drinking water wells within or outside the Project Site. See Sections 2.5.1 and 2.6.1 of the DEIS. In the event of a disruption to the water supply due to project activities, Noble will provide of an alternate source of water to residences.
Bliss-57	Wyoming County Planning Board	p. 2-51, last paragraph says that Noble will do geotechnical investigations to determine possible impacts on local aquifers or private drinking water wells. The results of the geotechnical investigations should be provided to the Town Board before a SEQR finding is made.	Section 2.6.1.3 states that construction, operation and maintenance activities associated with the Project are not expected to affect local aquifers or private residential drinking water wells within or outside the Project Site. However, this will be confirmed based on the results of geotechnical investigations performed by Noble prior to construction. The geotechnical work done to date was conducted to support investigative studies to facilitate possible foundation design parameters for the foundation design engineer. Prior to construction in specific identified residential areas, geotechnical investigations will be conducted to verify that any activities conducted by Noble will not affect nearby residential wells, whether within or outside the project site. The identification of these areas will be coordinated with the local water authority or the local representative having jurisdiction. Additionally, as part of the geotechnical investigations, information will be collected relating to depth to ground water within the Project area. This information will be provided to the Town for use in analyzing any complaints received from residents of the Town relating to residential wells. Mitigation

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			for verified Project related impacts to residential wells, as determined by the Town, will be implemented and paid for by Noble through the Complaint Resolution Procedure.
Bliss-58	Wyoming County Planning Board	(P 2-126) discusses historically significant sites and SHPO review. Without knowing and considering SHPO's input, the visual impacts from the project can't be totally known. When will SHPO's input be available?	Panamerican Consultants, under the direction of Senior Vice President Dr. Michael A. Cinquino, Ph.D., RPA, has evaluated the architectural survey data and has made a determination as to the eligibility of surveyed properties for National Register of Historic Places (NRHP) and the impacts of the projects on NRHP eligible properties. (See Appendix C, Exhibit I, Panamerican Consultants Report). Noble expects that mitigation will be required to address impacts at some NRHP eligible properties. For other wind power projects in New York State, SHPO has determined that a mitigation program that meets the needs of the local community and focuses efforts on those resources, communities, and individuals that may be impacted by the project is appropriate. Noble's consultation with SHPO is ongoing. A mitigation plan will be developed between the SHPO, Noble and the Town identifying specific mitigation measures and how they will be implemented.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-59	Wyoming County Planning Board	How can a SEQR finding be made without knowing specific road impacts and mitigation measures? The applicant should provide more information about this to the Town Board.	A road use agreement between the Town and Noble will be obtained prior to any construction for the use of local roads. Permits for the use of state and county roads will be initiated with the New York State Department of Transportation (NYSDOT) and Wyoming County respectively prior to construction affecting those particular thoroughfares. Cornering and obstruction improvements to local roads were described in the DEIS Appendix K. No improvements are required or foreseen for state roads. In addition to the modifications described in Appendix K, some areas along the route shall require additional attention, namely: 1. Some vertical transitions (humps and dips) on Centerville Road/N. Hill Road will require surveying to determine if low riding vehicles will clear them. Leveling humps and/or filling dips with gravel may be required. 2. A bridge of wood and steel construction is located on Centerville Road, 0.2 miles south of Dow Road. This bridge does not appear on the NYSDOT list of restricted load bridges, but given its atypical construction, the county will also be checked for any load limits in their data base. Temporary improvement options, if necessary, include reinforcing via plates, jumper bridge, or shoring from underneath. 3. An apparently shallow culvert on Centerville Road, 2.7 miles south of Telegraph Road, will be rechecked with the highway department for load acceptance. Temporary correction with plates or jumpers will be used as necessary.
Bliss-60	Wyoming County Planning Board	It is hard to believe that only 3.5 acres of the project area includes residential, commercial, industrial and transportation uses (p. 2-168, first paragraph). Wouldn't the existing roads	As described in Section 1.1.1, the Project Area is denoted by the outer boundary of the geographic area for which Noble has obtained property interest rights. It includes all turbine sites, access roads and collection system components. The Project

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
		include more than just 3.5 acres?	Area boundary is presented on maps/figures throughout the DEIS including Figure 1-2 and Figure 2.23-1. Although roads in the vicinity of the Project Area may total more than 3.5 acres, the Project Area itself contains only 3.5 acres of developed uses including roads, commercial, and residential land use/land cover.
Bliss-61	Wyoming County Planning Board	There is a Comprehensive Plan for the Village and Town of Arcade that was completed in Dec. 1996 (p. 2-170, last paragraph).	The Village and Town of Arcade Comprehensive Plan (1996), which includes an evaluation of existing laws, plans and programs that influence community development and planning in the Village and Town; an inventory of existing conditions, evaluation of past trends, and a projection of future community needs; analysis of the opportunities for and constraints to new development in the community; and a statement of the community's goals and objectives. In addition, the Plan provides a future land use that presents a vision of desired/preferred development patters over the next 20 years; presents a program of actions to implement stated goals and policies; and includes a strategy for maintaining the Plan over the next 15-20 years. Relevant goals and objectives of the Plan include protection of important natural features such as woodlands, streams and wetlands; assurance that stormwater drainage is properly managed when land is developed; encouragement of continued farming and agri-business; and assessment of impacts of new development on agricultural land during the review of proposed development projects. The Project is compatible with the goals of the Arcade Comprehensive Plan. The Plans relevant goals and objectives include protection of important natural features such as woodlands, streams and wetlands; assurance that stormwater drainage is properly managed when land is developed; encouragement of continued farming and agri-business; and assessment of impacts of new development on agricultural land during the review of proposed development projects. The 5.5-mile overhead transmission corridor is sited in the Town of

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			Arcade. Construction of this corridor will impact a maximum of 28.6 acres. Specific impacts to streams and wetlands are further described in Sections 2.5 and 2.6 (Water Quality) and 2.7 and 2.8 (Wetlands). While stormwater drainage is not anticipated to be an issue, a SWPPP will be prepared for the Project prior to construction (see Section 2.6). Further, construction of the transmission corridor will not interfere with active farming activities, and will not preclude farming activities and agri-business. Finally, local agencies and the New York State Department of Agriculture and Markets (NYSDAM) have reviewed the proposed project and will continue to provide input on project design both prior to and during construction to assess and mitigate the impacts of new development on agricultural land.

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
Bliss-62	Wyoming County Planning Board	P 2-175, 4th paragraph refers to a Town of Clinton Wind Energy Facilities Law. This should be corrected.	See response to Bliss 43. Due to a production error, the Land Use section for the Noble Clinton Windpark DEIS was inadvertently included in the Noble Bliss DEIS. The correct Section 2.24, Land Use impacts, is being submitted as a part of this comment response packet and provides the correct information for the Town of Eagle (see Appendix C, Exhibit H). As shown in Exhibit H, the 4th paragraph should state: "The Project has been designed to comply with the requirements, including the design, setback, and safety standards of Local Law No. 3 of 2005, the Town of Eagle Wind Energy Conversion Facilities Siting Law, which allows for development of WECFs upon obtaining a wind energy permit from the Eagle Town Board. An application for a Wind Energy Conversion Facility Permit was submitted to the Eagle Town Board on January 6, 2006. Wind energy easements have been granted by each participating landowners and many adjacent property owners whose property may be affected by the placement of WECFs. Under these easement agreements, landowners consent to the Project's use of their land." While the section has been updated to reflect the requirements of the Town of Eagle Wind Energy Conversion Facilities Siting Law, the DEIS conclusions with regard to land use are unchanged.
Bliss-63	Wyoming County Planning Board	Wyoming County does not have a County Land Use Plan (see p 2-176).	Due to a production error the Land Use section for the Noble Clinton Windpark DEIS was inadvertently included in the Noble Bliss DEIS. The correct Section 2.24 is provided as Appendix C, Exhibit H of this comment response packet and provides information for the Town of Eagle. While the section now reflects project-specific impacts, the DEIS conclusions with regard to land use and compatibility are unchanged. Construction of the Project Site and the associated transmission corridor will not preclude current or future agricultural uses; total permanent impacts are similar (less than

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			95 acres); and the project is compatible with existing laws, ordinances and local land use plans.
Bliss-64	Wyoming County Planning Board	Does the comment on p.2-185, third bullet mean that there were a minority of properties that were affected by the existence of wind farms?	While the third bullet states: ". . . Additionally, sales and resales of the same property within the respective submarkets indicate that the majority of the properties were unaffected by the existence of the windfarms," this statement was not intended to imply that a minority of properties were, in fact, affected by the existence of wind farms. Although the balance of properties, or minority, experienced a decrease in property values, this decrease could be due to the numerous factors that influence the sale price of a home over time. As stated in the KLW report, " . . . Without specifically knowing the details of each sale and if any other outside factors contributed to the increase/decrease in sales prices (i.e., capital improvements, additions, deferred maintenance) the sales data is considered representative of the market. In conclusion, it appears that the existence of the wind farm does not appear to have any impact on surrounding property values as a whole." From the examination of three wind farm locations across New York State, a total of 98 properties were analyzed for sales price fluctuation. Of these 90 properties (92%) experienced a price increase, 6 properties (6%) experienced a price decrease, and 2 properties (2%) remained the same. It is difficult to attribute the negligible number of homes with lower re-sale values to any single factor. Many factors may have influenced these prices, but there appears to be no evidence to indicate that the wind farm facility had a detrimental effect on property values.
Bliss-65	Wyoming County Planning Board	It appears that the construction schedule (Figure 2.27-1) is no longer accurate. Applicant should submit an updated, more accurate schedule.	In Appendix C, Exhibit A is an updated preliminary construction schedule. At least 10 days before construction, Noble will provide the Town with an update to the construction schedule incorporating input from selected contractors, engineers and associated vendors. During

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
			construction, construction schedules will be produced on a bi-monthly basis for review by the Town Board.
Bliss-66	Wyoming County Planning Board	Are decommissioning costs based on actual costs experienced by Noble at other projects? These costs seem too low. Provide basis for these estimates. Is removal of underground materials to a depth of 36 inches below grade acceptable to the Town?	Decommissioning costs are based on a few basic estimating parameters: access to the site; implementing a safety plan; crane/heavy equipment availability and usage; labor hours to plan, coordinate and perform the work; engineering support to ensure proper care of salvageable equipment; trenching and electrical removals; concrete removals; restoration of the site and access road; and reseeding as necessary. The offsetting numbers involved in the stabilization of those numbers can be associated with either scrap value or the sale of equipment, parts and extraneous pieces to interested third parties. The depth for the removal of underground materials is a nominal dimension directly related to normal agriculture operations as recommended by NYSDAM and the NYS Farm Bureau. Although the direct costs of dismantling the wind turbine will remain almost constant, the variable payback with sensitive material pricing such as those with copper and aluminum will affect the overall decommissioning exposure and can not be forecasted any more accurately than in the referenced estimate. The Town has revised the costs numbers and they are provided in Section 1.4.2 of the FEIS. . This value would be the baseline minimum for a decommissioning bond, and this value will be reevaluated annually and the bonding requirement will be adjusted upward if deemed necessary.
Bliss-67	Wyoming County Planning Board	P. 2-197, first paragraph refers to Clinton County and its municipalities. This mistake is continued on pages 2-198 and 199.	See response to Bliss 44. Due to a production error, the Health and Safety section for the Noble Ellenburg Windpark DEIS was inadvertently included in the Noble Bliss DEIS. The correct Section 2.29 is being submitted as a part of this comment response packet and provides the correct information (see Appendix C, Exhibit H).
Bliss-68	Wyoming County Planning	The Approvals Required chart in the SEQR documentation section shows the Town of	In compliance with applicable the Local Law filed with the New York State Department of State, the Town of Eagle Wind

Table 1: Bliss DEIS Comments and Responses

Comment Number	Agency	Comment	Response
	Board	Eagle as being responsible for a building permit. This should be changed to Wyoming County Fire and Building Codes.	Energy Conversion Facilities Siting Law(Local Law No. 3 of the year 2005), Noble has filed a building permit application with the Town of Eagle Town Planning Board..
Bliss-69	Wyoming County Planning Board	What measures will be taken by the Town Board to ensure the project is being constructed according to the EIS commitments and specifications?	Noble will pay the costs for an Environmental Monitor to be hired by the Town as part of the Quality Assurance Program. The Environmental Monitor will monitor and document all construction activities in accordance with the approved compliance program and applicable permitting guidelines.

Print Form

14-12-8 (3/99)-9c

SEQR

State Environmental Quality Review
Notice of Completion of Draft / Final EIS

Project Number _____ **Date:** 4/27/06

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A ☑ Draft or ☐ Final (check one) Environmental Impact Statement has been completed and accepted by the Town of Eagle Town Board as lead agency, for the proposed action described below.

If a Draft EIS: Comments on the Draft EIS are requested and will be accepted by the contact person until May 31, 2006

Name of Action:

Noble Bliss Wind Mill Project

Description of Action:

Noble Bliss Windpark LLC proposes to install and operate an approximately 100 megawatt (MW) wind energy park in the Town of Eagle, including the installation and operation of 67 wind turbines within an approximately 5071-acre area, construction and use of 16 miles of access roads, construction and use of an electrical collection system with approximately 11 miles of overhead lines and 18 miles of underground lines, construction and use of a new substation on a 1.5-acre parcel that will tie into an existing 115-kV line, and construction and use of a 5.5 mile overhead transmission line that will connect to the newly constructed substation and an existing substation in the Town of Arcade, New York.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The project is located in the Town of Eagle and Town of Arcade, as set forth on the attached map.

Potential Environmental Impacts:

Potential environmental impacts include:

A. Impacts to soils;

B. Impacts to water quantity and quality through impacts to the private residential wells, streams and wetlands;

C. Impacts to vegetation and wildlife through the removal of existing vegetation;

D. Impacts to natural resources, including, but not limited to, bird and bat populations;

E. Impacts to visual and aesthetic resources;

F. Impacts to sound;

G. Impacts on the communication signals through interference such as signal obstruction, attenuation or other signal alteration;

H. Impacts to traffic and transportation; and

I. Impacts to cultural or archeological resources as well as growth or character of the community or neighborhood.

A copy of the Draft / Final EIS may be obtained from:

Contact Person: Joseph Kushner

Address: 3560 Main Street, Bliss, New York 14066

Telephone Number: 585-322-7730

A copy of this notice must be sent to:

Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750

Chief Executive Officer, Town of Eagle

Any person who has requested a copy of the Draft / Final EIS

Any other involved agencies

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750

Copies of the Draft/Final EIS must be distributed according to 6NYCRR 617.12(b).

The Town of Eagle Town Board met in regular session at the Town Office Building, 3560 Main Street, Bliss, New York, on April 27, 2006, at 7:30 p.m., local time.

The meeting was called to order by Supervisor Kushner, upon roll being called, the following were:

PRESENT:
Joseph Kushner- Supervisor
Kevin Keem- Councilman
Lori Roche- Councilwoman
James Weichmann- Councilman

Laura Dutton- Acting Town Clerk

ABSENT:
Diana Henry- Councilwoman
Michelle Reding- Town Clerk

~~Councilman Weichmann~~ presented the following Resolution which was seconded by ~~Councilman Keem~~.

RESOLUTION OF THE TOWN OF EAGLE TOWN BOARD ISSUING "NOTICE OF COMPLETION" PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO THE PROPOSED PROJECT

WHEREAS, the Town of Eagle Town Board (hereinafter the "Board") has received an application from Noble Bliss Wind Park, LLC (hereinafter the "Applicant") to install and operate an approximately 100 megawatt ("MW") wind energy park in the Town of Eagle, including the installation and operation of 67 wind turbines within an approximately 5071-acre area, construction and use of 16 miles of access roads, construction and use of an electrical collection system with approximately 11 miles of overhead lines and 18 miles of underground lines, construction and use of a new substation on a 1.5-acre parcel that will tie into an existing 115-kV line, and construction and use of a 5.5 mile overhead transmission line that will connect to the newly constructed substation and an existing substation in the Town of Arcade, New York (hereinafter the "Project");

WHEREAS, pursuant to the State Environmental Quality Review Act (hereinafter "SEQRA"), the Applicant submitted to the Board Part 1 of a Full Environmental Assessment Form for the Project dated January, 2006 (hereinafter the "FEAF");

WHEREAS, the Board identified the Town of Eagle Planning Board, Village of Arcade, Town of Arcade, Letchworth Central School District, Pioneer Central School District, Town of Wethersfield, County of Wyoming Department of Health, County of Wyoming Industrial Development Agency, County of Wyoming Planning Board, County of Wyoming Highway Department, Town of Eagle Highway Department, New York State Department of Environmental Conservation, New York State Department of Transportation, New York State Office of Parks, Recreation and Historic Preservation, New York State Public "Service Commission and New York State Agriculture and Market as SEQRA Involved and Interested Agencies relative to the Project (hereinafter the "Involved and Interested Agencies");

WHEREAS, the Board made its "Determination of Significance" with respect to the Project in accordance with the SEQRA regulations at 6 NYCRR §617.7 on March 23, 2006;

WHEREAS, at the regularly scheduled meeting of the Town Board held April 13, 2006, the Applicant submitted to the Town Board a preliminary "Draft Environmental Impact Statement" (hereinafter the "DEIS");

WHEREAS, the Town Board has reviewed the DEIS for adequacy with respect to its scope and content in accordance with the SEQRA regulations at 6 NYCRR §617.9; and

WHEREAS, the Town Board also desires to make its "Determination of Adequacy" with respect to the scope and content of the DEIS in accordance with the SEQRA regulations at 6 NYCRR §617.9.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF EAGLE TOWN BOARD AS FOLLOWS:

1. Based upon a thorough examination and analysis of the DEIS and review of the SEQRA regulations at 6 NYCRR §617.9, and based upon such further investigation as the Town Board has deemed appropriate, the Town Board determines that the DEIS is adequate and acceptable, with respect to scope and content, for the purpose of commencing public review in accordance with the SEQRA regulations at 6 NYCRR §617.

2. The Town Board determined a hearing is not required based on the interest shown by the public and Involved and Interested Agencies; the adverse environmental impacts identified, as well as the adequacy of the mitigation matters and alternatives proposed in the DEIS.

3. The public comment period shall commence on May 1, 2006 and shall continue for a period of 30 days and shall close on May 31, 2006.

4. The Clerk to the Town Board is hereby directed to file a copy of the DEIS and a "Notice of Completion" as set forth below:

   A. Copies of said DEIS and "Notice of Completion" shall be mailed simultaneously to those agencies and/or persons listed on Attachment "A" annexed hereto and made a part of this "Resolution";

   B. A copy of the "Notice of Completion" shall be mailed to the Environmental Notice Bulletin, New York State Department of Environmental Conservation, 4th Floor, 625 Broadway, Albany, New York 12233-1750 for publication in the "Environmental Notice Bulletin"; and

C. Copies of said DEIS and "Notice of Completion" shall be filed in the office of the Town of Eagle and made available for public inspection and review.

4. This Resolution shall take effect immediately.

THE FOREGOING RESOLUTION, was put to vote as follows:

Name	Vote
Joseph Kushner	Aye
Diana Henry	Absent
Kevin Keem	Aye
Lori Roche	Aye
Jim Weichmann	Aye

STATE OF NEW YORK)
COUNTY OF WYOMING) ss:

I, the undersigned Town Clerk of the Town Board of the Town of Eagle **DO HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town Board of the Town of Eagle (the "Board"), including the Resolution contained therein, held on April 27, 2006 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (i) all members of the Board had due notice of said meeting, (ii) said meeting was in all respect duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Board present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board this 27 day of April, 2006.

TOWN OF EAGLE TOWN BOARD

Michelle Reding

Michelle Reding, Town Clerk

ATTACHMENT A

Town of Eagle Planning Board Ms. Madeline Previty, Chairwoman 4297 Route 39 Bliss, NY 14024
Village of Arcade Hon. Michael Doster, Mayor 17 Church St. Arcade, NY 14009
Town of Arcade Mr. Douglas Burwanger, Supervisor 15 Liberty St. Arcade, NY 14009
Letchworth CSD Gary Joseph Backer, Ed.D., Superintendent 5550 School Road Gainesville, NY 14066
Pioneer CSD Jeffrey M. Brown, Superintendent 1325 County Line Road Yorkshire, NY 14173-0579
Town of Wethersfield John F. Copeland, Supervisor 4362 Route 78 Gainesville, NY 14066
County of Wyoming Department of Health Mr. Gary Bonarski 338 North Main St. Warsaw, NY 14569
County of Wyoming Indust. Dev. Agency Mr. Norbert Fuest 6470 Route 20 A, Suite 4 Perry, NY 14530
County of Wyoming Planning Board Mr. W. Jerome Smith, Chairman 6470 Route 20 A, Suite 4 Parry, NY 14530

County of Wyoming Highway Department Mr. Jack Beachel 4328 Route 19 Rock Glen, NY 14550
Town of Eagle Highway Dept. Randy Williams, Supervisor 3560 Man St. Bliss, NY 14024
NYSDEC Region 9 Mr. Steve Doleski, Reg. Permit Admin. 270 Michigan Avenue Buffalo, NY 14203
NYSDOT Region 4 Mr. Kevin O'Buckley, Acting Reg. Dir. 1530 Jefferson Road Rochester, NY 14623
NYS OPRHP Ms. Nancy Herter, Hist. Pres. Analyst Peebles Island State Park P.O. Box 189 Waterford, NY 12188-0189
NYS Public Safety Commission Hon. Jaclyn A. Brilling, Secretary Empire State Plaza Agency Building 3 Albany, NY 12223-1350
New York State Agriculture & Markets Mr. Matthew Brower Division of Ag. Protection & Development 10B Airline Drive Albany, NY 12235 Noble Bliss Wind Park, LLC 560 W. Main Street Arcade, NY 14009 New York State Department of Environmental Conservation Division of Regulatory Services 625 Broadway Albany, NY 12233

Notice to Town of Eagle Residents
Notice is herby given that a Special Board meeting for the Town of Eagle will be held at 7:15 pm on Monday, August 7th at the Recreation Hall on East Main Street, Bliss, New York.

For purpose of
Final Environmental Impact Statement regarding
Bliss Windpark

By order of the Town Board of the Town of Eagle
Dated July 27, 2006

Michelle Reding
Town of Eagle Clerk

Cancelled

Notice to Town of Eagle Residents
Notice is herby given that a Special Board meeting for the Town of Eagle will be held at 7:30 pm on Thursday, July 27th at the Town Hall on East Main Street, Bliss, New York.

For the purpose of

1. Discussion on purchase of Tractor and Mower
2. Review of Final Environmental Impact Study Regarding Wind Farms.

By order of the Town Board of the Town of Eagle
Dated July 19, 2006

Michelle Reding
Town of Eagle Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT THE DRAFT ENVIORNMENTAL IMPACT STATEMENT FOR THE NOBLE BLISS WINDPARK IS ON FILE AT THE TOWN CLERKS OFFICE, 3378 SCHOOL ST, BLISS, NY 14024 FOR ANYONE WISHING TO VIEW IT DURING OFFICE HOURS OR APPOINTMENT. WRITTEN PUBLIC COMMENT WILL BE ACCEPTED UNTIL JUNE 11, 2006.

DATED: MAY 11, 2006

TOWN CLERK OF THE TOWN OF EAGLE
MICHELLE REDING

Notice to Town of Eagle Residents
Notice is herby given that a Special Board meeting for the Town of Eagle will be held at 7:30 pm on Thursday, April 27th at the Town Hall on East Main Street, Bliss, New York.

For purpose of
Review of the "Notice of Completion" Pursuant to the State Enviornmental Quality Review Act.

By order of the Town Board of the Town of Eagle
Dated April 13, 2006

Michelle Reding
Town of Eagle Clerk

Notice to Town of Eagle Residents
Notice is herby given that a Planning Board meeting for the Town of Eagle will be held at 7:00 pm prior to the Special Board Meeting on Thursday, March 23rd at the Town Hall on East Main Street, Bliss, New York.

By order of the Planning Board, For the Town of Eagle
Dated March 9, 2006

Michelle Reding
Town of Eagle Clerk

Notice to Town of Eagle Residents
Notice is herby given that a Special Board meeting for the Town of Eagle will be held at 7:30 pm on Thursday, March 23rd at the Town Hall on East Main Street, Bliss, New York.

By order of the Town Board of the Town of Eagle
Dated March 9, 2006

Michelle Reding
Town of Eagle Clerk

NYS DEPARTMENT OF PUBLIC SERVICE

Office of Electricity and Environment

Energy Resources and the Environment

3 Empire State Plaza
Albany, NY 12223-1350

Phone: (518) 474-5368 or 474-8702
Fax: (518) 474-5026

Date: May 31, 2006

Fax Transmittal Form

TO: Sandy Sayyeau **FROM:** Douglas May

Phone: Phone: 474-5368

Fax: (518) 497-3421

Number of pages including cover page: 11

[ ] Urgent
[ ] For Review
[ ] Please Comment
[ ] Please Reply
[ ] As Requested

Message:

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
Internet Address: http://www.dps.state.ny.us

May 31, 2006

Mr. Joseph Kushner
Supervisor, Town of Eagle
3560 Main Street
Bliss, New York 14066

Re: Comments on the Noble Bliss Windpark Draft Environmental Impact Statement (DEIS)

Dear Mr. Kushner:

The Staff of the Department of Public Service (DPS) have reviewed the Noble Bliss Windpark Draft Environmental Impact Statement (DEIS) prepared by Ecology and Environment, Inc. for Noble Bliss Windpark LLC and offer comments on the DEIS for your Town to consider as the Lead Agency reviewing the project.

The following are four highlights of the attached comments:

1. Overhead versus underground placement of the electrical connection lines. The DEIS does not provide a reasoned explanation of the factors considered, or impacts resulting from the proposed placement of the electrical collection system along public roadways. The DEIS should provide an analysis of the advantages and disadvantages of maintenance of the overhead system versus the underground placement of the electric collection lines; the thermal limits associated with underground collection lines; a detailed cost estimate and justification for overhead placement versus underground installation (with all backup material), including environmental concerns and specific costs; and an environmental analysis of the site-specific impacts on land use, visual, ecosystem and cultural impacts of such an overhead placement versus underground installation.

   Assuming overhead placement of the electrical collection lines along public roads, the Applicant should describe the contents of the agreement proposed to be executed with the municipality. The Applicant should provide a draft copy of the agreement that includes the typical distances for the location of the proposed electrical connection lines from the centerline of the road right-of-way (ROW) and the vegetation

maintenance measures to be utilized to maintain the required vegetation clearances from the conductor.

2. The visual assessment is incomplete for three reasons: First, there is a lack of analysis of the projects' potential impacts beyond the five-mile radius as recommended by the NYS Department of Environmental Conservation's Program Policy on Visual Impact Assessment and Mitigation. Second, there is no assessment of the potential visual impacts upon properties potentially eligible for the National Register of Historic Places; and third, there is no cumulative impact assessment that provides a visual assessment component that includes the existing Wethersfield Wind Farm and any other proposed wind farms that may be visible within the project area.

3. The DEIS states that all land within the transmission line ROW will be allowed to revert to pre-construction conditions, that there is no expectation that the Project will require the use of herbicides or pesticides to control vegetation or pests. Noble should provide a detailed explanation of the management practices and measures it proposes to employ to control undesirable vegetation from invading the conductor security zone and maintain 115kV transmission line reliability.

4. A comparison of the DPS comments provided in the February 23, 2006 Lead Agency letter to the contents of the DEIS indicates many issues were not addressed. Many of the present comments identify deficiencies in the DEIS. It should be understood that a commitment by the Applicant to cure deficiencies in the Final EIS deprives the public, state agencies and local government of the opportunity to provide comments for consideration and possible resolution of areas of controversy before the Final EIS is presented.

DPS Staff appreciates the opportunity to provide comments on the DEIS. Specific questions may be directed to Richard H. Powell at (518) 486-2885.

Sincerely,

Douglas May, Chief
Energy Resources and the Environment

cc: A. Davis, DPS
E. Schrom, DPS
S. Blow, Esq., DPS
S. Tomasik, DEC
D. Nelson, Esq., Town of Eagle
S. Sayyeau, Noble Environmental Power
J. Durocher, Esq, Read & Laniado
J. Bonafides, OPRHP
N. Herter, OPRHP
M. Brower, Ag & Mkts.

Noble Bliss Wind Farm
A comparison of the comments provided in the February 23, 2006 Lead Agency Letter to the contents of the DEIS indicates many issues were not addressed.

Many of the present comments identify deficiencies in the DEIS. It should be understood that a commitment by the applicant to cure deficiencies in the Final EIS deprives the public, state agencies and local government of the opportunity to provide comments for consideration and possible resolution of areas of controversy before the Final EIS is presented.

General Comments
The DEIS Text needs to be checked for all places where specific information from other wind projects such as those in Clinton County was placed inadvertently within the Noble Bliss DEIS.

The DEIS is general in nature, discussing the impacts and proposed mitigation, but there is no indication as to how site-specific conditions will be reviewed, addressed and approved. The Applicant should identify the intended approving agency(ies).

Throughout the DEIS, the Applicant states that the soils constraints were considered, provides tables stating the acreage of temporary and permanent impacts, and commits to the implementation of Best Management Practices, avoidance of sensitive areas, mitigation of impacts, complaint resolution, and site restoration. The Applicant also commits to adequate preconstruction documentation, monitoring of the project during construction to ensure effectiveness, post-construction monitoring and restoration. The DEIS should specify how these commitments will be carried out with oversight to ensure execution of the commitments made or methods to make field changes in an expeditious, environmentally sound and cost-effective manner.

The Applicant should have its own environmental monitors on site during all phases of the construction and defray the costs of a third-party monitor that would report to the Town to ensure that all of the commitments made are undertaken. Noble should include appropriate language in all contractual documents that the contractors are to comply with, specifying the commitments made by Noble.

As a condition of project approval, the Town of Eagle should require the Applicant to present for the Town's review and approval in advance of construction: construction plans and specifications that incorporate Noble's commitments; the Storm Water Pollution Prevention Plan (SWP^3); measures that meet all of the Town's Wind Siting Law requirements for the required site plan review; comments by the public; and identification of the location of all construction associated with the project and how the project will be constructed, restored and maintained. The plans should include measures to demonstrate conformance with specific requirements of all other municipal, state and federal permits and approvals. Where permits and approvals are not available before construction, copies should be supplied as they become available. Since there are a number of permits and approvals to be issued for this project, the Applicant should also

provide, in the construction plans, a list of all appropriate agency contacts (with names and telephone numbers).

DEIS Section 1, Project Description. Pages 1-1 to 1-4.
Overhead vs. Underground 34.5 kV electrical connection lines.
Fourth paragraph. The description states that there are 18 miles of underground and 11 miles of 34.5 overhead electrical collection lines. An examination of Figures 1-2 and 2.27-2 does not disclose complete information on the location of the underground versus the overhead electrical collection system.

The Applicant should provide drawings that specifically locate all of the proposed mileage of overhead versus underground segments of the electrical connection lines, indicating those segments within the road right-of-way (ROW) and the locations and length of the three larger feeder cables.

The DEIS does not provide a reasoned explanation of the factors considered, or impacts resulting from, the proposed placement of the electrical collection system along public roadways. The DEIS should provide an analysis of:

1. The advantages and disadvantages of maintenance of the overhead system versus the underground placement of the electric collection lines;

2. The thermal limits associated with underground collection lines;

3. A detailed cost estimate and justification for overhead placement versus overhead with all backup material including environmental concerns and specific costs of facility construction and maintenance including vegetation management over the life of the facility; and

4. An environmental analysis of the site-specific impacts on land use, visual ecosystem and cultural impacts of such an overhead placement versus underground.

Assuming overhead placement of the electrical collection lines along public roads, the Applicant should describe the contents of the agreement proposed to be executed with the municipality. The Applicant should provide a draft copy of the agreement that includes the typical distances for the location of the proposed electrical connection lines from the centerline of the road ROW and the vegetation maintenance measures to be utilized to maintain the required vegetation clearances from the conductor.

SRIS
Provide Department of Public Service (DPS) Staff a copy of the draft SRIS submitted on February 17, 2006.

Engineering Design
Provide DPS Staff a complete copy of the engineering drawing and specifications for the substations, switchyards and transmission line.

Permanent access road width to the turbines. Page 1-5 Sixth Paragraph.
Explain the need for a 16-foot wide permanent access road for operation and maintenance of the turbines. Our experience is that most equipment for turbine maintenance is over-the-road cranes and/or tractor-trailer moved equipment with normal equipment width that is moved on state highways without special permits. Therefore, the permanent road should need to be no more than 10-12 feet wide.

Access road width and width of (vegetation) clearing of the 115 kV ROW.
The 40-foot clearing of the ROW is not sufficient. The removal of undesirable vegetation on the ROW is required to a minimum width of 100 feet for 115 kV transmission facilities, with the additional removal of danger trees as necessary. The Applicant should explain the need for a 32-foot wide temporary construction access road for transmission line construction. Our experience is that a 10 to 12-foot wide road is generally sufficient for temporary construction access and permanent access with pull-offs as needed for equipment passage.

Vegetation Reverting to Pre-existing Conditions Page 1-5. Last paragraph.
Noble states that all land within the transmission line ROW will be allowed to revert to pre-construction conditions. At page 1-8 in the last paragraph, Noble indicates that there is no expectation that the Project will require the use of herbicides or pesticides to control vegetation or pests.

Noble should provide a detailed explanation of the management practices and measures it proposes to employ to control undesirable vegetation from invading the conductor security zone and maintain 115 kV transmission line reliability.

Emergency Preparedness and Fire Protection. Page 1-6.
Provide information on the contents of the Emergency Preparedness and Fire Protection Plan and the training and actions to be undertaken by the local Emergency Management Services (EMS) and Fire Departments in the event of a fire or other emergency at a turbine site.

Construction Activities. Section 1.2.1 Paragraphs two through six. Page 1-7.
This section discusses the construction activities associated with site work and turbine delivery and erection acknowledging that excavation, separation of subsoil from topsoil, soil stockpiling, road construction, culvert and drainage work will be undertaken. A draft SWP^3 should be prepared for review and comment in advance of the filing of the Final Environmental Impact Statement.

Paragraph six discusses underground versus overhead collection lines. If collection lines are to be routed along access roads to the public roads, any disturbances to wetland areas

encountered will have already been made during access road construction, so the collection lines can be placed underground.

There is no discussion of using boring techniques under existing roads, nor recognition that roads can be open cut and restored to as good if not better condition.

DEIS Section 1.2.4 Power Generation. Page 1-9.
The Applicant should state how it intends to maintain the 115 kV transmission line from the Bliss Substation to the Village of Arcade Freedom Substation. The costs and vegetation management techniques should be explained.

DEIS Section 2. Environmental Setting Subsection 2.4.1 Soil Constraints. Page 2-34.
Noble states that subsoil decompaction and topsoil replacement will be avoided after periods of higher precipitation, unless the landowners specify otherwise (on a site-by-site basis). It is understood that the employment of decompaction techniques and topsoil replacement are not appropriate activities after periods of heavy rain. While landowners may decline to have restoration undertaken, any plans not to restore specific areas need to be evaluated to ensure there will be no adverse environmental impacts associated with such inaction.

DEIS Section 2.4.3 Soil Impacts. Page 2-9 through 2-50.
The scale of Figure 2.3-1 is too gross to be of analytical value. The soils description text and the Soil Impact Tables (Tables 2.3-1 and 2.3-2) based upon the United States Department of Agriculture Soil Survey Geographic Database (known by the acronym SURRGO) identify soils having specific attributes to factor into the location planning and decision-making. The applicant states the soils information was used in the location planning of turbine sites, access roads, electrical collection lines and associated facilities, and commits to measures to mitigate the impacts. Without a soils map that depicts the soils information (or, for that manner, the consistent use of the same scale maps and figures throughout the document) at the same scale as all of the other maps and figures, it is difficult to determine whether the constraints were considered or tradeoffs were made.

DEIS Section 2.4.5 Agricultural Lands, Prime Farmland Soils, Additional Soils of Statewide Importance, Agricultural Districts and Agricultural Land Productivity. Pages 2-37 and 2-38.
Table 2.4-3 states that there are 66 acres affected on a temporary basis and 26.35 acres that will be permanently withdrawn from the agricultural district and/or affected by the project. Noble should identify the agricultural district boundaries and the locations and the manner of permanently affected agricultural district land on appropriate scale drawings. This information could be included on the soils maps discussed previously or included on a separate figure to indicate proposed agricultural district land withdrawals.

DEIS Section 2.4.6 Drainage Features. Page 2-39.
The first full paragraph discusses the possibility of encountering subsurface drainage during construction. Efforts should be undertaken by the applicant in conjunction with

the land owners, County Soil Conservation District, and the United States Department of Agriculture's Natural Resources and Conservation Service to determine the likelihood of any subsurface drainage before construction commencement. A proposed detail drawing and specification for the repair and replacement of any uncovered drainage fields affected by construction should be prepared as a component of the construction documents. The construction drawings should also identify any known drainage fields to be affected by construction.

DEIS. Section 2.6, Water Quality. Page 2-51.
Section 2.6.1.1 discusses the potential for encountering shallow groundwater during turbine foundation excavation. The Applicant plans to pump and discharge any water from the excavation. Construction details and specifications should be provided in the SWP^3 that show the location and type of detention devices that will be employed.

The Applicant plans concrete foundations for each turbine. Concrete will be used for other pads and foundations for associated facilities that can include transformers and junction terminals. The Applicant should identify on the construction drawings the specific locations for concrete chute washout, mixer cleanout, and dumping locations for excess concrete.

DEIS. Section 2.6, Water Quality. Page 2-52 and 2-53.
2.6.2 Surface Water Impacts. Each stream crossing should be shown on the construction drawings identifying the specific technique to be employed. See General Comment above.

DEIS. Section 2.8, Wetland Impacts Table 2.8-1 Wetland Impacts.
This Section references Appendix D, The Wetland Delineation Report. At page 7 in the last paragraph, it calls for the clearing of the woody vegetation and pole (size) trees. These cleared areas would be returned to pre-construction contours and allowed to revegetate to an emergent or shrub/scrub plant community. The forested wetland will be maintained to prevent regrowth of trees and will, as indicated, represent a conversion of the forested wetlands to shrub/scrub wetlands.

The ROW will require the periodic cutting of undesirable vegetation and the removal of danger trees as ongoing maintenance of the ROW. The Applicant must provide an explanation of the maintenance and costs to undertake the vegetation management and identify locations requiring permanent access roads necessary to maintain reliable transmission line operations.

DEIS Section 2.13, Visual Resources. Page 2.125.
The second paragraph indicates the Wethersfield Wind Farm is visible from locations within the project area. At page 2-130, the first incomplete paragraph states: "At distances of 1 to 2 miles the turbines will be a dominant element with a severe difference in scale contrast. At greater distances, they will be a co-dominant element of the landscape with a moderate difference in scale contrast." While the Applicant plans to use a non-glare off white/white color for the turbine nacelles, props, and towers in an effort

to blend with the sky colors, the turbines will be installed on high points in the landscape skylined with a contrast in scale and will be apparent at greater distances. A cumulative impact analysis (including a cumulative visual assessment) should be undertaken that includes the existing Wind Farm and any other proposed wind farms that may be visible within the project area.

The DEIS states that the area within a five-mile radius of the proposed project does not contain any sites that the NYS Department of Environmental Conservation's (DEC) Program Policy: *Assessing and Mitigating Visual Impacts,* considers important. That policy considers scenic resources of statewide significance, historic, archaeological sites or properties listed in or eligible for listing on the National Register of Historic Places, designated scenic byways or water bodies in the region. The Applicant states that an inventory of structures more than 45 years old was developed in accordance with the requirements of the State Historic Preservation Officer's (SHPO) requirements. From that list, the SHPO will determine which sites are to be considered historically significant, and views from those sites will be further evaluated as required.

What isn't included in the DEIS is that the DEC's policy also states that "... [in] large landscape alterations, greater distances have been shown to be important in some landscape settings, and must be considered," and the inventory of structures was developed per the SHPO's requirements, and will be evaluated as required. These are missing steps in the DEIS analytical process – consideration of the project's potential impacts beyond the five-mile radius and the visual impacts on properties potentially eligible for the National Register of Historic Places. These potential impacts of the proposed project require assessment <u>within the DEIS</u>. Without the assessment, it is impossible to determine whether there are impacts on historic resources and the DEIS is thus deficient. For this and other reasons stated throughout the comments provided, a hold should be placed on the DEIS comment process while the Applicant develops the necessary information and analysis to complete the DEIS for comment, including potential mitigation strategies for analysis in the FEIS..

DEIS Cultural Resources Page 2-125.
Eligibility of structures for listing on the State and National Registers.
Noble provided a list, with pictures, of structures without any analysis of the project's impacts (visual or other) on the identified structures that are either listed or eligible for listing on the State or Federal Registers. Without the analysis, the DEIS does not demonstrate that there are no structures eligible for listing on the State or Federal Registers.

DEIS Section 2.13, Visual Resources Page 2-129. Last Paragraph.
The Applicant should provide the typical heights as well as a basis for the conclusion that "wind turbines are generally compatible with other existing industrial objects such as farm silos and radio towers."

DEIS Section 2.13, Visual Resources Page 2-130. Second Paragraph. Shadow Flicker.
The Applicant states there are 129 residences potentially affected by shadow flicker of which 28% (or 36 residences) will have wind turbines as property tenants. Mitigation for shadow flicker includes natural and artificial shading devices. Describe the shading devices and potential for success of such mitigation, indicating how the Applicant will provide such mitigation for the 93 residences that are not property lessors and are potentially affected by shadow flicker.

DEIS Section 2.15, Sound Impacts. Page 2-140. Fourth Paragraph.
The Applicant proposes to comply with the Town of Eagle's Wind Siting Law turbine operating sound level requirements through monitoring during operations. A procedure that includes submittal of the monitoring reports for review and verification by the Town should be prepared. This procedure should also include provisions for complaint reporting and resolution.

DEIS Section 2.18, Climate and Air Quality: Impacts. Page 2-153. Last Paragraph.
A clear explanation should be provided as to how the visual opacity associated with fugitive dust will be limited to no more than 20% during a six-minute period. The monitoring to ensure the application of dust control measures and enforcement of the speed limit should be a component of the final construction plans.

DEIS Section 2.22, Traffic and Transportation: Impacts. Page 2-163 to 2-166.
The Applicant provides appropriate statistics on the numbers of trucks carrying cubic yards of materials for the construction and installation of the turbines, indicating the weight of the heaviest small construction vehicles – concrete redi-mix with a gross weight of 40 tons, the estimated distribution of construction traffic for the project duration, plans for the final route survey that will be part of the permitting process and availability of the information for public review.

While a final route survey will be undertaken, there is no information provided about the numbers of loaded and unloaded truck trips on the roads nor any information (even preliminary) about the present road conditions, loading limits on the roads, bridges, and culverts that will be traversed.

The DEIS text should provide resource location and proposed haul routes for the crushed stone for roadway construction and the concrete for turbine foundations.

If delivery of offsite concrete redi-mix is not planned for the project, the location for the concrete batch plant (with a layout plan for the batch plant) should be identified, together with the proposed routes for delivery of cement, sand and stone.

The third bullet on page 2-164 indicates that the school bus activity will be avoided by delivery and construction vehicle traffic and planning with the school districts. Two additional school districts affected by turbine component delivery which may be affected by construction vehicle traffic were left off the list to be consulted. These are the

Hinsdale School District and the Franklinville School District. Both have school buses traveling on NY Route 16 from I-86 North.

Copies of the DEIS for this analysis and delivery plans should be made available to all of the affected school districts, as well as the Alleghany County Manager and the Town Supervisor of Centerville, the Cattaraugus County Chairperson of the County Legislature and the Town Supervisors of Hinsdale, Ischua, Franklinville, Farmersville and the Mayor of the Village of Franklinville. The Applicant should also inform them of the plans for transporting turbine components and the possible construction vehicle traffic through these counties, towns and municipalities.

The Appendix K Traffic and Transportation Plan was reviewed. The Wind Turbine Component Haul Route determined by aerial photo review should have had a field review as well. The route description connection between NY Route 243 and North Hill Road/Centerville Road is neither included nor assessed.

DEIS Section 2.23.3, Local laws and Ordinances. Page 2-168.
The Applicant indicates that the Town of Arcade has a land use control ordinance and that an electrical transmission line is a permitted use. There is no information that indicates the municipality's permitted use requirements or any site plan requirements.

DEIS Section 2.24, Project Area Land Use and Zoning. Page 2-175.
Land use information is provided for the Town of Clinton. The correct information should be provided for the Town of Eagle.

DEIS Section 2.29, Health and Safety. Pages 2-197 to 2-200.
The information provided mixes Wyoming County and Clinton County and individual town requirements. The Applicant should revise this section and provide copies to all who received the DEIS.

DEIS Cumulative Impacts. Page 3-3
The present Wethersfield Wind Farm is visible from the proposed Noble Bliss Wind Farm and the proposed Noble Bliss Wind Farm will be visible from the Wethersfield Wind Farm. The DEIS should be revised to address the extent of visibility of the Noble Bliss proposed project over Wyoming, Allegany and Cattaraugus Counties.

The Applicant needs to describe and analyze the cumulative visual impacts associated with the Noble Bliss project, the existing Wethersfield Wind Farm and the other proposed wind facilities in the area.

STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
10B Airline Drive
Albany, New York 12235

Division of Agricultural Protection
and Development Services
518-457-7076
Fax. 518-457-2716

May 25, 2006

Hon. Joseph Kushner, Supervisor
Town of Eagle
3560 Main Street
Bliss, New York 14066

Re: Noble Bliss Wind Park Draft Environmental Impact Statement

Dear Supervisor Kushner:

I have completed a review of the Draft Environmental Impact Statement (DEIS) for the Noble Bliss Wind Park project. The Department is providing the following comments for consideration.

1. On page 1-4 the DEIS states that "about 11 miles of overhead 34.5 kV electric power lines" and "an approximately 5.5 mile long overhead transmission line" will be constructed as part of the project. Based on the Department's observations of other projects, the poles used for the overhead 34.5 kV and 115 kV transmission lines can cause interference with agricultural operations when located in farmland. The 34.5kV power lines generally have shorter spanning distances between poles, resulting in a number of poles being placed in farm fields. Both types of power lines can create long term interference with agricultural land use. As a result, the Department recommends that these lines be located outside field boundaries wherever possible. When these lines most cross farmland, the line location and pole placements should be reviewed with the Department prior to final design.

2. On page 2-34 the DEIS states "[s]ubsoil decompaction and topsoil replacement will be avoided after periods of high precipitation, unless the landowners specify otherwise (on site-by-site basis)." Subsoil decompaction is not effective when the soil is in a plastic state (after heavy precipitation) and permanent damage to the topsoil can occur if replaced under wet conditions. As a result, the Department recommends that such activities not be conducted during wet soil conditions, as determined by the Environmental Monitor using the Department's guidelines.

3. On page 2-175 the DEIS states [c]ollection lines will be buried within the construction corridor as close to the permanent road as possible to a minimum depth of 3 feet below the subsurface. This will not impact future agricultural usage because less than 1 foot of clearance is required for farming operations." While typical tillage operations generally disturb less than 1 foot of soil, farm operators often install both surface and subsurface water and erosion control practices. Buried electrical cables and other utilities can interfere with such practices. As a result, the collection lines should have a minimum burial depth of 4 feet in agricultural fields to prevent interferes with agricultural land improvement practices.

4. Page 2-188 discusses construction of the access roads. This section should include a statement that topsoil will be stripped from agricultural areas prior to construction of the access roads.

5. On page 2-188 the DEIS states that "[a]ll overhead cables will be located along existing roads." Based on the Department's field review, it appears some of the overhead cables may not follow existing roads.

Thank you for consideration of the Department's comments.

Sincerely,

Matthew J. Brower

Matthew J. Brower
Agricultural Resource Specialist

Cc: Sandy Sayyeau, Director, Noble Environmental Affairs
Richard Powell, NYS Dept. of Public Service

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway, Albany, New York 12233-1750
Phone: (518) 402-9167 • **FAX:** (518) 402-9168
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

May 24, 2006

Mr. Joseph Kushner
Supervisor
Town of Eagle
3560 Main Street
Bliss, New York 14066

Re: State Environmental Quality Review (SEQR)
Noble Bliss Windpark LLC
Town of Eagle, Wyoming County, New York

Dear Mr. Kushner:

New York State Department of Environmental Conservation (DEC) staff have reviewed the Draft Environmental Impact Statement (DEIS) for the Noble Bliss Windpark, April 2006, prepared by Ecology and Environment, Inc. The project sponsor, Noble Bliss Windpark LLC, proposes construction and operation of 67 wind turbines, together with access roads, electric collection lines, and an electrical substation, on approximately 93 acres within an approximate area of 5,071 acres in the town. DEC concurred with the designation of the Town of Eagle Town Board as Lead Agency for coordinated SEQR review on February 8, 2006. The Lead Agency issued a Positive Declaration on March 23, 2006. Formal scoping was not conducted. The DEIS was accepted as complete on April 27, 2006. DEC offers the following comments on the DEIS for consideration by the Lead Agency in preparation of the Final Environmental Impact Statement (FEIS).

Bird and Bat Impacts.

DEC has reviewed the *Avian and Bat Risk Assessment, Bliss Windpark, Town of Eagle, Wyoming County, New York*, February 2006, prepared by Ecology and Environment, Inc. DEC identified the following concerns regarding limitations of data collection for this study:

1) The radar study conducted Sept - Oct 2005 at the Bliss wind site is not comparable to other radar studies done throughout the state. Only eight nights of data were collected, three of which had rain events. The standard DEC recommendation is 60 nights in the fall. Major migration "events" could very well have been missed due to the narrow range of dates sampled. The settings of the radar unit were changed within each hour sampling period, which alters the detectability of targets.

2) No visual nighttime observations were conducted (infrared goggles with spotlights, moonwatching).

3) Use of a prior Wethersfield radar study to represent the Bliss site is not consistent with currently accepted methodology, which has changed significantly since fall 1998 - spring 1999 when that study was conducted. Changes in methodology since that time include duration of study, sample size each night, type and setting of radar. The report indicates that flight altitude data from the Wethersfield study are not comparable to that obtained through currently accepted methods.

4) Limited bat data were collected. Anabat detectors at the Bliss site were placed on silos instead of being placed on met towers as recommended. Placement on silos may result in interference by pigeons.

The report indicated that the mean passage rate for migrating birds was 444 targets/km/hr. This figure is the second highest avian passage rate when compared with studies conducted for other wind project proposals in the state. 1392 targets/km/hr were recorded on the "busiest" night, which is the fifth highest one-night passage rate found in studies conducted in the state. Because of the limited sample size (eight days) of the radar study conducted in the project area, it cannot be determined from this study if these results are representative of the mean number of birds/bats that would be expected to pass over the site during spring and fall migrations.

DEC has made recommendations for conducting additional spring and fall radar studies in the project area. The applicant has provided a scope of work for further data collection in the Towns of Wethersfield and Centerville, to the north and south of the project area, respectively. This scope of work incorporates current DEC recommendations for acceptable protocols, collection of nocturnal radar data, Anabat recordings, raptor, and breeding bird surveys. As these two sites, and the proposed project site, are located in the same geographic region with similar habitat and land use practices, the bird/bat use and migration patterns are expected to be similar. The results from the studies conducted at Centerville and Wethersfield will help to determine if this comparatively high number represents an accurately estimated mean passage rate for the area. These results should be included in the FEIS.

A letter from the New York Natural Heritage Program, dated November 30, 2005, included in the DEIS, determined that the following species have been found within a 10 mile radius of the project area: Eastern Small-footed Myotis, a state-listed species of special concern; Short-eared owl, a state-listed endangered species; Upland Sandpiper and Pied-billed Grebe, both state-listed threatened species; and a bat colony, a significant habitat with no official listing.

The FEIS should include a plan for post-construction mortality monitoring to collect data on the estimated mortality rate of birds and bats that pass through and use the project site. The plan should include comparison of the number of estimated collisions with passage rates obtained through radar during peak bird and bat migration periods at the Bliss project area. Searcher efficiency and scavenger removal tests should also be conducted. The use of Anabat detectors should also be included in the final post-construction study protocol. The plan should

include an adaptive management strategy that identifies mitigation measures that will be implemented if adverse impacts are identified. The study protocol should be submitted to DEC for review and comment prior to implementation.

Natural Resource Impacts.

The project sponsor has submitted a Joint Applicant for Permit to DEC and the U.S. Army Corps of Engineers (ACOE) related to proposed impacts to wetlands and streams regulated by the agencies. The DEIS estimates that construction of access roads, turbine sites, and installation of collection and transmission lines will result in temporary disturbance of 3.33 acres of wetlands, with 0.72 acres of permanent impacts. While mitigation is proposed as a viable alternative, it is DEC policy that wetland impacts are not permitted, even with mitigation, until other alternatives have been explored, including avoidance, minimize or reduction of impacts. Generally applicants are required to: 1) Examine alternative project designs that avoid and reduce impacts to wetlands; 2) Develop plans to create or improve wetlands or wetland functions to compensate for unavoidable impacts to wetlands; 3) Demonstrate overriding economic and social needs for the project that outweigh the environmental costs of impacts on the wetlands.

Before DEC can consider a permit request, wetland delineations prepared for the project must be verified by agency staff. Acreage impacts may vary based on DEC verification and jurisdictional determination of the wetland boundaries. Details to clearly define "temporary" impacts to wetlands need to be provided. Any clearing or grading that disturbs wetland soils can result in permanent impacts to wetlands. Simple re-grading to pre-construction contours may not be enough to restore the wetland, and select vegetation may need to be planted, rather than simply allowing the areas to re-vegetate, potentially with invasive species. Mitigation to offset permitted temporary and permanent impacts to wetlands must be developed in consultation with DEC and ACOE. Mitigation activities must be conducted concurrently with other construction activities; not after other construction activities have been completed.

Finally, consideration needs to be made to future recurrences of "temporary" wetland impacts during the de-commissioning process, or in response to a catastrophic event (turbine fire, blowdown, blade failure), when large trucks and cranes may again need to access all or portions of the project site, permanent roads may need to be temporarily widened, or vegetation removed. Subsequent or emergency permits may need to be obtained to conduct these activities to ensure that wetlands are properly restored. The Decommissioning Plan should be revised to include requirements for environmental permits that may be needed during the decommissioning process.

Visual Impacts.

The Visual Impact Assessment in the DEIS does not appear to include consideration of a five mile distance from the nearest perimeter turbine, but rather a distance of five miles from the center of the project area. This is not consistent with DEC visual policy (Assessing and Mitigating Visual Impacts, DEP-00-2). DEC recommends that the sponsor conduct a revised visual assessment to include consideration of a five mile distance from the perimeter edge of the project site. According to DEC GIS, one site on the State and National Register of Historic

Places, the Arcade Center Farm, is located approximately five miles from the western edge of the project area. Since a wind farm represents a large landscape alteration, the assessment should examine an area greater than 5 miles from the turbines if there are any potential sensitive receptors as described in section V (B) of the DEC Program Policy. The DEIS recognizes that the proposed action will have an impact on the visible landscape of the region, and the turbines will become unique and prominent visible features of the landscape from many locations. Based on the results of the revised visual assessment, consideration should be made to provide visual offsets as mitigation according to the DEC visual policy.

Cultural and Archeological Resources.

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP), the designated State Historic Preservation Office (SHPO), has developed new survey guidelines since the time the Architectural Survey Report included in the DEIS was prepared. These guidelines are summarized in the attached letter to the applicant for proposed projects in Clinton County, New York. The existing survey will need to be brought up to the new standards and submitted to OPRHP for a final impact/effect determination. This should be included in the FEIS.

Construction Monitoring.

DEC recommends that an environmental consultant be retained to monitor construction activities to ensure that contractors are aware of and conduct mitigation activities identified in the FEIS. The FEIS should include plans for mitigation of potential environmental impacts during construction, including those associated with wetland and stream disturbance, vegetation removal, stormwater management and erosion control, and agricultural impacts. The scope of work for the environmental construction monitor should include coordination of environmental monitoring activities, documentation of implementation of mitigation activities as they are conducted, and preparation of a final report available to involved and interested agencies.

In conclusion, DEC appreciates the opportunity to comment on the DEIS for this project. We look forward to continuing to work with the Town of Eagle throughout the remainder of the SEQR and permit review processes. If you have any questions or comments, please contact me at (518) 486-9955.

Sincerely,

Stephen Tomasik
Project Manager

att: OPRHP letter, 04/20/06

cc: Sandy Sayyeau
D. May, NYSDPS
J. Saintcross, NYSERDA
S. Doleski, NYSDEC Region 9
T. Sullivan, USFWS
L. Garofalini, OPRHP

WYOMING COUNTY PLANNING BOARD

6470 Route 20A, Suite 4
Perry, NY 14530-9796
Phone: (585) 237-4110 Fax: (585) 237-4113
wcplandv@rochester.rr.com

June 5, 2006

Joseph Kushner, Supervisor
Town of Eagle
3560 Main Street
Bliss, NY 14024

Dear Supervisor Kushner:

The following comments regarding the Draft Environmental Impact Statement for the Noble Bliss Windpark are being submitted on behalf of the Wyoming County Planning Board.

1. Page 2-44, first paragraph mentions potential impacts to the existing aquifer system. Before the Town Board makes a final SEQR finding, the applicant should determine if aquifer impacts will occur and provide a specific mitigation plan.

2. Page 2-51, last paragraph says that Noble will do geotechnical investigations to determine possible impacts on local aquifers or private drinking water wells. The results of the geotechnical investigations should be provided to the Town Board before a final SEQR finding is made.

3. Page 2-126, first paragraph discusses historically significant sites and SHPO review. Without knowing and considering SHPO's input, the visual impacts from the project cannot be totally known. When will SHPO's input be available?

4. How can a final SEQR finding be made without knowing specific road impacts and mitigation measures? The applicant should provide more information about this to the Town Board.

5. It is hard to believe that only 3.5 acres of the project area includes residential, commercial, industrial, and transportation uses (page 2-168, first paragraph). Wouldn't just the existing roads include more than 3.5 acres?

6. There is a Comprehensive Plan for the Village and Town of Arcade that was completed in December, 1996 (page 2-170, last paragraph).

7. Page 2-175, fourth paragraph refers to a Town of Clinton Wind Energy Facilities Law. This should be corrected.

8. Wyoming County does <u>not</u> have a County Land Use Plan (Page 2-176, last paragraph).

9. Does the comment on page 2-185, third bullet regarding the KLW study mean that there were a minority of properties that were affected by the existence of the wind farms?

Noble Windpark Project
June 5, 2006
Page 2

10. It appears that the Windpark Construction Schedule (figure 2.27-1) is no longer accurate. The applicant should submit an updated, more accurate schedule.

11. Are the decommissioning costs based on actual costs experienced by Noble at other projects? These costs seem too low, what was the basis for the estimates?

    Is the removal of underground materials to a depth of 36 inches below grade acceptable to the Town?

12. Page 2-197, first paragraph refers to Clinton County and its municipalities. This mistake is continued on pages 2-198 and 199.

13. The Approvals Required chart in the SEQR Documentation section shows the Town of Eagle as being responsible for a building permit. This should be changed to Wyoming County Fire & Building Codes.

14. What measures will be taken by the Town Board to ensure the project is being constructed according to the EIS commitments and specifications?

A 2005 amendment to the State Environmental Quality Review Act (SEQR) requires all Environmental Impact Statements, Draft EIS (DEIS) and Final EIS (FEIS), to be posted on a publicly accessible Internet Web site, as of February 26, 2006. According to the Department of Environmental Conservation's website, a DEIS should be posted as soon as it is accepted and remain posted until the FEIS is accepted. The FEIS should be posted when completed, and must remain posted until one (1) year after all final approvals have been issued for the project that is the subject of the FEIS. The new law does provide an exception in cases where an agency concludes that posting is "impracticable."

Be advised that this project should be referred to the WCPB as required by Section 239-L of NYS general municipal law at the appropriate time. Because of the referrals complexity, the WCPB hereby requests that the referral be provided 30 days prior to our monthly board meeting to allow for adequate review time.

The WCPB will be using the wind power guidelines adopted by the WC Board of Supervisors on June 14, 2005 and other relevant information to evaluate all wind power referrals.

Sincerely,

R. Tindell

Richard Tindell
Director, Planning & Development

RT/rec

REC'D JUN 05 2006

WYOMING COUNTY DEPARTMENT OF HEALTH
AND **CERTIFIED HOME HEALTH AGENCY**
338 NORTH MAIN STREET, WARSAW, NEW YORK 14569
PHONE (585) 786-8890 FAX (585) 786-3537

DR. GREGORY J. COLLINS, COMMISSIONER OF HEALTH

GREGORY COLLINS, DO, *Medical Director* | LORI ROCHE, *Director of Nursing* | GARY BONARSKI, PE, *Environmental Health Administrator* | LAURA PAOLUCCI, *Public Health Administrator* | JANIS COOK, *Fiscal Administrator*

June 2, 2006

Mr. Joseph Kushner, Supervisor
Town of Eagle
PO Box 69
Bliss, NY 14024

RE: Draft Environmental Impact Statement
Noble Bliss Wind Farm

Dear Mr. Kushner:

Thank you for the opportunity to provide comment on the April 2006 Draft Environmental Impact Statement (DEIS) submitted to the Town of Eagle, in accordance with the State Environmental Review Quality process, for the Noble Bliss Wind Farm. Our primary interest in this matter is the potential impacts of the proposed project on public health and our review of the DEIS has identified several points for which we believe additional information should be provided by the applicant. Our specific comments and questions are attached.

In review of this project proposal, as you will note, questions may arise concerning potential effects upon a large number of residents within the Town of Eagle. It is hoped that the Eagle Town Board, the Lead Agency for this project, reflects on the facts and deliberates intently since the approval and licensing of this project may not only affect its citizens in areas currently unforeseen, but may alter the character of the Town for a generation to come.

Thank you for providing this office the opportunity to review and comment on this DEIS.

Very truly yours,

Gary E. Bonarski, P.E., Environmental Health Administrator

GEB:sc

Xc: Eagle Town Board
A. Kevin Gleason, Assistant Director BTSA, NYSDOH
G. Collins, Commissioner of Health
L. Paolucci, Public Health Administrator
R. Tindell, Planning & Developement
D. Nelson, Dadd & Nelson

Comments and requests for clarification regarding the April 2006 Noble Bliss Wind Park Draft Environmental Impact Statement For the Town of Eagle, Wyoming County

I. Comments throughout the document focus on current land uses in the proposed project area. From the information presented in the DEIS, it is not clear that the applicant has considered any proposed changes in land use in its assessment of potential project impacts. For example, if plans for a commercial development in the vicinity of the project are being considered, the Wyoming County Industrial Development Agency may want the applicant to examine the possible impacts of any proposed future development.

II. While Noble believes that "blasting will not be used to loosen rock," should blasting become necessary, the following information should be developed and included by Noble:

- Describing all blasting operations, including location, measures to inform people when blasts will be occurring, measures to ensure safe transportation, storage and handling of explosives and coordination with local safety officials.
- Also, an assessment of potential impacts of blasting to environmental features, above ground structures and below-ground structures such as any pipelines or drinking water wells

III. We would request confirmation that no construction activity will take place in proximity of the water transmission main from the Telegraph Road Spring Supply to its junction with Route 39. Superimposing this pipeline location on the delineation map may be helpful.

IV. We recognize the occurrence of tower collapse, blade throw and ice shedding may be relatively rare. However, although a minimum distance of 1000 feet would appear to be an adequate buffer for adjacent properties in the case of a tower collapsing, it is not clear from the DEIS that 1000 feet would be adequate in the case of blade throw or ice shedding. Please be aware that similar windfarm projects reviewed in the State have sited a minimum buffer distance of 1312 feet (400 meters). Furthermore, set back distances, as set by Local Law #3, allow a set back of only 540 feet (which can be altered by the Town Board). Please note that with a blade length of 123 feet this throw distance is reduced to 417 feet from a roadway. If the rotational direction is perpendicular to the highway, concern should be addressed for public highways to exist in the "fall-zone".

Based on local law compliance, the applicant should be requested to provide documentation, modeling results or other information to show that the outer limit for impact of a thrown structural component or ice formation would be within 1000 feet (540 feet in the case of an affected highway) of the tower (the so-called "fall zone") if it were cast from the structure with a horizontal component to the trajectory at velocities consistent with operation of the wind turbine across a range of rotation rates. Are any other areas of public exposure situated within these distances of the proposed tower sites?

V. Shadow Flicker

We do not note in the report any section characterizing and assessing the impacts of shadow flicker. Only the statement "shadows from turbines will fall on some residences" in the Visual Impacts section. This drastically conflicts with the Executive Summary, page 3, which states "Shadows from the turbines will fall on 129 residences". Based on demographics provided by the U.S. Census Bureau for 2000, this is 30% of the total number of households in the Town (424). With an average household size of three persons (2.82), the number of residents potentially affected could be as high as 387 or 32% of the population.

NYS DOH's review of the scientific and medical literature has identified physiological effects (e.g., retinal vasodilation, neural oscillations in visual cortex) at flicker frequencies less than 10 Hz. Please address health concerns associated with this issue.

VI. Electromagnetic Fields (EMF)

We did not find mention of health concerns associated with exposure to electromagnetic fields. The applicant should address the issues and concerns associated with them, and describe any measures they will take to help minimize people's exposure to EMF associated with the project.