

Comment Number	Commenter/Date	Date of Comment	Entity	Section	PSS Section and Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
1	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	A historic timber rattlesnake den – as per a conversation with Briana Denoncour at NYSDEC – was believed to be in the project area. Timber rattlesnake is a New York State Threatened Species. While no reports of rattlesnakes have been recorded recently, new technology allows for a simple and inexpensive way to determine current use of the site. The den should be monitored by time activated wildlife camera to detect any presence of rattlesnakes. Cameras' infrared sensors have proved ineffective for cold blooded species, thus the need to have photos taken every minute.	Based on a review of publicly available data and conversations with the New York State Department of Environmental Conservation (NYSDEC; September 28, 2017) and a New York Natural Heritage Program Review (March 17, 2017) of the Project, the historic timber rattlesnake hibernacula appears to be located in the southwestern corner of the Project area, which is not currently proposed for development. Given the lack of proposed development near the historic timber rattlesnake hibernacula, no impacts are anticipated and no additional study is proposed.
2	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The [monitoring] plans are clearly insufficient for assessing risk to the NYS state Endangered Species Golden Eagle - the species for which we have the most concern. Significant data is available showing the project area falls within a migratory concentration point for this species. These data include: <ul style="list-style-type: none"> • A map created for the NY State Energy Research and Development Authority in 2013 by Trish Miller of West Virginia University (attached) showing 98 GPS tracks of Golden Eagles migrating through New York, with concentration through the project area. Four additional years of this data is now available and detailed maps need to be acquired for the project area. • The fall Franklin Mountain Hawk Watch (FMHW) is a noteworthy site for this species. It records the highest numbers of Golden Eagles of any count site in New York (231 in 2016) and is 35 miles NE of the project area. In this region, soaring raptor species such as Golden Eagle move NE-SW in fall and SW-NE in spring. For these migrating raptors, the project is directly in line with FMHW. In 2009, DOAS conducted a focused spring raptor count 12 miles east of the project area covering an area 5 ½ miles wide. This effort counted 100 eagles of both species in 9 days. • FMHW surveys, the spring surveys conducted in 2009 by DOAS and the paper Utilization Probability Map for Migrating Bald Eagles in Northeastern North America (Mojica et al), 5 also indicate the area is a migratory concentration area for Bald Eagle. 	The Applicant and its consultants began consulting with the NYSDEC and USFWS in the spring of 2016 to develop work plans for avian studies at the Project. The monitoring plans were designed in consultation with the NYSDEC and USFWS to follow the NYSDEC <i>Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects</i> (the NYSDEC Guidelines) and the USFWS Eagle Conservation Plan Guidance Module 1 – Land-based Wind Energy Version 2 (ECPG) and Bayesian Risk Model in Appendix D of the ECPG to assess risk to eagles at the Project year-round, migrating diurnal raptors during the spring and fall, and breeding birds near proposed turbine locations. The USFWS ECPG and Bayesian Risk Model are the most current methods the USFWS has recommended to assess year-round eagle risk at proposed land-based wind projects in the United States. On April 7, 2016 a meeting was held with the NYSDEC, USFWS, and DPS to discuss Tier 1 and Tier 2 studies completed according to the USFWS Land-Based Wind Energy Guidelines (WEG) and seek additional input from the agencies on wildlife studies. At that time the study plan included eagle use surveys and aerial eagle nest surveys, and the NYSDEC recommended additional spring and fall raptor migration surveys and breeding bird surveys near proposed turbine locations from the NYSDEC Guidelines section 4 (Standard Pre-construction Studies). Subsequently, a raptor migration survey plan following the NYSDEC Guidelines was provided to NYSDEC on August 6, 2016 and the Applicant received comments from the NYSDEC on August 12, 2016 and the Applicant and its consultants agreed to the recommended changes prior to the raptor migration surveys starting. Following completion of the first year of the eagle use surveys, aerial eagle nest surveys, and the fall raptor migration surveys, the Applicant and its consultants met with the NYSDEC, USFWS, and DPS on April 11, 2017 and presented preliminary results of the fall raptor migration survey, eagle use survey and eagle nest survey. During this meeting, a change in the Facility boundary was discussed, along with associated changes to the eagle use survey to maintain 30% coverage (consistent with the USFWS ECPG) and the agencies asked for an additional point be added to the spring raptor migration survey, which the Applicant and its consultants implemented immediately. On May 3, 2017 the Applicant provided NYSDEC a breeding bird survey protocol for review, and subsequently several survey locations were updated to accommodate landowner access logistics and the NYSDEC was provided an update on May 15, 2017 (no comments were received from the NYSDEC on

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								<p>the breeding bird survey protocol). The Applicant provided the various work plans/survey protocols to DOAS on July 21, 2017.</p> <p>In response to consultations with various parties and a recommendation by the USFWS received via email on September 6, 2017, the Applicant agreed to supplement the previous eagle use survey work plan with an increased survey effort during the fall and spring migration period for golden eagles. A draft of the study protocol was provided to NYSDEC and USFWS for review and comment on September 22, 2017. The objective of the additional study is to address the recommendation by the USFWS to increase the level of effort during the fall and spring migration period for golden eagles to have the best assessment of potential collision risk at the Project using methods in the USFWS ECPG, as well as to address comments received from stakeholders and provide additional site-specific information regarding the level of use of the Facility Area by bald and golden eagles (consistent with the objectives of the work identified in the comment, except on a location specific basis).</p>
3	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	The Bluestone Wind project's raptor migration survey data has not been released. This prevents us from, 1) examining the quality of the data; 2) knowing whether days of high or low eagle movement were covered; and, 3) comparing the daily counts to regional hawk watch sites. Access to these data would have helped better inform these comments on the PSS.	Please see response above. The Applicant provided preliminary results to the NYSDEC, USFWS, and DPS in April 2017, for agency review and further discussion of study plans, if any, for this project. Further, Applicant is proposing to supplement the previous eagle survey work with additional fall surveys in an amended Eagle Use Study work plan as discussed above. Results of all avian studies and analysis of potential impacts from the Facility on avian species will be included in the Application, at Exhibit 22. Full reports are not prepared or presented to the agencies until all field work is complete, QA/QC of the data is complete, and a full report has been written and internally reviewed.
4	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	As noted, we have not seen the survey data. Even so, it is clear that the limited amount of coverage provided by the company's eagle survey protocol makes it impossible to extrapolate accurately what is moving through the project area.	Please see responses above, which indicate that the Applicant consulted with, and incorporated feedback and recommendations from the NYSDEC, USFWS, and DOAS in relation to the referenced surveys, and amended the Eagle Use Study work plan to provide additional data on eagle use during the fall and spring migration period. Full reports are not prepared or presented to the agencies until all field work is complete, QA/QC of the data is complete, and a full report has been written and internally reviewed.

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5	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	Additional effort is needed to survey winter resident Golden Eagles. Based upon our eight years of winter surveys in Delaware and Otsego Counties, we believe the only effective way to determine their presence in heavily wooded and hilly habitat during this season is camera trapping. The developer should include camera trapping as a way of sampling Golden Eagles in winter. While this activity could interfere with ongoing hourly point count surveys, it is possible to schedule these so that the different types of surveys do not conflict. Camera trapping should follow the Appalachian Eagle Project protocol (http://www.appalachianeagles.org/).	As indicated in the response to comment #2, the eagle use and raptor migration work plans (which were developed based on the most current NYSDEC and USFWS guidelines for wind-wildlife studies and input from the NYSDEC and USFWS) were provided to DOAS and subsequently included in the PSS as Appendix G. As a result of further comments received following submittal of PSS, the Applicant has further coordinated with the USFWS on September 14, 2017 in response to email recommendations received from the USFWS on September 6, 2017. Based on these consultations, the Applicant has agreed to increase the frequency of standardized eagle use surveys following the USFWS ECPG in the project during the fall and spring migration period. Updated work plans were submitted to the agencies on September 22, 2017. During consultation with the USFWS on September 14, 2017, the USFWS stated its belief that the best methods to assess risk to eagles (bald and golden eagles) year-round for land-based wind projects is to use the methods in the USFWS ECPG; all of the Applicant's on-site eagle work follows the methods described in the USFWS guidance.
6	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	There are other deficiencies in the avian work plans. There is no provision for monitoring nocturnal migrating songbird migration. The risk to these birds from wind turbines is well-documented, and abundance is a primary factor in assessing this risk. The project area is in the migratory path for any number of state and federally endangered, threatened or otherwise at risk songbird species, including but not limited to Bicknell's Thrush, Henslow's Sparrow, Sedge Wren, American Bittern, Common Nighthawk, Golden-winged Warbler, Cerulean Warbler, and Grasshopper Sparrow. In addition, many declining neo-tropical migrants pass through the region spring and fall, such as Wood Thrush, Scarlet Tanager, Yellow-billed Cuckoo, Ruby-throated Hummingbird, and Louisiana Waterthrush. There needs to be an assessment of the presence of these species throughout the project area, however, there is no mention in the PSS of surveying for migrating songbirds, again contrary to DEC guidelines. We believe that at a minimum, auditory surveys of nocturnal migrating songbirds should be conducted in the project area, and that if a significant movement of these birds occurs, further studies, including radar surveys are warranted to determine the magnitude of the flight and its elevation in regards to the terrain.	During consultation with the NYSDEC, USFWS, and DPS in April 2016 and March 2017 nocturnal migrating songbird and nocturnal radar surveys were not recommended at the Project as part of the NYSDEC Guidelines Standard and Expanded Pre-Construction Surveys. Please see responses above regarding development of initial work plans in 2016, and additional work plans based on recent comments from DOAS and NYSDEC, which have been prepared in conformance with the most current NYSDEC and USFWS guidelines, and will ensure that the risk to avian species is fully characterized consistent with the requirements of 16 NYCRR 1001.22. The final results of all surveys, including potential impacts to the species identified in the comments if they are present in the Study Area, will be documented in written reports, and ultimately included with the Article 10 Application.
7	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22, Appendix G	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program; Appendix G - Raptor Migration Survey Protocol	Exhibit 22 - Terrestrial Ecology and Wetlands; NA	There is strong evidence that the project area is in a known migration route for both a NYS Endangered Species, and a NYS Threatened Species – Golden and Bald Eagles, as well as other species of raptor. Expanded raptor migration surveys are necessary for this project and should include a minimum of two years of spring and fall observations, with coverage on all days conducive to raptor movement. In addition, if data from preliminary observations do not indicate significant numbers of migrating raptors, additional monitoring sites should be established in the project area to ensure adequate spatial coverage is carried out.	Comment noted. The Applicant consulted with the NYSDEC and developed a fall and spring raptor migration survey work plan consistent with the recommendations in Section 4.c. of the NYSDEC Guidelines. The raptor migration survey work plan was submitted to the NYSDEC for review on August 8, 2016 and the NYSDEC provided comments on 8/12/2016 that the Applicant and its consultants included in the final work plan prior to surveys beginning. No comment or recommendation from the NYSDEC at that time included following the expanded raptor migration survey methods in the NYSDEC Guidelines. During review of the fall 2016 data in April 2017, the

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								NYSDEC and USFWS recommended adding an additional survey location to cover the new, larger Project area and the Applicant and its consultants implanted that change immediately in the field. Please see responses above regarding development of initial work plans in 2016, and additional work plans based on recent comments from DOAS and NYSDEC. The final results of all surveys will be documented in written reports, and ultimately appended to the Application.
8	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22, Appendix G	Section 2.22 - Terrestrial Ecology and Wetlands; Appendix G - Raptor Migration Survey Protocol	Exhibit 22 - Terrestrial Ecology and Wetlands; NA	The developer has informed us that in their view, the work plan is adequate for assessing risk to migrating eagles and other raptors. Given our long-term experience and the amount of evidence to the contrary, we disagree. We believe a thorough independent survey effort is required. If the developer agrees to conduct further studies of eagle migration, DOAS requests that we be involved in guiding the scope of this effort. Planning for the 2017 fall Golden Eagle migration peak should begin immediately to avoid delaying the project. Timing of these fall surveys should be based upon the average migration peaks at FMHW (October 25 – November 25). Spring migration surveys should likewise be carried out during favorable weather conditions, which are more variable in the spring.	Please see responses above regarding development of initial work plans in 2016, and amended work plans based on recent comments from USFWS, NYSDEC, and DOAS. The final results of all surveys will be documented in written reports, and ultimately appended to the Application. The recently amended Eagle Use Study work plan was submitted to the USFWS and NYDEC on September 22, 2017 and includes additional surveys following the USFWS ECPG from October 15 – December 2, 2017.
9	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	2.22; Appendix G	Section 2.22 - Terrestrial Ecology and Wetlands - Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors; Appendix G - Raptor Migration Survey Protocol	Exhibit 22 - Terrestrial Ecology and Wetlands	We consider the Golden Eagle GPS tracking data from Trish Miller et. al. - showing the project to be a migratory bottleneck concentration corridor –to be essential for determining the magnitude of the migration in the immediate project area, and also for judging the effectiveness of the chosen migration survey locations. As noted earlier, Golden Eagles may follow narrow migration paths. Detailed GPS mapping, can provide the best available information on how they these birds use the project area. We have recommended that the developer contract with Dr. Miller to acquire these data in the form of detailed, spring and fall seasonal maps showing individual eagle tracks and the birds' elevations. As of the submission of these comments, the developer has not confirmed that they are committed to this course of action.	The USFWS has stated during consultation that they believe the best way to assess risk to eagles (bald and golden) for land-based wind projects is to use the most current methodology in the USFWS ECPG and the Bayesian Risk Model. The Applicant suggests that the data and information gained from the work plans following the NYSDEC and USFWS ECPG for the Project will provide the data needed to characterize potential year-round impacts and risk from the Facility to bald and golden eagles. Please see responses above regarding development of initial work plans in 2016, and amended work plans based on comments from USFWS, NYSDEC, and DOAS. The final results of all surveys will be documented in written reports, and ultimately appended to the Application.

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10	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	Appendix G	Appendix G - Raptor Migration Survey Protocol	NA	Data on the magnitude of the eagle migration should have been considered by the Applicant before the raptor migration work plan was drafted, as per NYSDEC guidelines. USFWS guidelines likewise call for consultation with conservation organizations early in the siting process to obtain information and data on "... potential known critical areas of wildlife congregation, including, but not limited to: maternity roosts, hibernacula, staging areas, winter ranges, nesting sites, migration stopovers or corridors, leks, or other areas of seasonal importance." This was not done — there was no contact with our organization or others who could have provided valuable information prior to preparation of the work plans before it was submitted to NYSDEC. Bluestone Wind LLC. states in its Public Involvement Program Plan "preliminary environmental reviews...have not indicated any significant wildlife or unique natural habitat concerns." As a result of the shortcomings of those preliminary reviews, monitoring that has been done by the developer, and that which is ongoing, is inadequate given the known presence of at risk species in the region	As indicated above, the eagle use and raptor migration work plans were developed based on the NYSDEC and USFWS ECPG and consultations with the NYSDEC and USFWS, and were provided to DOAS and subsequently included in the PSS as Appendix G. As a result of further comments received following submittal of PSS, the Applicant has further coordinated with the USFWS and NYSDEC, and based on these consultations, the Applicant has agreed to increase the frequency of standardized eagle use surveys following the USFWS ECPG in the project during the fall and spring migration period. Updated work plans were submitted to the agencies on September 22, 2017. During consultation with the USFWS on September 14, 2017, the USFWS stated the best methods to assess risk to eagles (bald and golden eagles) year-round for land-based wind projects is to use the field methods in the USFWS ECPG that are currently being used for the two year on-site eagle use surveys and the Bayesian Risk Model. Please see responses above for more detail regarding development of initial and supplemental work plans. In addition, DOAS was identified as a stakeholder in the PIP and as indicated above has been consulted with. The Applicant and its consultants have either met with in-person, engaged in conference calls, or email exchanges with DOAS since June 21, 2017. The Applicant will continue to dialogue with DOAS during the Article 10 process.
11	Andrew Mason, Delaware-Otsego Audubon Society September 7, 2017	9/7/2017	DOAS	Appendix G	Appendix G - Raptor Migration Survey Protocol	NA	Observations at FMHW and other raptor monitoring sites show that Golden Eagle movements can be very concentrated in both time and space. Temporally this is both a seasonal and daily phenomena. One day a week of migration surveying cannot provide sufficient data for a species with such a weather-sensitive and time-focused migration. In 2016, 231 migrating Golden Eagles were recorded at the Franklin Mountain Hawk Watch. Of those eagles, 74% were surveyed in a 2 week period (10/28-11/11) and 69% of the 231 birds passed through on 6 individual days. With such a concentrated migration, one day of surveying each week, as carried out per the Bluestone Wind plan, provides too little data to determine risk.	Please see responses above regarding development of initial work plans in 2016, and amended work plans based on recent comments from USFWS, NYSDEC, and DOAS. The final results of all surveys will be documented in written reports, and ultimately appended to the Application.
12	Tara B. Wells, New York State Department of Agriculture and Markets September 11, 2017	9/11/2017	NYSDAM	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Agricultural Impacts	Exhibit 22 - Terrestrial Ecology and Wetlands	If there are specific mitigation guidelines that the applicant does not anticipate following, the specific guidelines need to be identified in the application and the applicant needs to explain why these guidelines would not be followed.	Comment noted. Mitigation generally and as required under the local laws and the Department of Agriculture and Markets' <i>Guidelines for Agricultural Mitigation for Wind Power Projects</i> will be discussed in the Application.

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13	Tara B. Wells, New York State Department of Agriculture and Markets September 11, 2017	9/11/2017	NYS DAM	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Exhibit 29 - Site Restoration and Decommissioning	The third bulleted statement states "Components buried lower than 36 inches will remain in place." All components in agricultural fields should be removed to a depth of at least 48 inches, with the exception of the underground collection lines, which can be abandoned in place.	The Applicant anticipates removal to a depth of 48 inches in agricultural land and will coordinate with NYSDAM and local landowners prior to filing the Article 10 Application.
14	Tara B. Wells, New York State Department of Agriculture and Markets September 11, 2017	9/11/2017	NYS DAM	2.4	Section 2.4 - Land Use - Compatibility of Above-Ground Interconnection with Existing and Proposed Land Uses	Exhibit 4 - Land Use	It is unclear why the installation of underground lines along the edge of agricultural fields would result in greater environmental impacts or would be cost prohibitive. Please clarify this statement. Additionally, when assessing the compatibility of above-ground interconnect lines in agricultural fields, the application needs to include details on lost efficiency, including economic impact to farm operations, when conducting field operations (tillage, planting, harvesting, etc.) around the structures supporting such lines. Further, the application needs to discuss how they propose to mitigate such efficiency losses.	The Applicant will identify all locations where above-ground interconnect is proposed. Generally speaking, the Applicant intends on burying interconnect in agricultural lands; however, if overhead interconnect is proposed the reasons will be explained in the Application. There may be site-specific circumstances, such as the presence of wetlands and siting measures used to avoid/minimize impacts, which would cause location of underground lines in those areas to have greater environmental impacts than other potential locations. These issues will be discussed in more detail in the Application.
15	Tara B. Wells, New York State Department of Agriculture and Markets September 11, 2017	9/11/2017	NYS DAM	2.5	Section 2.5 - Electric System Effects - Facility Maintenance and Management Plans	Exhibit 5 - Electric System Effects	Under the heading Unscheduled Maintenance/Repairs, it states "Events involving the replacement of a major component such as a gearbox or rotor are not typical. If they do occur, the use of large equipment, sometimes as large as that used to install the turbine, may be required. Typically, only a small percentage of turbines would need to be accessed with large equipment during their operating life." The Department has witnessed, on a number of occasions, the replacement of large components, such as blades, on wind projects. This activity has often resulted in damage to agricultural resources. The applicant needs to explain how agricultural resources will be protected in the event that the replacement of major components is necessary.	Comment noted. The Applicant expects that such maintenance activities would be conducted through the use of existing project infrastructure (e.g., access roads, and crane pads). The Application will include a discussion of Facility maintenance and potential impacts during this phase of the Facility operation.
16	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYS DEC	1.5	Section 1.5 - Introduction - Impact Avoidance Measures	NA	This section shall include discussion of impact avoidance, minimization and mitigation measures for direct and indirect loss of habitat, and direct mortality of federally and state-listed threatened and endangered (T&E) species, New York State Species of Special Concern (SSC), and State Species of Greatest Conservation Need (SGCN). Examples of such measures include: date restrictions on construction activities to avoid impacts to breeding birds and bats; re-siting or removing turbines from T&E species occupied habitat or other sensitive areas; and turbine curtailment during appropriate times and environmental conditions to avoid or minimize direct impacts to bats.	Section 1.5 of the PSS provides a general overview of impact avoidance, minimization, and mitigation, as required by 1000.5 (l)(2) of the PSL. Please refer to PSS Section 2.22 (f) for additional details. Avoidance, minimization and mitigation of potential impacts will also be discussed in greater detail in the Application.

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17	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.11	Section 2.11 - Preliminary Design Drawings - Site Plan	Exhibit 11 - Preliminary Design Drawings	Design drawings shall demonstrate that the Project has been designed to collocate Project components to the maximum extent practicable (e.g. collection lines and access roads), and minimize fragmentation of forests and other habitat areas. Wetland and stream impacts, including impacts to State-regulated adjacent areas, shall be shown on the site plan together with all Project elements that involve any potential ground disturbance, grade changes, change to runoff patterns and the construction of any facilities.	The Preliminary Design Drawings will provide a site plan (i.e., proposed location of all Facility components), proposed grading, typical details, etc. as required by 1001.11 of the PSL, and as further refined through the pending stipulations process. It is expected that the Preliminary Design Drawings will include a significant amount of design-specific information, and as such it unlikely that adding additional information to these drawings (e.g., stream, wetland, and adjacent area impacts as recommended by the commenter) would be effective, and in fact such additional information would likely detract from the information required to be presented on the design drawings. However, all impact to streams, wetlands, adjacent areas, etc. will be clearly explained and presented/depicted in support of Exhibit 22 (Terrestrial Ecology and Wetlands), which is specifically intended for such information by regulation.
18	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.11	Section 2.11 - Preliminary Design Drawings - Landscaping Plan	Exhibit 11 - Preliminary Design Drawings	The vegetation impact map depicting the Facility footprint and extent and location of tree removal shall also include depiction of indirect impacts to forests. Indirect impacts extend at least 300 feet into the forest from the cleared edge. The exhibit narrative presenting the acreage of direct tree removal shall also include the acreage of indirect impact.	Information associated with vegetation impacts, including direct and indirect impacts, will be presented in Exhibit 22 (Terrestrial Ecology and Wetlands). Such impacts will not be addressed in Exhibit 11.
19	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.11	Section 2.11 - Preliminary Design Drawings -Typical Design Detail Drawings	Exhibit 11 - Preliminary Design Drawings	All culverts shall be designed for a 100-year storm event, and where it is determined that stream continuity shall be maintained, designed to incorporate specifications such as those described in DEC's Stream Crossing Guidelines, available at: http://www.dec.ny.gov/permits/49060.html .	Comment noted. All culverts will be designed to meet the requirements of the NYSDEC and/or the U.S. Army Corps of Engineers, depending on the respective jurisdiction.
20	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Plant Communities	Exhibit 22 - Terrestrial Ecology and Wetlands	The plant species list shall include the month and, if possible, day of observation(s), not just the year observed and location.	The Application will contain a plant species list, which will identify the month and year of observation to the extent available.
21	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Impacts to Plant Communities	Exhibit 22 - Terrestrial Ecology and Wetlands	This section shall include calculations and a discussion of the indirect impacts to forests that will occur as a result of the construction of the Project. Indirect impacts extend at least 300 feet into the forest from the cleared edge, and may include, among other effects, alterations in temperature, solar exposure, and possible spread or introduction of invasive species to forest interiors. The Invasive Species Control Plan (ISCP) shall be submitted under separate cover to the DEC for review. All invasive	Indirect impacts to forest will be included in the Application. It is anticipated that the scope of the invasive species control plan and baseline survey will be agreed upon during the stipulations process, and will include GPS point data and assignment of density codes for absolute cover, and GPS boundary identification where discrete patches of select species can be identified (e.g., Japanese knotweed, purple loosestrife).

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							species locations shall be mapped and a Geographic Information Systems (GIS) shapefile of the locations shall be supplied to the DEC. The ISCP shall also include an adaptive management plan in addition to at least 3 years of post-construction monitoring.	
22	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	Bat species likely to occur in the Facility area include eastern red bat, hoary bat, silver-haired bat, big brown bat, little brown bat, northern long-eared bat, eastern smallfooted bat and tri-colored bat. DEC estimates some level of impact to the state-listed threatened northern long-eared bat is likely to occur at all terrestrial wind energy projects in the state between July 1 and October 1, and recommends full avoidance measures be implemented at all projects. In addition to potential impacts to all bird and bat species, the Bird and Bat Conservation Strategy (BBCS) shall specifically address the northern long-eared bat.	This comment is confusing in that it is unclear what DEC is suggesting is required for "full avoidance measures" to be implemented at all wind projects. Also, it is unclear what DEC is basing its estimates of "some level of impact" to NLEB for this Facility. The Applicant looks forward to continuing to discuss the results of completed/ongoing bat studies, and will consult with the NYSDEC regarding methodologies for estimating impact, and developing avoidance, minimization and mitigation strategies, as applicable, for the Facility.
23	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	In addition to the sources of information mentioned in this section regarding birds occurring in or near the Project area, other sources of information that shall be used to inform on bird species presence and use of the Facility shall include: DEC and U.S. Fish and Wildlife Staff (USFWS) staff; Hawk Migration Association of North America; reports produced by The Nature Conservancy; eBird; and the Delaware-Otsego Audubon Society. Golden eagles are known to migrate and winter in the vicinity of the Project area, and the potential for this species to be impacted by the Project exists during spring and fall migration periods, as well as winter when birds remain resident in habitat types that exist on and around the Facility. Though no golden eagles have been reported during post-construction surveys in New York, no wind energy projects are currently operating within the state's wintering range for this species, and golden eagles are known to be killed at wind turbines in other parts of the country. Additional site-specific surveys may be warranted at this Project area to adequately assess the potential for impacts to golden eagles during migration or wintering periods. Desired information includes the timing, magnitude, height, and location of migratory flights across the Project area, as well as the abundance and distribution of golden eagles in the Project area during winter.	The sources referenced in this comment are sources that the Applicant will review, consider, and discuss in the final reports for the avian studies. Please see responses above to DOAS comments regarding development of initial work plans in 2016 (with the NYSDEC), and additional work plans based on recent comments from DOAS and NYSDEC. The final results of all surveys will be documented in written reports, and ultimately appended to the Application. As noted previously, Applicant has added an amended Eagle Use Survey to its avian study plans, which was submitted to the USFWS and NYSDEC for review. The purpose of this survey is to provide additional information regarding the level of use of the Facility Area by eagles during the fall and spring migration period.
24	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Impacts to Vegetation, Wildlife, and Wildlife Habitats	Terrestrial Ecology and Wetlands	The Applicant shall also consult directly with DEC and USFWS for information on the presence or likelihood of occurrence of listed, rare, and sensitive T&E species, SSC, and SGCN. Additionally, "NYNHP" shall be "NYNHP"	Comment noted. The Applicant has consulted with the NHP and USFWS, including accessing their respective databases, and will continue to do so. This information was included as Appendix H of the PSS.

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25	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands -Measures to Avoid or Mitigate Impacts to Vegetation, Wildlife, and Wildlife Habitats	Terrestrial Ecology and Wetlands	This section shall include a description of measures that will be implemented to avoid and minimize operational impacts to wildlife, before discussion of mitigation takes place, including but not limited to removing or re-siting turbines to avoid impacts to wildlife and occupied habitat, and implementing turbine curtailment at certain times and under certain environmental conditions. The Applicant shall also include a plan addressing the control of non-native invasive species during development, construction, operation, and maintenance of the Project. When assessing potential and expected impacts to vegetation, wildlife, and wildlife habitat, every effort shall be made to first avoid all impacts. Any impacts that the Applicant adequately demonstrates cannot be avoided shall be minimized to the greatest extent possible. Mitigation for impacts is considered only after all possible avoidance and minimization efforts have been evaluated and undertaken.	Comment noted, and the information will be evaluated consistent with the statutory and regulatory requirements of Article 10 and the substantive requirements of DEC's permitting programs, if triggered. Exhibit 22 will present information on vegetation and wildlife impacts as required by the regulations. For example, 1001.22(h)(1) requires the identification and evaluation of Facility impacts on avian and bat species and habitat, 1001.22(h)(2) requires and identification and description of post-construction monitoring for impacts to avian and bat species and habitat, and 1001.22(h)(3) requires a plan to avoid or, where unavoidable, minimize and mitigate any such impacts.
26	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	This section states that, "Copies of all reports prepared in accordance with this work plan were provided to NYSDEC personnel in 2017 and these reports will be updated based on NYSDEC comments...". To date, DEC has not received any summaries or reports describing results of any wildlife work done at this Facility. In addition to utilizing the study results and standard industry practice, the shall also include information and recommendations of DEC and USFWS when discussing potential construction and operational impacts to protected bird and bat species, including the northern long-eared bat. In addition to a discussion and evaluation of cumulative impacts to birds and bats, this section shall include a discussion and evaluation of cumulative impacts to forests, grasslands, and any other unique habitat that may be impacted by the Project.	Reports were not provided; however, as indicated above, the Applicant and its consultants met with NYSDEC and USFWS personnel on April 11, 2017 to present preliminary results from the surveys conducted to date. Scopes of work for these studies have been provided to NYSDEC as set forth above. Full reports will be provided of all avian surveys after all field work has been completed, all data have been thoroughly QA/QC'd and a full report has been prepared. Operational and construction impacts to birds, bats, and their associated habitats will be discussed in the Application.
27	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The discussion of total bird mortality shall include all publicly available postconstruction fatality information in the state, which dates to 2006. If the birds per turbine per year metric will be used, birds per Megawatt per year shall also be examined and discussed, for a more accurate comparison with other existing datasets. The USFWS and DEC shall be involved in the determination of potential take of bald and golden eagles at the Project, and such a determination will be based on all available information regarding these species' use of the Facility area throughout the year, not solely the collision risk model.	As indicated above, the Applicant looks forward to continuing to discuss the results of completed/ongoing avian and bat studies, and will consult with the NYSDEC [and USFWS as appropriate] regarding methodologies for estimating impact.
28	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The discussion of total bat mortality shall include all publicly available postconstruction fatality information in the state, which dates to 2006. If the bats per turbine per year metric will be used, bats per Megawatt per year shall also be examined and discussed, for a more accurate comparison with other existing datasets. The estimated take of northern long-eared bats shall be based on publicly available and detailed postconstruction fatality information collected in New York from 2009-present.	As indicated above, the Applicant looks forward to continuing to discuss the results of completed/ongoing avian and bat studies, and will consult with the NYSDEC regarding methodologies for estimating impact.

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29	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	This section shall note that the final post-construction monitoring plan developed between the Applicant, DEC, and USFWS will be in place prior to the start of turbine operation. In addition to bird and bat impact evaluation and monitoring, section 2.22(h) shall also include a commitment to and description of a plan to avoid, minimize and mitigate for impacts to wildlife. This shall include acknowledgement that construction, operation, and maintenance of the Project shall comply with the substantive requirements of 6 NYCRR Part 182 for avoiding, minimizing and mitigating for impacts to state-listed threatened and endangered species.	The final post-construction monitoring plan will be in place prior to Facility operation. To the extent it is applicable, the Application will contain the information required by 6 NYCRR 182.11.
30	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	This section shall indicate that the Applicant will use the New York State Freshwater Wetlands Delineation Manual, dated July 1995, for delineating wetlands that are protected under Article 24 of the Environmental Conservation Law (i.e., state regulated wetlands).	The Applicant will consult with NYSDEC personnel (Region 7 Wetland Biologists) regarding the delineation methodology.
31	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The Applicant states that the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual will be followed. The New York State Freshwater Wetlands Delineation Manual differs slightly from that of the USACE and does have the potential to give slightly different results. Wetland delineators shall use both DEC and USACE methodologies for state-regulated wetlands and USACE protocols for non-DEC wetlands. Data sheets shall be submitted for all DEC wetlands, or any field delineated wetland within 500 feet of a DEC mapped wetland.	The Applicant will consult with NYSDEC personnel (Region 7 Wetland Biologists) regarding the delineation methodology. This issue will be addressed in Stipulations discussions.
32	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	Upon completion of field wetland delineation activities, a report containing maps and GIS shapefiles shall be submitted to the DEC and USACE that includes site plans (1":50' scale) showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of all of the following: grading, filling excavation, and vegetative clearing. Field delineations, including the identification of all vernal pools, shall be performed and mapped wherever these activities will occur within 500 feet of a state-regulated wetland. This information shall be provided in a timely manner prior to the submission of the application, and before the end of the growing season and snow cover.	The Application will include, as an Appendix, a stand-alone Wetland and Stream Delineation Report, that will include mapping necessary to depict all delineated features within the Study Area. Depending on the extent and number of delineated features that must be depicted, the Applicant will determine the appropriate scale of such mapping. As indicated in Section 2.22(i) of the PSS, wetland delineations will be conducted within a 200-foot corridor centered on the linear Facility components and within a 200-foot radius of turbine and other components such as meteorological towers, substation, etc. The Applicant will adhere to this field-delineation study corridor, and associated results will be provided to NYSDEC personnel to facilitate a jurisdictional determination. See Section 2.22(i) fo the PSS for additional information on defining approximate wetland boundaries out to 500 feet from facility components.

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33	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The Applicant shall also facilitate the confirmation of the field delineated wetland boundaries by regional DEC staff.	Comment noted. The Project Sponsor will consult with DEC Regional Staff.
34	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Impacts to Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	Every effort shall be made to first avoid all impacts to wetlands and state-regulated adjacent areas, followed by minimization of unavoidable impacts, before mitigation is considered.	Comment noted. If state regulated wetlands are impacted by the Facility, the Applicant will comply with the substantive requirements and weighing standards of 6 NYCRR 663.5.
35	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	This section shall indicate that culvert placement specifications shall be described/enumerated, detail the expected flow calculations, and demonstrate culvert capacity with best management practices considerations for culvert placement. All new stream crossings or upgrades of existing crossings shall be designed for a 100-year storm event. The feasibility of using trenchless stream crossings shall be addressed for all streams proposed to be crossed, particularly all identified protected streams.	As indicated above, all culverts will be designed to meet the requirements of the NYSDEC and/or the U.S. Army Corps of Engineers, depending on the respective jurisdiction.
36	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	Surface waters maps shall include, in addition to streams appearing on maps, all streams encountered whether ephemeral, intermittent, or perennial. A GIS shapefile showing all streams shall be submitted to the DEC.	Comment noted.
37	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	Applicant shall note that Class C Navigable streams are also protected whether or not they have a (t) designation. Consult 6 NYCRR § 608.1(u) for the DEC definition of navigable. The Applicant states that a, "comprehensive inventory of aquatic species or aquatic invasive species will not be included." An inventory of aquatic species shall be conducted to determine if there are any aquatic invasive species on the DEC's list of prohibited or regulated invasive species (See 6 NYCRR Part 575).	The Applicant will consult with NYSDEC during stipulations negotiation process to determine the appropriate survey methodology (if any) for aquatic invasive species. It is anticipated that all Facility component interactions with open water will be limited to small streams in the upper reaches of the watershed, and as such it is not expected that aquatic invasive species will be of concern.

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38	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	Specific mitigation measures shall include following DEC's guidance on stream crossings (access roads and underground lines). This guidance may include location considerations, installation guidance as it relates to protecting stream stability, bank and bed erosion prevention, and aquatic organism passage. For stream crossing structures, include the bank full width at the crossing locations and the dimensions of the proposed structure. The specific methodology for controlling water flow during construction shall also be discussed for each stream crossing (access roads and underground lines). For underground lines, indicate whether a crossing will be done open cut or via a trenchless installation method. If an open trench method is proposed, an analysis shall be included which demonstrates that a trenchless method is not feasible.	Comment noted. Please provide the specific name and publication date of the "guidance on stream crossings" referenced in the comment.
39	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.9	Section 2.9 - Alternatives - Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	Exhibit 9 - Alternatives	This section shall also address impacts to wildlife, particularly habitat loss and mortality of birds and bats at alternate project locations.	Comment noted. The Applicant seeks further clarification on the specifics of the requested information in the context of Exhibit 9.
40	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	2.9	Section 2.9 - Alternatives - Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location	Exhibit 9 - Alternatives	The bulleted list of factors considered during the layout design process shall specifically include the impacts to sensitive or rare natural communities, wildlife, and wildlife habitat, particularly habitat known or suspected to be utilized by federally and state-listed T&E species, SSC, and SGCN.	Comment noted. The requested information will be included.
41	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	Appendix D	Appendix D - Meeting Log	NA	The log does not include a conference call meeting that took place on April 11, 2017 between Calpine, WEST, EDR, DEC, and USFWS. The purpose of the meeting was to discuss bird and bat study plans, specifically eagles and bats. Comments/Follow-up included a commitment from the Applicant to submit work plans describing breeding bird surveys, northern long-eared bat surveys, and raptor migration surveys, as well as a follow-up meeting to be scheduled to discuss golden eagles.	Comment noted. The meeting log will be appropriately updated.
42	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	NA	General Comment	NA	Shapefiles suitable for use in GIS software via ESRI's ArcGIS suite of software (e.g. ArcMap) containing all components as described in DEC's Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects (June 2016) shall be submitted to DEC as soon as possible but not later than 60 days before the Applicant submits an Article 10 Application. Shapefiles shall depict the location of all Facility components including (separately): extent of current Facility boundaries; turbine locations; new and existing access and maintenance roads; electric collection and transmission lines (specified above ground and/or underground); laydown	Generally speaking, the Applicant will provide GIS shapefiles concurrent with the filing of the Application, not prior to filing, to assure consistency between information in the Application and the associated shapefiles. The specific shapefiles to be provided will be determined during the stipulations process.

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							and storage area(s); substation(s); temporary and permanent meteorological tower(s); any other temporary or permanent infrastructure constructed in support of the Facility; all areas to be cleared around turbines, access roads, electric lines, and all other Facility components. Also include shapefiles for all delineated wetlands, 100 foot adjacent areas for state-regulated wetlands, and stream crossing locations. Additionally, shapefiles showing all wildlife survey locations, including (separately): breeding bird survey transects; eagle/raptor survey locations; winter raptor survey locations and driving routes; viewsheds for eagle and winter raptor observation points, indicating the area visible from each point; bat acoustic monitoring and/or mist net locations; radar unit location; and aerial nest survey area and transects.	
43	Jonathon Binder, New York State Department of Environmental Conservation September 8, 2017	9/8/2017	NYSDEC	NA	General Comment	NA	Draft reports of all bird, bat, habitat, ISCP and wetland surveys shall be submitted to DEC at least 60 days before the Applicant submits an. This submission shall include GIS shapefiles with information on any state listed species observed on the Facility, including: species; number of individuals; all dates individuals were observed; all locations where individuals were observed; behaviors observed; flight path; any other observational data as requested by DEC during discussions of pre-construction survey efforts. All shapefiles will be considered business confidential and DEC does not intend to share them outside of the agency staff involved in reviewing this Project.	It is anticipated that the Applicant will provide stand-alone support studies (and associated shapefiles as appropriate) concurrent with the filing of the Application.
44	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.15	Section 2.15 - Public Health and Safety	Exhibit 15 - Public Health and Safety	It is unclear whether the application will present potential impacts for both participating and non-participating receptors; please clarify in the PSS.	All studies that include identification of receptors (i.e., noise, shadow flicker) will identify and provide results for both participating and non-participating receptors.
45	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	Section 2.15(e) of the PSS summarizes the scope of the health evaluation for facility shadow flicker impacts, per 16 NYCRR 1001.15. The PSS should indicate that the applicant will evaluate the public health impacts (both short-term and long-term) associated with shadow flicker by conducting a review of peer-reviewed scientific literature in addition to the presentation of national and international siting requirements for wind energy projects. The New York State Department of Health ("NYSDOH") also suggests that the evaluation of shadow flicker contain a comparison to available short- and long-term flicker guidelines, including The National Association of Regulatory Utility Commissioners' (NARUC) January 2012 "Wind Energy & Wind Park Siting and Zoning Best Practices and Guidance for States." We would prefer that the PSS explicitly mention these guidelines in this context.	Comment noted. An updated PSS is not being prepared; however, a review of NARUC will be included in the Application.

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46	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.15	Section 2.15 - Public Health and Safety - Public Health and Safety Maps	Exhibit 15 - Public Health and Safety	Section 2.15(f) touches on the sources of information to be used to assemble public health and safety maps as required by 16 NYCRR 1001.15(f). NYSDOH recommends adding additional sources of information: a. Because the Broome County Public Health Department is a full-service health department, we recommend that the applicant contact them directly for information on public water supply. NYS Department of Environmental Conservation and local municipalities may have information on private wells. b. To fully evaluate any effects of wind turbine operations on communication services, particularly with respect to emergency services, we suggest the applicant consult with the Broome County Department of Emergency Services and the Broome County Sheriff's Office.	Comment noted. The Applicant will consult with these entities as recommended.
47	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.19	Section 2.19 - Noise and Vibration - Noise Standards Comparison	Exhibit 19 - Noise and Vibration	We recommend that the application estimate maximum L(8) for nighttime noise levels at all full time and seasonal participating and non-participating receptors and include it in the tabular noise standard comparison pursuant to 16NYCRR 1001.19(h). For this comparison, "L(8)" is defined as the facility noise level averaged over an entire night (11 pm to 7 am) outside, for each receptor. "Maximum L(8)" can be defined as the highest single L(8) value modeled over a year.	The highest nighttime noise levels at each receptor will be calculated for a 1-hour period, and assume these conditions could theoretically continue for an entire 8-hour night. Therefore, an L(1-hr) will be equal to or greater than an L(8-hr). This provides the same information requested by the comment.
48	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.19	Section 2.19 - Noise and Vibration - Sensitive Sound Receptor Map	Exhibit 19 - Noise and Vibration	NYSDOH recommends that the application assess potential impacts from noise and vibration at both participating and non-participating receptors. Pursuant to 16 NYCRR 1001.19 (e) and (f), the application should include an evaluation of future noise levels from operation of the facility for all potentially impacted noise receptors. However, we recognize that project design goals may differ between the participating and non-participating populations.	This will be included in the Application.
49	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.19	Section 2.19 - Noise and Vibration - Sensitive Sound Receptor Map	Exhibit 19 - Noise and Vibration	Similarly, NYSDOH also recommends that noise impacts at seasonal residences (including hunting cabins) be presented in the application. The PSS defines a seasonal residence in terms of having a certificate of occupancy, however, NYSDOH recommends the definition of seasonal residences be broadened to include those designated as season under the local tax code and those with running water or septic systems.	Comment noted. The Applicant intends to develop a clear definition of seasonal residences during the stipulations process. The definition will be informed by the treatment and definition of seasonal residences by local and State regulations, ordinances and tax designations.
50	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.19	Section 2.19 - Noise and Vibration	Exhibit 19 - Noise and Vibration	NYSDOH recommends that the application clearly define which predicted sound levels (e.g., Leq, L10, L90, etc.) will be used for comparison to applicable noise standards. We recommend that the application contain a comparison of estimated maximum L(8) and the annual average (Leq or "Lnight,outside") for nighttime noise levels from facility operation to the WHO 1999 and the WHO 2009 nighttime noise guidelines of 45 dBA and 40 dBA, respectively.	This will be included in the Application.

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51	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.25	Section 2.25 - Effect on Transportation	Exhibit 25 - Effect on Transportation	This section should also include an evaluation of the potential for increased accidents during transportation of facility components.	Comment noted. A review on vehicle traffic, use, and frequency of accidents will be included in Exhibit 25 (b).
52	Richard Thomas, New York State Department of Health September 8, 2017	9/8/2017	NYSDOH	2.26	Section 2.26 - Effect on Communications - Anticipated Effects on Communication Systems	Exhibit 26 - Effect on Communications	Again, to fully evaluate such impacts we suggest the applicant consult with the Broome County Department of Emergency Services and the Broome County Sheriff's Offices. Also, please include an evaluation of data communication for the NYS Mesonet system (see: http://www.nysmesonet.org/) which is a resource for emergency response.	Comment noted. The Applicant will consult with these entities as recommended.
53	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	1.2	Section 1.2 - Introduction - Facility Benefits	NA	Page 3 of the PSS notes that, "[w]ith a nameplate capacity of up to 124 MW, the Facility will generate enough electricity to meet the average annual consumption of approximately 20,000 households in New York State (EIA, 2016)." DPS Staff has typically encountered net capacity factors for wind farm generation in the range of approximately 32-36%. The noted result suggests that a much lower net capacity factor was used for calculating the approximate number of households' usage that this Project could provide. The PSS should provide an explanation of the capacity factor expected to be achieved by this project and whether 20,000 households is an accurate figure.	Comment noted. Average annual household consumption in New York in 2015 was 7.2 MW. With a nameplate capacity of up to 124 MW and a capacity factor of 33%, the Facility will generate enough electricity to meet the average annual consumption of approximately 50,000 households in New York State. Source: USEIA, 2015. US Energy Information Administration. USEIA FAQs. Average monthly residential electricity consumption, prices, and bills by state (excel). Available: http://www.eia.gov/electricity/sales_revenue_price/xls/table5_a.xlsx
54	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	1.5	Section 1.5 - Introduction - Impact Avoidance Measures	NA	Staff notes that the Applicant plans to develop and implement a Complaint Resolution Plan to address potential concerns of local landowners. However, the Plan should be broader in scope and address concerns raised by members of the public besides landowners.	The Complaint Resolution Plan to be presented in the Application will address potential concerns raised by the public.
55	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.1	Section 2.1 - General Requirements	Exhibit 1 - General Requirements	Staff recommends that the toll-free number established for the Project be provided wherever the public contact information is noted throughout the filing, including the public notice.	Comment noted. A toll free number will be provided with public contact information.

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56	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings	Exhibit 11 - Preliminary Design Drawings	As noted in General Comment 3, DPS Staff recommends that the Applicant provide a completed Attachment 1, Map Sizes and Scales, sheet as part of its response to PSS comments regarding approximations of drawing scales to be submitted in the Application. This attachment contains a list of typical wind farm drawings and includes headings for anticipated corresponding extent limits, scales, and proposed drawing paper sizes. DPS Staff has included a partial list of suggested scales, sizes, etc., for various drawings; if these numbers differ from what the Applicant anticipates, please provide alternative numbers in the response to PSS comments.	Comment noted. The Applicant is currently reviewing the details associated with the "Preliminary Proposed Map Sizes and Scales for Article 10 Application" and will consult further with DPS on this particular topic during the stipulations process.
57	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings	Exhibit 11 - Preliminary Design Drawings	Page 56 of the PSS notes that, "[a]dditionally, a CD-ROM containing electronic PDF files will be submitted to DPS Staff." DPS Staff requests that the CD-ROM also include AutoCAD files of the preliminary design drawings.	Comment noted. The 2D layout will be provided.
58	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings - Site Plan	Exhibit 11 - Preliminary Design Drawings	DPS Staff recommends that Section 2.11(a) Site Plan Preliminary Design Drawings include municipal and other boundaries, property lines, indications of existing easements for public roadways, and other structures or uses.	Comment noted. This information will be incorporated into the Preliminary Design Drawings.
59	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings - Site Plan	Exhibit 11 - Preliminary Design Drawings	It is noted on page 57 of the PSS that the Project substation outline (including access driveway and fence line) will be included in the preliminary design drawings. DPS Staff also recommends that the Applicant provide setback distances from property lines at the collection substation site.	Comment noted. This information will be incorporated into the Preliminary Design Drawings.
60	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings - Site Plan	Exhibit 11 - Preliminary Design Drawings	The Applicant states on page 57 of the PSS that the O&M building and parking lot will be shown on the preliminary design drawings for the Facility. Any associated proposed septic system(s), and water supply wells should be shown on these drawings.	Comment noted. Preliminary locations will be incorporated into the Preliminary Design Drawings.

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61	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings - Site Plan	Exhibit 11 - Preliminary Design Drawings	The PSS states on page 57 that the laydown, staging, and equipment storage areas will be included in the preliminary design drawings for the Facility. DPS Staff advises that these plans should indicate access locations.	Comment noted. This information will be incorporated into the Preliminary Design Drawings.
62	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings - Site Plan	Exhibit 11 - Preliminary Design Drawings	DPS Staff recommends that the following be included in the Preliminary Design Drawings on page 57 of the PSS: i. Back-up generators and fuel storage areas; ii. An outline of the switchyard area, including access driveway, fence line, and property setbacks.	Comment noted. This information will be incorporated into the Preliminary Design Drawings, as applicable to the proposed Facility.
63	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings -Typical Design Detail Drawings	Exhibit 11 - Preliminary Design Drawings	Bluestone Wind notes on page 59 of the PSS that the will contain typical design drawing details associated with the Facility, and is anticipated to include: access roads; turbine laydown areas; HDD; buried and above-ground collection and transmission lines; wind turbine foundations; wind turbine brochures; and typical wind turbine technical and safety manuals. In addition to the above noted items, DPS Staff recommends that the following details be included in the Application: i. A turbine layout plan that illustrates the various setbacks from each turbine to other features based on local laws and ordinances. It is recommended that this detail reflect the setback distances listed in completed Attachment 4;	Comment noted. The Preliminary Design Drawings necessarily depict a significant amount of information. These drawings will only include setbacks if such additional information can be effectively incorporated without detracting from the required information. To the extent determined necessary to improve the display of information, setbacks may be depicted on a separate set of drawings.
64	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings -Typical Design Detail Drawings	Exhibit 11 - Preliminary Design Drawings	ii. A circuit map indicating proposed overhead and underground collection and transmission installations and the number of circuits per proposed run; and CASE 16-F-0559 DPS Staff Comments on PSS 7	Comment noted. This information will be incorporated into the Preliminary Design Drawings.
65	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.11	Section 2.11 - Preliminary Design Drawings -Typical Design Detail Drawings	Exhibit 11 - Preliminary Design Drawings	iii. Regarding details for buried and above-ground collection and transmission lines, DPS Staff specifically recommends that the following typical details be provided in the Application: 1. Plan and sections of underground facilities, including single and multiple-circuit layouts with dimensions of proposed depth and level of cover, separation requirements between circuits, clearing width limits for construction and operation of the Facility, limits of disturbance, and required permanent right-of-way (ROW). 2. Elevations for overhead facilities, for collection and transmission lines (if applicable), including height above grade, structure layouts, clearing width limits for construction and operation of the Facility, permanent ROW widths,	Comment noted. This information will be incorporated into the Preliminary Design Drawings, or a similar set of drawings specific to the requested information, as applicable to the proposed Facility.

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							average span lengths for each proposed layout, and structure separation requirements (for installations requiring more than one pole, etc.) for all single and multiple-circuit layouts.	
66	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction	Exhibit 12 - Construction	DPS Staff recommends that this section include information on how and when the Applicant will communicate with stakeholders about construction activities, schedule and applicable safety and security measures.	Please see PSS Section 2.2 (d), which describes public involvement after the submission of the Application. The Application will also address stakeholder outreach in relation to construction activities.
67	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction - Conformance with Public Service Commission Requirements	Exhibit 12 - Construction	The PSS states on page 61 that "[t]he Applicant will work [sic] coordinate with the pipeline companies identified in the Master Stakeholder List regarding gas pipelines within the Facility Area. Further, the Applicant will consult with local municipalities to determine whether any underground facilities, such as public water or sewer lines, are located in the vicinity of proposed ground disturbances." DPS Staff advises that the Applicant provide updates to Staff regarding locations of utilities in relation to proposed Project facilities revealed through communications with utility owners and discussions pertaining to protective measures of pipelines including specific separation requirements/recommendations or pipeline owner suggested protective installations or studies.	Comment noted.
68	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction - Procedures for Addressing Public Complaints and Disputes	Exhibit 12 - Construction	DPS Staff recommends that the Applicant describe, in its response to PSS comments, procedures for notifying Staff of complaints and resolutions.	As indicated in PSS Section 2.12(d), a Complaint Resolution Plan will be developed and included in the Application, which will include "...specification of commitments for addressing public complaints, and procedures for dispute resolution during Facility construction and operation of the Facility... In addition, the Plan will include a procedure for review and transmittal of complaints, updates and plans for resolution to DPS Staff..."
69	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction - Procedures for Addressing Public Complaints and Disputes	Exhibit 12 - Construction	The Complaint procedures note that complaints can be registered in writing. Staff recommends that this method include direct mail as well as electronic correspondence through email and/or the Project website.	Comment noted.

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70	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction - Procedures for Addressing Public Complaints and Disputes	Exhibit 12 - Construction	The Applicant stated that it will include a process for notifying landowners with drinking wells within one mile of proposed blasting activities. These notifications should include a summary of the Project, contact information and a description of where the landowner can get more information about the Project (i.e. Project website, document repositories, etc.).	Comment noted.
71	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction - Procedures for Addressing Public Complaints and Disputes	Exhibit 12 - Construction	Complaints due to noise are an important consideration as part of an overall Complaint Resolution Plan for construction and operation of the Facility. Staff recommends that an overall Complaint Resolution Plan identify and include any procedures that may be unique for each phase of project development (e.g. construction, operation and decommissioning the Facility).	Comment noted.
72	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.12	Section 2.12 - Construction - Procedures for Addressing Public Complaints and Disputes	Exhibit 12 - Construction	Complaint handling needs to address both written and oral complaints. Oral complaints received during construction need to be converted to written documents that can be tracked by the certificate holder and contractors and be reported to DPS Staff. The complaint process needs to have assigned personnel to track the resolution of the complaint from the time of receipt, verification, resolution development, implementation and confirmation of resolution. Construction phase complaint resolution of the issue needs to be handled by other personnel. Complaint calls need to be handled locally and quickly during construction. The Application should provide a complaint resolution plan that is easily accessed, is tracked to time of resolution, provides input from construction managers as appropriate, and clearly defines responsibilities for issue resolution.	Comment noted.
73	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.13	Section 2.13 - Real Property - Demonstration that the Applicant Has Obtained Titled or Lease Interest in Facility Area	Exhibit 13 - Real Property	DPS Staff recommends that this Section address whether specific Facility Site parcels have existing easements or leases of surface or subsurface mineral or gas extraction rights.	The Applicant will address all mineral rights issues with the owner(s) of those rights prior to construction and will provide copies of any such agreements.
74	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.13	Section 2.13 - Real Property - Demonstration that the Applicant Has Obtained Titled or Lease Interest in Facility Area	Exhibit 13 - Real Property	DPS Staff recommends that this Section address any limitations or effects such easements, leases or rights may have on the Applicant's proposed property interest or land control showing required by this part. (See, Comments Re: Section 2.4. (i).)	The Applicant will address all mineral rights issues with the owner(s) of those rights prior to construction and will provide copies of any such agreements.

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75	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.15	Section 2.15 - Public Health and Safety - Gaseous, Liquid, and Solid Wastes to be Produced During Construction and Operation; Anticipated Volumes of Wastes to be Released to the Environment; Treatment Processes to Minimize Wastes Released to the Environment; Procedures for Collection, Handling, Storage, Transport and Disposal of Wastes	Exhibit 15 - Public Health and Safety	DPS Staff notes that all potential waste materials are not addressed. i. Waste materials including stumps, non-commercial logs, slash and other woody debris from construction-related site clearing and development should be identified. Given the preponderance (over 80% of the Facility Area) of forest cover noted in the PSS (Section 2.22, Table 4, page 104) project development is likely to generate significant amounts of waste wood materials. ii. Waste oil from wind turbine components and electrical voltage transformers should be identified.	Comment noted. The list of potential waste materials to be addressed in the Application will be expanded as recommended.
76	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	DPS Staff notes that the discussion of adverse health impacts in this Section does not provide a sufficiently detailed basis to support the statements. Please expand.	The Applicant cannot respond to this comment because the specific "statements" that require more detail are not identified by the commenter. However, the PSS is meant to provide a broad overview of information to be provided in the Application; the Application itself will include the detail requested by commenter supporting the overall assessment of potential health impacts from the Facility.
77	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	DPS Staff recommends that the analysis of Shadow Flicker should: i. Include additional receptor location categories including summer camps (e.g., YMCA Camp Tuscarora), and private campgrounds (as noted in Land Use comments); ii. Report shadow flicker impacts in both hours and minutes per day, and per year	The shadow flicker report will address recreational resources (e.g., summer camps, parks, trails, etc.) by identifying and mapping such resources in relation to the shadow flicker contours generated by the modeling software, which will allow for a qualitative assessment. For discrete receptors entered into the shadow flicker model, results will be presented in hours/minutes per day and per year.
78	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.15	Section 2.15 - Public Health and Safety - Public Health and Safety Maps	Exhibit 15 - Public Health and Safety	This should include relevant emergency response information for the Facility Area. The Broome County GIS website has data coverages that may be useful references.	Comment noted. Broome County's GIS emergency response information will be consulted.

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79	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.15	Section 2.15 - Public Health and Safety - Impact Minimization Measures	Exhibit 15 - Public Health and Safety	DPS Staff notes that the Renewable Energy Systems requirements of the Land Use Management Law requires the posting of warning signs on properties with wind turbines as an additional public safety measure. This should be addressed.	Comment noted. This will be addressed in the Application.
80	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.18	Section 2.18 - Safety and Security	Exhibit - 18 Safety and Security	The Applicant notes that it will coordinate with local emergency responders. The site security plans should clarify whether these are responders within the Project Area or within the Study Area.	The Application will identify local emergency responders and will include their location and service area relative to the Facility.
81	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Sensitive Sound Receptor Map	Exhibit 19 - Noise and Vibration	DPS Staff advises that the list of "sound sensitive receptors" should be expanded to include participating receptors, public campgrounds, summer camps (e.g., YMCA Camp Tuscarora), and any historic resources listed or eligible for listing on the State or National Register of Historic Places, and Federal and New York State lands, if any.	Please see response to similar comments from the NYS Department of Health above regarding sound receptors.
82	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Sensitive Sound Receptor Map	Exhibit 19 - Noise and Vibration	DPS Staff recommends that the Application include the [sensitive sound receptor] map(s) in digital format.	This will be included in the Application.
83	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	DPS Staff requests that the Applicant justify not including hunting cabins and travel trailers as sensitive noise receptors.	Please see response to similar comment from the NYS Department of Health above regarding sound receptors.

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84	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	DPS Staff recommends reporting GPS or GIS coordinates and satellite pictures for all tested locations, along with a justification for location selection. Please specify whether selected locations are representative of potentially impacted receptors.	This will be included in the Application.
85	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	DPS Staff recommends providing traffic counts for the closest roads to the pre-construction ambient noise locations in the Application, if available.	This information will be provided in the Application.
86	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	The Application should report the specifications for the sound instrumentation that was used (type, sound floor, wind screens, temperature, relative humidity ranges, etc.), calibration results, meter settings, range of sound frequencies that were measured, weather conditions during testing, testing conditions that will be excluded, time frames and schedules, testing methodologies and procedures, provisions for sounds with strong low frequency noise content, if any.	This information will be provided in the Application.
87	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	This section should clearly specify the range of frequencies that were evaluated for "audible" sounds and infrasound. DPS Staff recommends that the evaluation of "audible" sounds include, at a minimum, sound frequencies from 20 Hz up to 10,000 Hz and between 0.5 Hz and 20 Hz for infrasound.	This information will be provided in the Application.
88	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	In addition to the standards specified in the winter collection protocol, the Applicant should report whether the instrumentation also complies with ANSI S1.43-1997 (R March 16, 2007). Specifications for Integrating-Averaging Sound Level Meters.	The instrumentation also conforms to ANSI S1.43-1997. This will be reported in the Application.

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89	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	This section should specify all the instrumentation and parameters that were used to document weather conditions at sound testing positions. DPS Staff recommends the use of information from the meteorological tower(s) and portable weather station(s) at sound measurement locations to document, at a minimum, temperature, relative humidity, wind magnitude and direction, and rainfall (precipitation). Sound data collected at wind speeds exceeding 5 m/sec (11 M.P.H.), at 2+0.20 meters above the ground, or at sound microphone elevation should be excluded as well as periods of thunderstorms and wet road conditions.	This information will be provided in the Application.
90	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19 - Noise and Vibration	Broad-Band A-weighted sound levels should be reported in the Application with graphs plotted as a function of time at each evaluated position showing exclusions due to wind speed, temperature, relative humidity, rain fall or thunderstorms/snow storms.	This information will be provided in the Application.
91	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration	Exhibit 19 - Noise and Vibration	Sound levels should also be plotted in the Application as a function of 1/3 octave band frequencies for the L90 and the Leq descriptors for winter, summer, daytime and nighttime, including minimum, maximum and mean levels.	This comment is overly burdensome and not required by the rule. Average one-third octave band sound levels (L90 and Leq) will be plotted for each location for both winter and summer. These data will be further broken down by daytime and nighttime.
92	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration	Exhibit 19 - Noise and Vibration	DPS Staff recommends plotting sound levels as a function of wind speed at 10 meters in the Application (as extrapolated from the meteorological tower). For illustration, please see figures 4.4.1.3., 4.4.1.4., and 4.4.1.5 in NARUC- 2011 guidelines, pages 31, 32, and 33, respectively.	This information will be provided in the Application.
93	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Estimated Sound Levels to be Produced by Operation of the Facility	Exhibit 19 - Noise and Vibration	DPS Staff recommends including the following in the Application: i. Sound contours at a minimum 1-dBA increments and multiples of 5-dBA differentiated to include at a minimum sound contours equal to and greater than 35 dBA and the details specified by 16 NYCRR §1001.19 (a)	This information will be provided in the Application.

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94	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Estimated Sound Levels to be Produced by Operation of the Facility	Exhibit 19 - Noise and Vibration	ii. Digital color drawings showing noise contours in the Application	This information will be provided in the Application.
95	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Estimated Sound Levels to be Produced by Operation of the Facility	Exhibit 19 - Noise and Vibration	iii. Full size color hardcopy drawing(s) for DPS Staff (22" x 34" and 1:1,000 scale or similar)	This information will be provided in the Application.
96	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Estimated Sound Levels to be Produced by Operation of the Facility	Exhibit 19 - Noise and Vibration	iv. Sound contours indicating participant, not-participant (including developed and undeveloped lots) and potentially- participant boundary lines. Only properties that have a signed contract with the Applicant prior to the date of filing the Application should be identified as "participating." Other properties may be designated as either "nonparticipating" or "potentially participating." Updates with ID-tax numbers may be filed after the Application is filed.	This information will be provided in the Application.
97	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Estimated Sound Levels to be Produced by Operation of the Facility	Exhibit 19 - Noise and Vibration	Provide a discussion about meteorological corrections, range of frequencies, and sound power level and receiver height assumptions for computer noise modeling under ISO 9613-2 with no meteorological correction (Cmet) and with the CONCAWE meteorological correction during the PSS and Stipulation phases. In addition, DPS Staff proposes that the scope include separate discussions about computer modeling results from ISO 9613-2 with and without the CONCAWE meteorological correction. If any corrections are applied to any model results, both corrected and uncorrected results should be presented along with a discussion, documentation and justification for any corrections. For a discussion about the effects on accuracy for the ISO 9613-2 with and without the CONCAWE meteorological correction as related to different assumptions, DPS Staff recommends consulting at a minimum, the following references: 1. "Best Practices Guidelines for Assessing Sound Emissions from Proposed Wind Farms and Measuring the Performance of Completed Projects," October 13, 2011. Prepared for: The Minnesota Public Utilities Commission under the auspices of the National Association of Regulatory Utility Commissioners (NARUC), Washington, D.C.; 2. Comparison of Predicted and Measured Wind Farm Noise Levels and Implications for Assessment of New Wind Farms. Tom Evans and Jonathan Cooper. Acoustics Australia. Vol. 40. No. 1. April 2012. Pp 28-36; 3. Propagation Modeling Parameters for Wind Power Projects. Kenneth	This information will be provided in the Application.

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							Kaliski and Eddie Duncan. Sound and vibration. December 2008. Pp. 12-15 Section 2.19(e)(1) – 12 Future Noise Levels During Operation; 4. RSG et al, "Massachusetts Study on Wind Turbine Acoustics," Massachusetts Clean Energy Center and Massachusetts Department of Environmental Protection, 2016.	
98	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	The scope of studies should specify the range of frequencies to be evaluated with the computer model. DPS Staff recommend, at a minimum, including sound frequencies from 31 Hz up to 8,000 Hz.	This information will be provided in the Application.
99	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	DPS Staff recommends reporting tonality values for a batch of turbines as specified in IEC 61400-14 Part 14, (IEC Technical Specification IEC TS 61400-14 Wind Turbines - Part 14: Declaration of Apparent Sound Power Levels and Tonality Values) and for a single turbine as specified in IEC 61400-11, if available (IEC Standards IEC 61400-11 Wind Turbines - Part 11: Acoustic Noise Measurement Techniques).	This information will be provided in the Application.
100	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	This section specifies that noise modeling will be, "[p]erformed for the turbine model with the highest sound power levels presented in the Application." DPS Staff recommends the tonal evaluation be completed for not only the closest, but also the most impacted sound receptors.	This information will be provided in the Application.
101	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	If other turbine models considered for the project have lower broadband A-weighted sound power levels but greater maximum un-weighted (Z or linear) sound power levels at the 31.5 Hz or 63 Hz full- octave bands, the discussion of low frequency noise impacts for those bands should be based on modeling scenarios that use the maximum sound power levels at those low frequency bands.	This information will be provided in the Application.
102	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	Include in the scope of studies a summary of recommendations, guidelines or regulations for infrasound levels in the discussion.	This information will be provided in the Application.

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103	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	Specify whether the sound pressure or sound power levels will be extrapolated down to the infrasound region.	If data on infrasound is not available from the manufacturer, then sound levels will be extrapolated down to 0.5 Hz.
104	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	Discuss in the scope of studies the divergence pattern that will be assumed for propagation of infrasound at long distances (e.g. 3 dB or 6 dB per doubling distance) as well as the lowest frequency that will be evaluated.	This information will be provided in the Application.
105	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	DPS Staff recommends that, as part of the scope of studies, the Application include a literature review of amplitude modulation from wind turbines including a description of the phenomenon and a discussion about whether it can be predicted.	This information will be provided in the Application.
106	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	DPS Staff recommends that, as part of the scope of studies, the Application include and report the standards, formulae, and procedures for the determination of wind shear and turbulence. DPS Staff recommends that the procedures and formulae included in Annexes B and D of IEC 61400-11 Part 11 be used.	This information will be provided in the Application.
107	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	DPS Staff recommends that, as part of the scope of studies, the Application include a discussion about existing wind shear and turbulence conditions as determined from meteorological station data at the site.	This information will be provided in the Application.

Comment Number	Commenter/Date	Date of Comment	Entity	Section	PSS Section and Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
108	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	DPS Staff recommends that, as part of the scope of studies, the Application include a qualitative evaluation about the potential for modification of turbulence and wind shear conditions at the site created by the wake of the turbines after installation, and any other relevant criteria identified in the literature review.	This phenomenon is not currently well understood and thus no evaluation will be performed.
109	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Predicted Sound Levels Table	Exhibit 19 - Noise and Vibration	The scope should specify how the information obtained from the baseline preconstruction ambient noise survey will be processed to evaluate the L90 and Leq statistical noise descriptors required by 16 NYCRR §1001.19(f). DPS Staff recommends following the provisions of ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 (Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas) to calculate and report the L90 and Leq values. Alternatively, the L90 and Leq for the daytime, nighttime, summer, winter, and for a year (see 16 NYCRR §1001.19(f) for details) can be determined by reprocessing short time collections of the Leq noise descriptor (e.g. 1 sec.) after exclusions have been applied.	This information will be provided in the Application.
110	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	The PSS should specify whether the evaluation of future operational noise levels (as required by 16 NYCRR §1001.19(f) for the L10 and L50 noise descriptors) will exclude the periods of time when the turbines will not be operating (Wind speed lower than the cut-in speed and higher than the cutout speed). DPS Staff notes that NYCRR §1001.19(f) requires evaluation of such noise descriptors during "normal operating conditions" and for that reason recommends excluding the periods of time when the turbines will not be operating (idle periods, blades not rotating) from calculation of the future operational noise levels L10 and L50. If the Applicant believes that the inclusion of periods of time when the turbines will not be operating (rotating) is necessary for determination of those descriptors, or any other descriptor needed, either for the analysis of a specific topic, methodology, guideline or regulation, the issue should be discussed in the scoping and stipulation phases.	Both periods with and without the wind turbines operating will be calculated and presented in the Application.
111	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Applicable Noise Standards; Noise Standards Comparison	Exhibit 19 - Noise and Vibration	Submit copies of any local regulation for discussion.	This information will be provided in the Application.

Comment Number	Commenter/Date	Date of Comment	Entity	Section	PSS Section and Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
112	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Applicable Noise Standards; Noise Standards Comparison	Exhibit 19 - Noise and Vibration	When setting design goals for the project, consider the ANSI/ASA S2.71-1983 (R August 6, 2012) Guide to Evaluation of Human Exposure to Vibration in Buildings.	The literature reviews on this topic will be presented in the Application. However, based on the current science, it is not expected that a design goal for vibration is necessary.
113	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Applicable Noise Standards; Noise Standards Comparison	Exhibit 19 - Noise and Vibration	Consistent with 1001.19 Section 2.19(g), the scope should include design goals for the facility at representative external property boundary lines.	This information will be provided in the Application.
114	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Applicable Noise Standards; Noise Standards Comparison	Exhibit 19 - Noise and Vibration	Circumscribe the Application of NYSDEC noise policy to NYSDEC lands, if any.	This information will be provided in the Application.
115	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Applicable Noise Standards; Noise Standards Comparison	Exhibit 19 - Noise and Vibration	Include the full citation for the "NARUC Table ES-5".	If this table is used in the Application, a full citation will be provided.
116	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Noise Standards Comparison	Exhibit 19 - Noise and Vibration	The scope of studies should include evaluation of conformance with identified noise standards, goals, thresholds and local requirements at boundary lines.	This information will be provided in the Application.

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117	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Noise Standards Comparison	Exhibit 19 - Noise and Vibration	DPS Staff recommends that results be presented in tabular format for noise sensitive receptors and in graphical format (sound contours) for property lines.	This information will be provided in the Application.
118	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Noise Standards Comparison	Exhibit 19 - Noise and Vibration	DPS Staff recommends that sensitive sound receptors are identified with land/tax ID numbers.	Each receptor will be labeled with a unique code for clear identification. This may be a tax ID or some other logical ID system.
119	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Noise Standards Comparison	Exhibit 19 - Noise and Vibration	DPS Staff recommends that estimates of the number of noise sensitive receptors that will exceed any identified limit, threshold, goal, guideline or recommendation are reported in the Application (in terms of absolute and percent values).	This information will be provided in the Application.
120	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 2.19 - Noise and Vibration - Community Noise Impacts	Exhibit 19 - Noise and Vibration	Provide justification for limiting evaluation of sound impacts at gazebos and gathering areas within publicly owned lands.	The Project Sponsor does not understand this comment. As clearly stated in PSS Section 2.19(k)(2), 'the Project Sponsor will evaluate impacts at actual locations intended for use at public facilities, such as gazebos, gathering areas, etc., within the publicly owned land.' In other words, the Project Sponsor does intend on conducting evaluation at these locations.
121	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Post-Construction Noise Evaluation Studies	Exhibit 19 - Noise and Vibration	DPS Staff recommends specifying in the scope that the protocol will include, among other items, sound instrumentation specifications and calibration requirements; equipment settings; noise and vibration descriptors to be evaluated; weather conditions to be tested and to be excluded; seasons and time frames for testing; testing procedures, provisions for audible prominent tones, low frequency noise, amplitude modulation and vibrations; provisions for processing test results, reporting, and documentation.	This information will be provided in the Application.

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122	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Operational Controls and Mitigation Measures to Address Reasonable Complaints	Exhibit 19 - Noise and Vibration	DPS Staff recommends that as part of the complaint handling procedure a log of complaints and a complaint resolution plan be included.	This information will be provided in the Application.
123	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Input Parameters, Assumptions, and Data Used for Modeling	Exhibit 19 - Noise and Vibration	DPS Staff recommends discussing during the stipulation process and the application of uncertainty margins to Sound Power Levels for computer noise modeling purposes.	The manufacturer's uncertainty will be included in the model. All modeling assumptions will be explained and described in the Application.
124	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Input Parameters, Assumptions, and Data Used for Modeling	Exhibit 19 - Noise and Vibration	DPS recommends including in the scope that sound power information from the turbines will be reported as associated with wind speed magnitudes, angular speed of the rotor, and rated power for the basic configuration and for any noise reduction operations for the turbine model used in the Application, if available.	This information will be provided in the Application.
125	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Input Parameters, Assumptions, and Data Used for Modeling	Exhibit 19 - Noise and Vibration	DPS recommends including in the scope that location of the turbines will be identified with Geographic Information System (GIS) coordinates and documented with GIS files.	This information will be provided in the Application.
126	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Input Parameters, Assumptions, and Data Used for Modeling	Exhibit 19 - Noise and Vibration	DPS recommends that technical specification, including turbine dimensions, hub height, and diameter of tip blades rotation, be included in the Application.	This information will be provided in the Application.

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127	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Input Parameters, Assumptions, and Data Used for Modeling	Exhibit 19 - Noise and Vibration	DPS recommends that proposed grading and turbine ground elevations will be reported in the Application.	Turbine base elevations will be included in the Application.
128	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.19	Section 19 - Noise and Vibration - Input Parameters, Assumptions, and Data Used for Modeling	Exhibit 19 - Noise and Vibration	DPS recommends using the same labels for sound and flicker sensitive receptors.	This information will be provided in the Application.
129	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.2	Section 2.2 - Overview and Public Involvement	Exhibit 2 - Overview and Public Involvement	The description of the Public Involvement Program (PIP) should note the purpose of the PIP Plan, i.e. to engage affected stakeholders in the process in order to understand their interests, gather pertinent information and work with them to address their issues and concerns and take those issues and concerns into account as the Project moves forward.	Comment noted.
130	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.2	Section 2.2 - Overview and Public Involvement	Exhibit 2 - Overview and Public Involvement	The Applicant included an updated Master Stakeholders List in Appendix C. However, the list does not include landowners in the Project Area. Per the PIP plan, the Applicant would identify the host and adjacent landowners and include them in the PSS filing. As such, the landowners should have been provided a notice of the filing. Moving forward, the Applicant will provide an updated stakeholder list, including host and adjacent landowners, and indicate how the stakeholders have been identified and subsequently added to the list during the scoping and stipulation process. The Applicant should briefly describe how the list will be used for distribution and notification regarding project milestones, including submittal of the Application.	As indicated in the PSS in Section 2.2(c), "During the time before the submission of the Article 10 Application, the Applicant intends to continue stakeholder outreach. The Applicant mailed a notice of PSS filing to members of the Master Stakeholder List (see Appendix C) just prior to the submission of the PSS to provide an update on the Facility and invite comments and remind the stakeholders of the comment period timeframe. Notice letters were also provided to the members of the State legislature in whose district the Facility is proposed, and to individuals who have filed a notice with the Secretary seeking to receive notices in this proceeding. A PSS filing notice was submitted for publication in the local newspapers identified in the PIP, and posted to the Project Website. All of these notices outlined the purpose of the PSS document, and highlighted the fact that there is a 21-day public comment period for stakeholders interested in providing input on this document, and the scopes and methodologies out studies outlined herein." As also indicated in the PSS (e.g., Section 1.5) the Facility layout has not yet been fully developed. As such, the list of host and adjacent landowners cannot yet be finalized. Once such lists are finalized they will be included in the Master Stakeholder List.

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131	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.2	Section 2.2 - Overview and Public Involvement - Brief Description of the Public Involvement Program before Submission of Application	Exhibit 2 - Overview and Public Involvement	The Applicant noted that an open house was held in the Town of Windsor in January 2017. However, there was no indication of why the similar planned event for the Town of Sanford did not occur. In addition, the discussion did not describe the methods used to announce the event or reference the meeting log which provides more information. It is also unclear whether host or adjacent landowners were notified by mail since they were not included in the stakeholder list. Lastly, the Applicant did not identify whether it posted notice of the open house in visible areas within the Towns of Sanford and Windsor as agreed to in the PIP Plan.	As indicated in Section 2.2(c) of the PSS, "A second open house will be held in the Town of Sanford in the fall of 2017." The Applicant determined that the second open house would be more meaningful once additional information was available for public review (i.e., following submittal of, and comments on, the PSS). The notification process for the January Open House conformed to the procedure outlined in the PIP and include direct notice letters to the stakeholders, website listings and notices within the local newspapers. The Applicant currently intends to hold the second open house in the fall or winter of 2017, and the noticing for this second open house will be consistent with the noticing for the first open house.
132	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.2	Section 2.2 - Overview and Public Involvement - Brief Description of the Public Involvement Program before Submission of Application	Exhibit 2 - Overview and Public Involvement	The implementation of the PIP Plan does not appear to have followed the below items: i. Section 5.2 in the PIP at page 13 indicates that the PIP Tracking and Meeting Log, "[t]able will be continuously updated as consultations and stakeholder participation activities take place, and additional means of engagement are identified (as necessary)." DPS has not been provided with any updates to the PIP tracking since the revised PIP was filed on 12/2/2016. ii. DPS was identified in the PIP list of agency stakeholders at Exhibit B: no outreach to DPS has been initiated by the Applicant since the revised PIP was filed.	The Applicant will provide more frequent meeting log updates, and will engage in more consistent outreach to DPS staff. The Project Sponsor provided an updated tracking log with the PSS, which provided a summary of outreach through August 2017. Following the revised PIP filing, notifications to the DPS regarding the Facility included: <ul style="list-style-type: none"> • Meeting invitation to review avian studies at NYSDEC on March 31, 2017, at which DPS was present • PSS Advance Notice letter sent August 10, 2017 • An updated PIP Tracking and Meeting Log was included in the PSS to update all PIP activities through August 2017 Moving forward, a pre-application conference is scheduled in this proceeding and, following that conference, Applicant will reach out to parties to commence discussion of Stipulations. PIP Tracking and Meeting Logs will be uploaded to DMM, and an open house will be held in within the project area in the fall/winter of 2017. Prior to submission of the Application, Applicant will provide notice via local newspapers, project websites, mailings and electronic notifications. Where appropriate, Applicant will attend local meetings and reach out to stakeholders for further discussions and consultations.
133	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.20	Section 2.20 - Cultural Resources - Historic Resources	Exhibit 20 - Cultural Resources	DPS notes that the Village of Deposit is located in both the Town of Sanford, Broome County, and the Town of Deposit, Delaware County.	Comment noted.

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134	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils	Exhibit 21 - Geology, Seismology, and Soils	Note comment above regarding mineral lease rights in Land Use Compatibility, Section 2.4(i).	Comment noted.
135	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Existing Slopes Map	Exhibit 21 - Geology, Seismology, and Soils	The map of existing slopes on and within the drainage area should identify potential receptor areas of stormwater runoff, including reservoirs within the Susquehanna River Basin and Delaware River Basin.	This information will be provided with the Application.
136	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Existing Slopes Map	Exhibit 21 - Geology, Seismology, and Soils	The Applicant should identify sensitive environmental, agricultural, and human health and safety receptors for potential hazards associated with construction on extremely steep slopes (slopes greater than 25%). For any facilities proposed to be located in areas of extremely steep slopes, the Application should assess the risk of potential impacts associated with construction on these areas, including potential for extreme rainfall events leading to severe erosion hazards and water quality impacts at downstream water resources and aquatic habitats. Mitigation and avoidance measures, including alternative siting of Project Facilities, should be discussed for each location.	The Applicant will consult further with DPS Staff regarding this comment. For instance, it is not clear what is meant by or intended by "human health and safety receptors" in relation to construction on steep slopes. Is the commenter referencing potential safety concerns associated with construction personnel?
137	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Excavation Techniques to be Employed	Exhibit 21 - Geology, Seismology, and Soils	If Horizontal Directional Drilling (HDD) is proposed, the Applicant should perform an evaluation of the suitability of existing soils and shallow bedrock, including an assessment of frac-out risk potential, based on the results of the preliminary geotechnical investigations and publicly available soil and bedrock data. A frac-out contingency plan should be provided, which identifies site specific potential receptors and establishes frac-out mitigation and response methods.	This information will be provided with the Application.
138	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Suitability for Construction	Exhibit 21 - Geology, Seismology, and Soils	The Application should include a preliminary analysis of the suitability of excavated materials for reuse as fill. Particular focus should be applied in evaluating the risk of degradation of turbine foundations. Areas within the Project boundary that are identified as having a moderate or high risk of corrosion of steel or concrete, as defined by the National Resources Conservation Service (NRCS) Web Soil Survey, should be identified. Acidic soils are generally considered to have a high risk of corrosion of steel and concrete. Soils containing large quantities of limestone may also be corrosive to steel, particularly if they are located in areas of shallow groundwater.	Comment noted. Risk of foundation corrosion will be included in the Application.

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139	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Suitability for Construction	Exhibit 21 - Geology, Seismology, and Soils	The Application should evaluate the suitability of existing soil types for reuse as backfill, particularly in areas where steel supports will be used in foundation design. Measures for reducing risk of degradation of foundation structures should be discussed. This evaluation should be considered in the preliminary calculations of fill materials that will be required for the Project.	Comment noted. Risk of foundation corrosion will be included in the Application.
140	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Suitability for Construction	Exhibit 21 - Geology, Seismology, and Soils	Applicant should provide a detailed plan describing the scope of geotechnical investigations that will be performed prior to the Application. The Preliminary Geotechnical Investigation Plan should provide a full description of the field investigations and testing proposed for characterizing the subsurface conditions in the Project area, and include test borings in representative locations of turbine foundations, road construction, blasting locations, and areas where HDD is considered for installation of collection lines. Test borings should be included in the preliminary geotechnical investigation regardless of seasonal restrictions.	A Preliminary Geotechnical Plan, including several of the investigations outlined in this comment will be shared with DPS once it is prepared. Preliminary geotechnical study results and a more detailed plan outlining additional pre-construction geotechnical investigations will be included in the Application.
141	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Suitability for Construction	Exhibit 21 - Geology, Seismology, and Soils	The Preliminary Geotechnical Testing Plan should identify and provide rationale for the locations of the proposed soil borings and describe the sampling methods and types of geotechnical and geophysical analyses that will be performed. Boring locations should be selected to characterize the various mapped soils and shallow bedrock types in the Project area. The results of preliminary geotechnical tests should be applied in evaluating: i. Turbine foundation design; ii. Excavation techniques, including blasting; iii. Preliminary cut and fill calculations; iv. Suitability of existing soils for reuse as fill; v. Crossing methods of sensitive environmental resources by collection lines and transmission lines.	A Preliminary Geotechnical Plan, including several of the investigations outlined in this comment will be shared with DPS once it is prepared. Preliminary geotechnical study results and a more detailed plan outlining additional pre-construction geotechnical investigations will be included in the Application.
142	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Regional Geology, Tectonic Setting, and Seismology	Exhibit 21 - Geology, Seismology, and Soils	The Application should identify locations where blasting is anticipated. The PSS states that turbines will be sited at least 500 feet from gas wells and the Applicant will perform pre- and post-construction testing on water wells located within 500 feet of blasting operations. The Application should include a justification for the proposed 500-foot setback distance and justify all locations where blasting is required and unavoidable within 500 feet of drinking water wells.	Comment noted. A preliminary blasting plan will be developed and included in the Application. Justification for the 500 foot setback will be included in the Application.
143	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Soil Types Map	Exhibit 21 - Geology, Seismology, and Soils	The Application should include a map identifying the locations of the 29 quarries in the Project area and a description of mitigation measures for minimizing impacts to quarry operations and access during construction.	The location of the quarries will be included in the Application. The Applicant does not anticipate any impacts to local quarries, but if a reasonable potential for impacts does exist then the Application will also describe mitigation measures.

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144	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Soil Types Map	Exhibit 21 - Geology, Seismology, and Soils	The Application should include a map of the Project area showing all locations designated as: i. Prime farmland; ii. Prime farmland, if drained; iii. Unique farmland; iv. Farmland of Statewide importance; v. Farmland of local importance.	This information will be provided with the Application.
145	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Soil Types Map	Exhibit 21 - Geology, Seismology, and Soils	A discussion should be included detailing how the siting, construction and operation of the Facility will avoid or otherwise minimize impacts to farmland with these designations. It should include a description of the proposed methods for soil stripping and storage and replacement upon the completion of construction, where disturbance to such areas cannot be avoided.	This information will be provided with the Application. It is currently anticipated that impacts to agricultural land/soils will be mitigated through implementation of the Department of Agriculture and Market's <i>Guidelines</i> .
146	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.21	Section 2.21 - Geology, Seismology, and Soils - Soil Types Map	Exhibit 21 - Geology, Seismology, and Soils	Methods for identifying the locations of drainage tile in designated farmland should be included in the Application, along with a description of practices for restoration of farmland drainage systems following construction.	This information will be provided with the Application.
147	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Plant Communities	Exhibit 22 - Terrestrial Ecology and Wetlands	The following should be added to the bulleted list on Page 106: i. "Identify and map areas with concentrations of invasive species that overlay areas of proposed disturbance."; ii. Identify and describe any unusual or significant natural communities that could support federally or state listed threatened or endangered (T&E), species of special concern (SSC), or species of greatest conservation need (SGCN)."	This information will be provided with the Application.
148	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands -Impacts to Plant Communities	Exhibit 22 - Terrestrial Ecology and Wetlands	Expand to include an evaluation of forest fragmentation	Please see forest fragmentation comments from the NYSDEC, and the associated responses. In addition, it is unclear what is intended by an "evaluation" of forest fragmentation and whether it is included in the response above or is beyond the requirements of the regulations.

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149	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	List bat species, black bear and bobcat as additional species expected to be found in the area on page 108.	Comment noted.
150	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	Add DPS to the agencies involved in the development of a Bird and Bat Conservation Strategy (BBCS) on page 109.	Comment noted.
151	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	Recommended Stipulation to Amphibians and Reptiles on page 110: To the extent that vernal pools and their functions (including the surrounding upland habitat) may be impacted by construction or operation of the facility, those features will be identified under appropriate seasonal conditions and these impacts shall be identified and assessed in the Application. Such impacts may require, in consultation with DEC and DPS Staff, the development and implementation of site-specific surveys for reptile and amphibian species under appropriate seasonal conditions in order to quantify the level of impact from the Project. Depending on timing of submission, this work may require that study of the topic continue after the Application is submitted.	Consultation with the NHP regarding rare or state-listed animals and plants and significant natural communities was received on March 23, 2017 (See PSS Appendix H). This correspondence indicates that no amphibians/reptiles were identified and vernal pools were not listed as sensitive habitat. Based on the publicly available data, vernal pools are not expected to be impacted by the Facility and therefore should not require specific study. If vernal pools are identified during the delineation efforts they will be documented.
152	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Impacts to Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22 - Terrestrial Ecology and Wetlands	For the purposes of forest fragmentation analysis an assumption should be made that indirect effects will extend 300 feet beyond the limits of disturbance.	Please see forest fragmentation comments from the NYSDEC, and the associated responses.
153	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	Add to list of bullets, "[e]valuation of cumulative impacts to migratory tree roosting bats from wind energy facilities."	Comment noted.

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154	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	DPS Staff recommends that the Applicant provide a literature review and impact analysis to assist in determining potential impacts of the New York State threatened Northern Long Eared Bat (NLEB) as a result of operation of the Facility as well as a literature review assessing the potential population, level effects of wind energy to migratory tree roosting bats and estimated cumulative mortality associated with the proposed Project and projects in the region.	Comment noted. A literature review will be included in the Application. Further discussion of the scope of this request will be discussed during the stipulations process
155	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The Applicant should add DPS to the agencies involved in the development of a Bird and Bat Conservation Strategy (BBCS) on page 113.	Comment noted.
156	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Avian and Bat Impact Analysis and Monitoring Program	Exhibit 22 - Terrestrial Ecology and Wetlands	The draft BBCS included with the Application should specify a proposed curtailment regime that is adequately protective of the NLEB and migratory tree roosting bats. DPS Staff recommends that the Applicant meet with DEC and DPS for consultation when formulating a proposed curtailment regime.	The Applicant will continue consultations with DPS and DEC on this topic, including the appropriate portion of the Application to include such information.
157	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Map Showing Delineated Wetland Boundaries	Exhibit 22 - Terrestrial Ecology and Wetlands	This section should include the delineation of vernal pools in accordance with the Regional Supplement.	The Applicant would appreciate clarification on this comment. Is the commenter specifically referencing the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region?
158	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.22	Section 2.22 - Terrestrial Ecology and Wetlands - Wetland Impacts	Exhibit 22 - Terrestrial Ecology and Wetlands	On page 117, the PSS states that the, "[i]mpacts will be presented in a table that identifies the type of impact and associated crossing methodology, clearly discerning between federal and state wetland (and 100-foot adjacent area) impacts." DPS Staff recommends that this table be modified as follows: i. A table of all State-regulated wetlands, Federal wetlands and streams, and environmentally sensitive areas that could potentially be impacted by the proposed Project as depicted in preliminary design drawings or wetland delineations. The Table shall: 1. Identify the corresponding page number on preliminary design drawings depicting the resource; 2. Include wetland delineation types, NYSDEC stream classifications, and descriptions of resources within environmental sensitive areas; 3. For each resource explain if the resource could reasonably be avoided; 4. Propose site specific actions to minimize impacts to resources that are not bypassed; and 5. Propose site specific actions to mitigate impacts to resources that are not bypassed.	The Applicant will consult with both DEC and DPS staff with respect to the format of the impact table to be presented in the Application.

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159	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	Appendix G	Appendix G - Raptor Migration Survey Protocol	Exhibit 22 - Terrestrial Ecology and Wetlands	Regarding the Raptor Migration Survey Protocol (Appendix G), DPS Staff requests an explanation and justification for this study not including any raptor migration survey sites near the western project boundary along the ridgeline, east of the Susquehanna River valley corridor.	The raptor migration survey work plan was reviewed by the NYSDEC (see comments above). The survey points were reviewed with the NYSDEC and USFWS and the survey locations were selected because of they provided the best viewsheds of the surrounding landscape to view migrating diurnal raptors. When conducting raptor migration surveys, the survey points should have as much of an unobstructed 360 degree viewshed as possible. The heavily forested area in the western portion of the Project prohibited adequate viewsheds to complete raptor migration surveys.
160	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	Appendix G	Appendix G - Raptor Migration Survey Protocol	Exhibit 22 - Terrestrial Ecology and Wetlands	Additional survey points should be established per preceding comment, with surveys conducted during Fall 2017 and Spring 2018 migration periods.	Please see responses above to comment 159 about the lack of adequate viewshed in the western portion of the Project.
161	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	Per the PSS (page 119), approximately 6,500 acres of the Facility Area lies within the Clinton Street-Ballpark Valley Sole Source Aquifer (SSA). Although EPA review is not required because the Project will not receive federal funding, a detailed analysis of potential impacts to the aquifer should be provided in the Application. The analysis should identify mitigation measures for minimization of impacts to the SSA, particularly with respect to stormwater management, management of drilling fluids associated with HDD, and potential blasting operations.	This information will be provided with the Application.
162	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The private well survey distributed to property owners within a 500-foot radius of project components should solicit information regarding well locations and well construction details, usage patterns, and water quality data, if available. The Applicant should develop a table summarizing the location, depth, usage, and water quality data obtained for all identified public and private water wells. Similar to Section 2.12, the survey of private wells in proximity to project components should include a summary of the Project, contact information and a description of where the well owner can get more information about the Project (i.e. Project website, document repositories, etc.).	This information will be provided with the Application.
163	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Water well locations should be indicated on maps showing groundwater aquifer and recharge areas and shallow aquifer groundwater flow direction, distinguishing whether each well location is approximate or confirmed.	This information will be provided with the Application.

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164	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The Application should include a plan for minimizing impacts to well usages in the area, including a complete inventory of all known shallow aquifer and deep aquifer wells within 500 feet of any areas of ground disturbance.	Wells will be identified as described in the PSS. The Applicant cannot guarantee that a "complete inventory of all" wells will be included in the Application because that is dependent on comprehensive data sets provided by other parties.
165	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The Application should include a plan for minimizing impacts to well usages in the area, including plans to minimize impacts to well productivity and water quality.	Comment noted.
166	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The Application should include a plan for minimizing impacts to well usages in the area, including information on the location, depth and usage patterns of existing public and private wells, as available from the well owners.	Comment noted.
167	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The Application should include a plan for minimizing impacts to well usages in the area, including complaint notification and resolution procedures, including 24-hour contact information for well owners to report impacts to well productivity and water quality during and following construction activities, including blasting operations.	Comment noted. As indicated in the PSS, the Applicant will include a complaint resolution plan in the Application, which will include commitments for addressing public complaints, and procedures for dispute resolution during Facility construction and operation.
168	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Groundwater	Exhibit 23 - Water Resources and Aquatic Ecology	The Applicant should perform a detailed assessment of soils, topographic features, and groundwater characteristics in order to anticipate whether dewatering will be required. Areas where existing soils are generally characterized as having low infiltration rates and low topographic relief should be identified. Although publicly available data may be limited, groundwater data, including groundwater depth, quality and flow direction, should be obtained during the advancement of geotechnical test borings within the Project area. Where dewatering is anticipated, the Application should include a detailed description of the proposed dewatering practices and a demonstration of how dewatering will avoid and/or minimize flooding, surface water runoff, and transport of fine-grained soils into existing surface water bodies. Any locations where permanent dewatering will be required should be identified and permanent dewatering practices should be described in detail.	To the extent that such data are available from existing data sources or preliminary geotechnical investigations, areas where dewatering of excavations may be required will be identified in Exhibit 23. This Exhibit will also include a description of anticipated dewatering practices and proposed mitigation measures.

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169	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	The flood-mitigation strategy for construction included in the Application should include a risk assessment and mitigation plan for potential impacts to surface water quality and drinking water supplies in the event of a major flood event during construction. The strategy should also address potential risks to operation of the facility in the event of a major flood event and describe how such risks are mitigated by the siting and design of Project facilities.	As indicated in the PSS, the Application will include a Preliminary SWPPP, and ultimately the Facility will be constructed and operated in accordance with a final, approved Facility-specific SWPPP to be prepared and set forth per the SPDES regulations. The SPDES regulations require evaluation of a 100-year storm event.
170	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	The Applicant should perform a comparative evaluation of viable crossing methods of NYS Protected Streams, NYS freshwater wetlands and adjacent areas, and Army Corps of Engineers regulated wetlands for all locations traversed by collection lines, transmission lines, or other Project facilities. The Application should include maps showing the locations of these crossings and identify the anticipated crossing methods. GIS shapefiles should be provided to DPS Staff for the proposed crossings, indicating the method of crossing at each location. Section 23 should discuss the proposed crossing locations and methods and evaluate how impacts to streams and wetlands are minimized to the maximum extent.	The Application will identify all Facility-related stream crossings and will address stream impact avoidance and minimization measures.
171	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.23	Section 2.23 - Water Resources and Aquatic Ecology - Surface Waters	Exhibit 23 - Water Resources and Aquatic Ecology	The location of all proposed HDD operations within 500 feet of surface waters, wetlands or existing water supply wells should be identified in the Application. Additionally, a description of mitigation measures to minimize impacts of HDD operations on surface water quality and the hydrologic flow patterns and groundwater quality of the shallow aquifer should be included.	Proposed HDD locations intended to avoid/minimize impacts to surface waters will be identified in the Application.
172	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	The U.S. Department of Transportation, Federal Highway Administration, has a newer set of Guidelines for the Visual Impact Assessment of Highway Projects that was released in 2015. DPS Staff recommends referring to this version instead of the 1981 version.	Comment noted.

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173	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	In the discussion of Landscape Composition, the PSS states that, "[b]asic Landscape components include vegetation, landform, water and sky." DPS Staff recommends that the Applicant consider replacing "sky" with "structure" on the proposed rating form (PSS Appendix I) as this is consistent with the Bureau of Land Management Visual Contrast Rating Worksheet (Form 8400-4). If "sky" is being referred to as far as atmospheric conditions (as noted in the Bureau of Land Management Manual 8431 – Visual Contrast Rating) then it is important that photos for simulations be taken on clear days when views are not obscured by light, shadows, or atmospheric conditions, unless atmospheric conditions are considered episodic. ("Where atmospheric conditions are episodic, repeating daily, seasonally or annually, include them in determining the area of a viewshed." U.S. Department of Transportation, Federal Highway Administration Guidelines for the Visual Impact Assessment of Highway Projects, page 36).	Comment noted. The Applicant intends to obtain photography on clear days.
174	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	"Structure" is an important feature because it can alter the character of natural and cultural landscapes. Buildings, infrastructure, transportation (railroads, airports, roads, canals, harbors), utilities (dams, electrical/telecommunication lines, water, solar, wind) and other engineered structures are part of a landscape and can impact the visual quality of an area.	Comment noted.
175	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	Shadow flicker assessment should report potential shadow flicker exposure in hours and minutes per day, and per year.	The shadow flicker modeling results will present the requested information.
176	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	Discussion of and citations to other states' shadow flicker exposure guidance are out of date and should be updated to include the following: Wisconsin requires that "[a]n owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker." (Wisconsin Public Service Commission, Chapter PSC 128 Wind Energy Systems, PSC 128.15 Shadow flicker (3)(b) http://docs.legis.wisconsin.gov/code/admin_code/psc/128/11/15 .)	Comment noted. The Project Sponsor will consult with DPS on this topic during the stipulations process. Exhibit 24 will include a literature review of shadow flicker and a discussion of applicable and appropriate standards.

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177	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	Discussion of and citations to other states' shadow flicker exposure guidance are out of date and should be updated to include the following: New Hampshire has revised regulations since the 2008 document cited in the PSS. New Hampshire Code Title XII Public Safety and Welfare, Chapter 162-H, Site 301.14(f)(2)(b) "With respect to shadow flicker, the shadow flicker created by the applicant's energy facility during operations shall not occur more than 8 hours per year at or within any residence, learning space, workplace, health care setting, outdoor or indoor public gathering area, or other occupied building."	Exhibit 24 will include a literature review of shadow flicker, including a discussion of applicable and appropriate standards. The Project Sponsor will consult with DPS on this topic during the stipulations process.
178	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	DPS Staff advises that appropriate flicker exposure design goals be established for "worst case" and for "real or expected case" analyses, since the refinement of a "real or expected case" analysis will include more representative weather, wind and visibility conditions than the "worst case" analysis.	Comment noted. The Project Sponsor will consult with DPS on this topic during the stipulations process.
179	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impacts - Viewshed Analysis	Exhibit 24 - Visual Impact Assessment	While wind turbines are the tallest facility components, visible from all distance zones, other facility components affecting viewpoints should also be considered, such as: aboveground collection lines, interconnection substations, cleared corridors through forest (particularly on steep slopes) and access roads. These can all create visual contrasts.	Comment noted. Access roads and other components will be addressed per PSS Section 2.20(a)(3).
180	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.24	Section 2.24 - Visual Impact	Exhibit 24 - Visual Impact Assessment	Given that the 10-mile radius for visual impact studies encompasses additional municipalities beyond those identified in the Project and Study Areas, DPS Staff recommends that initial outreach to visual stakeholders include a Project summary, contact information and a description of how to obtain or information regarding the Project. Visual stakeholders identified through this outreach should be provided an opportunity to be added to the master stakeholder list.	Comment noted. The PSS describes the visual outreach to be conducted. Specifically, Section 2.24(a)(1) of the PSS indicates, "Although a five-mile study area is typical in some instances, a 10-mile study area (hereafter referred to as Visual Study Area) will be used in order to identify any potential "significant resource concerns" beyond five miles that would warrant the use of a larger study area. A more inclusive inventory of locally significant visually sensitive resources will be conducted for the area within five miles of the proposed Facility. A preliminary visual study area is presented in Figure 9 of this PSS." Subsequently, Section 2.24(b)(4) of the PSS states, "The Project Sponsor will distribute a written request to appropriate agency personnel, municipal representatives, and other visual stakeholders, seeking feedback regarding the identification of important aesthetic resources and/or representative viewpoints in the Facility vicinity to inform field review efforts and the eventual selection of candidate viewpoints for the development of visual simulations. The materials to be provided as part of this request are anticipated to include: a summary of the purpose and necessity of consultation per the requirements of Article 10; a definition, explanation, and map of the Visual Study Area; a

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								preliminary inventory and map of visually sensitive resources identified in accordance with the NYSDEC Program Policy DEP-00-2 <i>Assessing and Mitigating Visual Impacts</i> ; a preliminary viewshed (visibility) analysis; a discussion of anticipated subsequent steps, including additional consultation regarding the eventual selection of viewpoints for development of visual simulations; and, a request for feedback regarding additional visually sensitive resources to be included in the analysis" The visual outreach materials will be provided to all visual stakeholders identified within the visual study area. Further, it is noted that the Study Area is limited to areas and resources within New York State, given the limited jurisdiction of the Siting Board and Article 10.
181	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.25	Section 2.25 - Effect on Transportation - Facility Trip Generation Characteristics	Exhibit 25 - Transportation	In the PSS, page 144 notes that, "[e]xact scheduling of construction work and required vehicles will be determined by the Applicant's contractor. Therefore, the study to be conducted and included in the will only provide an estimate based on typical volume of materials and number of vehicles per turbine installation." DPS Staff finds this statement acceptable; however, it should be noted that 1001.25(c)(1) requires for each major phase of construction and operation, an estimate of the number and frequency of vehicle trips, including time of day and day of week. This information should be provided for each major phase of turbine installations (concrete pouring, tower erection, etc.).	The requested information will be included with the Application.
182	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.25	Section 2.25 - Effect on Transportation - Federal Aviation Administrative Review	Exhibit 25 - Transportation	It is noted on page 147 of the PSS that the, "Chenango Bridge Airport and Kirkwood Airpark are respectively 12 and 7.8 miles away from the Facility Site, and the United Health Wilson Memorial Hospital heliport in Binghamton is 16.9 miles away." It appears that the Kirkwood Airpark is closed and has been removed from the FAA directory. However, DPS Staff advises that the Applicant verify the use of this airport and report the findings and status in the Application. If the proximity to any airports listed on page 148 of the PSS are within parameters of 16 NYCRR 1001.25(f)(2), then the Application will require the information of this regulation for each applicable airport.	Comment noted.
183	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.26	Section 2.26 - Effect on Communications - Evaluation of Design Configuration	Exhibit 26 - Effect on Communications	The Applicant States on page 153 of the PSS that, "[t]he Facility will be designed to avoid impacts to the communication systems to the extent practicable." DPS Staff advises that the Applicant's statement may not be definitive enough to ensure that the Applicant will demonstrate that "there shall be no adverse effects on the communications systems," as required by 16 NYCRR §1001.26(d).	To clarify, to the extent potential impacts to communication systems are identified, the Application will identify mitigation measures such that no significant adverse effects would occur.

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184	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.27	Section 2.27 - Socioeconomic Effects	Exhibit 27 - Socioeconomic Effects	DPS Staff advises the Applicant to remove all references to the JEDI Model. While Staff will not stipulate the use of a particular model to the Applicant, DPS Staff reserves the right to critique the economic model selected by the Applicant and/or the input values entered into that job impact model.	The Applicant intends on using the JEDI model to prepare the required socioeconomic analyses. It is the Applicant's understanding that the purpose of stipulations as to negotiate agreements on the scope and methodology, including models, to be used for the studies to be included in the Application. For example, the Applicant is hoping to come to agreement with DPS Staff on the noise modeling to be conducted for the Facility. Thus, the Applicant does not understand DPS's comment that it will "not stipulate the use of a particular model" if the model is sufficient to address the requirements of the regulations. To the extent DPS Staff has suggestions regarding a different model, the Applicant is willing to discuss other methods to assess the impacts required by this section during the stipulations discussions.
185	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	2.27	Section 2.27 - Socioeconomic Effects	Exhibit 27 - Socioeconomic Effects	The analysis of secondary employment and economic activity should also consider other related impacts, such as the economic impact associated with the cancellation of new power plants made unnecessary by the added wind capacity of the Project, if applicable, and the economic impacts associated with possible changes in the price of electricity due to the Project. If the Applicant cannot reasonably estimate any such impacts, it will explain why.	The Applicant will not conduct economic analyses associated with the cancellation of other power plants or wind power incentives and subsidies. Such an analysis is more appropriately performed by the Commission or Department of Public Service staff, given that those impacts will result from State policies and the Clean Energy Standard, regardless of which specific renewable energy facilities are ultimately constructed. Moreover, a recent study identified that one of the most significant drivers of the closure of fossil fuel plants is the price of electricity, particularly the low price of natural gas, and regulation of the energy sector, not the development of renewable energy projects. See US Department of Energy Staff Report to the Secretary on Electricity Markets and Reliability (August 2017), available at https://energy.gov/sites/prod/files/2017/08/f36/Staff%20Report%20on%20Electricity%20Markets%20and%20Reliability_0.pdf (noting at page 13 that "[t]he biggest contributor to coal and nuclear plant retirements has been the advantaged economics of natural gas-fired generation," and further noting, from pages 13-60, that the largest number of recent fossil fuel plant retirements occurred in 2015, and corresponded with the deadline for coal and oil plants to implement pollution control equipment for mercury and air toxics, finalization of the Clean Power Plan, and "strong signals of future regulation," while the primary drivers of nuclear plant closures, aside from market conditions, were state policies/conflicts between states and nuclear generators, as well as looming significant plant maintenance issues). Realistically, even if this analysis wasn't speculative in terms of "cancellation" of projects, it is beyond the capabilities, control or responsibility of any individual developer to assess the overall economic impact of State energy policy on the energy system. Furthermore, it is Applicant's understanding that economic analysis of these kinds of impacts was performed in conjunction with adoption of the CES, and commenter is directed to those analyses for the requested information.

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186	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.27	Section 2.27 - Socioeconomic Effects	Exhibit 27 - Socioeconomic Effects	If Bluestone Wind, LLC or its parent company, Calpine Corporation, has planned or completed other wind facilities in New York State or across the country, the Applicant should seek to rely on actual job and economic impact numbers from previous projects in informing socioeconomic effect estimates for the Bluestone Wind Project. The Applicant should make efforts to use actual job and economic impact numbers from projects that most closely resemble the Bluestone Wind Project in terms of location, capacity, number of turbines, size, and/or regional economics.	Neither Bluestone nor Calpine is the owner or operator of any comparable operating wind projects in New York or across the country at this time.
187	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.27	Section 2.27 - Socioeconomic Effects - Construction Workforce	Exhibit 27 - Socioeconomic Effects	This should state that Section 27 of the Application will contain an estimate of the peak construction employment level, as required by the regulations.	Comment noted. Exhibit 27 will contain this information.
188	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.27	Section 2.27 - Socioeconomic Effects - Construction Workforce; Construction Payroll; Secondary Employment and Economic Activity Generated by Facility Construction	Exhibit 27 - Socioeconomic Effects	The Applicant should provide estimates of direct construction employment, annual construction payroll and non-payroll expenditures, and secondary employment numbers using project-specific information, as consistent with information provided during the Project's budgeting and financial projection processes.	Comment noted. As indicated above, the Applicant intends on using the JEDI model to prepare the required socioeconomic analyses. In this context, the Applicant requests clarification on what is meant by "...as consistent with information provided during the Project's budgeting and financial project processes."
189	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.27	Section 2.27 - Socioeconomic Effects - Workforce, Payroll, and Expenditures During Facility Operation	Exhibit 27 - Socioeconomic Effects	This should state that Section 27 of the Application will contain an estimate of the number of jobs and the on-site payroll, by discipline, during a typical year once the plant is in operation, as required by the regulations.	Comment noted. Exhibit 27 will contain this information.
190	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Exhibit 29 - Site Restoration and Decommissioning	DPS Staff advises that preliminary per-turbine decommissioning and per-foot of access road restoration estimates should be included in the Application. If a wind turbine model is not selected at the time of Application submittal, the per-turbine estimate should be based on the model (from the list of potential options) with the highest decommissioning estimate.	Comment noted. The Applicant intends on consulting further on the request for per-turbine and per-foot estimates for decommissioning. We anticipate that this information will be included in the Application or the timing of providing this information will be provided in the Application.

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191	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Exhibit 29 - Site Restoration and Decommissioning	The PSS states on page 160 that, "[decommissioning] would be triggered if a wind turbine is non-operational for not less than two years, unless otherwise agreed to by the Towns and DPS Staff." DPS Staff advises that this time period should be changed to one year in the response to PSS comments.	The Town of Sanford Renewable Energy Law Section 1402.6(a) states that decommissioning is triggered if a wind turbine ceases operation for 18 months. The time period set forth in the Sanford law will be proposed in the Application.
192	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Exhibit 29 - Site Restoration and Decommissioning	Page 160 of the PSS also notes that, "[f]oundations and collection lines buried above a depth of 36 inches will be removed, unless required by lease agreement and/or state/local laws. Components buried lower than 36 inches will remain in place." DPS Staff recommends that language be included in the response to PSS comments noting that all Project components in Agricultural land will be removed to a depth agreed to by the New York State Department of Agriculture and Markets (NYSDAM) and the landowner.	Comment noted.
193	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Exhibit 29 - Site Restoration and Decommissioning	It is also noted on page 160 of the PSS that, "[t]he Applicant will provide written notification to the Towns two weeks prior to the commencement of site restoration following decommissioning activities." DPS Staff advises that notification of site restoration should also be given to landowners that will be impacted by such activities. Additionally, Staff advises that the Applicant propose, in its response to PSS comments, a window of time for noticing the Towns and landowners regarding decommissioning activities.	Comment noted.

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194	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.3	Section 2.3 - Location of Facilities - Description of Proposed Facility Locations	Exhibit 3 - Location of Facilities	At page 17, the PSS notes that, "...[e]xisting disturbances will be utilized wherever practicable. For instance, in many locations linear features of the Facility (e.g., access roads, collection lines) will be sited, in part, on agricultural farm roads, existing logging roads, and pipeline corridors, where practicable and safe." For co-locations, access roads and utility line crossings, provide technical standards for avoiding or minimizing adverse effects on integrity and operation of existing infrastructure. In reference to pipeline corridors, DPS Staff recommends that the Application include any appropriate interference studies for co-locating electric transmission or collection lines with pipelines. DPS Staff also recommends that the Application include descriptions of potential mitigation and protective measures for installation and operation of electric lines co-located within pipeline corridors.	To the extent that co-locations are proposed within existing pipeline corridors then such information will be included in the Application. However, any use of existing agricultural/logging roads will likely result in an improved condition following construction of the Facility, and therefore no adverse impacts to existing infrastructure in such locations would occur.
195	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.31	Section 2.31 - Local Laws and Ordinances - List of Applicable Local Ordinances and Laws of Substantive Nature	Exhibit 31 - Local Laws and Ordinances	DPS Staff advises that Town of Sanford codes should be reviewed for applicability of provisions not covered by the Local Laws 1 and 2 of 2017, including, but not limited to flood hazard and floodway development, signs and fence installations.	As stated in the PSS at page 163 and 165, and included in full at Appendix E, the Town of Sanford local laws which are potentially applicable include the entire Town Land Use Management Law, cited as "Sanford Land Use Management Laws, Local Law Number 1 of 1992, as amended, up to and including Local Laws 1 and 2 of 2017 on renewable energy systems." Applicant has not identified any other flood hazard/floodway development, sign or fence restrictions which are not already covered in the Town's Land Use Management Law. However, Applicant will continue to work with Town officials to ensure that all applicable local laws are captured by the Application.
196	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.32	Section 2.32 - State Laws and Ordinances - List of Applicable Local Ordinances and Laws of a Procedural Nature	Exhibit 32 - State Laws and Regulations	DPS Staff advises that most items listed in Table 8 are repeated in the bulleted list provided at subsequent section (c).	As stated in the Title to Table 8 and in Section (b) generally, the table lists those procedural provisions which are supplanted by Article 10. Section (c) indicates those substantive provisions which may still be applicable to the Facility, despite the preemption of their procedural counterparts listed in Table 8.
197	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.32	Section 2.32 - State Laws and Ordinances - List of Applicable Local Ordinances and Laws of a Procedural Nature	Exhibit 32 - State Laws and Regulations	DPS Staff advises that NYS PSL §68 includes procedural and substantive requirements that are not subject to waiver by the Siting Board.	PSL Section 68 is inapplicable to this Facility, which will generate electricity to be sold into the competitive wholesale market, and which does not involve retail sales to customers, or the exercise of a franchise. To the extent that the first sentence of PSL Section 68, which requires a Certificate from the Commission for construction of an electric plant, that provision is expressly preempted by Article 10.

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198	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.32	Section 2.32 - State Laws and Ordinances - List of Applicable Local Ordinances and Laws of a Substantive Nature	Exhibit 32 - State Laws and Regulations	DPS Staff advises that additional items should be listed, including New York State Department of Transportation Use and Occupancy Permits, which involve the grant of land rights to construct and maintain certain utility facilities within the right-of-way of State highways.	In the event that such permits are sought by the Applicant, that information will be provided in the Application.
199	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.32	Section 2.32 - State Laws and Ordinances - List of Applicable Local Ordinances and Laws of a Substantive Nature	Exhibit 32 - State Laws and Regulations	DPS Staff advises that additional items should be listed, including NYS PSL §68 Certificate of Public Convenience and Necessity.	PSL Section 68 is inapplicable to this Facility, which will generate electricity to be sold into the competitive wholesale market, and which does not involve retail sales to customers, or the exercise of a franchise. To the extent that the first sentence of PSL Section 68, which requires a Certificate from the Commission for construction of an electric plant, that provision is expressly preempted by Article 10.
200	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.33	Section 2.33 - Other Applications and Filings - Other Applications or Filings Concerning the Subject Matter of the Proceeding	Exhibit 33 - Other Applications and Filings	The Application should indicate whether the energy generated, renewable energy credits, or other attributes are expected to be sold or transferred to markets, end users or purchasers located outside of New York State.	To the extent that such information is known or can be disclosed at the time, the Application will include the statement required by the regulations.
201	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.34	Section 2.34 - Electrical Interconnection - Type of Cable System and Design Standards for Underground Construction	Exhibit 34 - Electrical Interconnection	The Applicant did not mention design standards to be used in the underground construction system. DPS Staff notes that 16 NYCRR §1001.34 Exhibit 34(g) requires that the design standards for the underground construction system be included in the Application.	Comment noted. The Application will include the required information.
202	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.34	Section 2.34 - Electrical Interconnection - Equipment to be Installed in Substations or Switching Stations	Exhibit 34 - Electrical Interconnection	The Applicant did not include an explanation on the necessity for the substation to be constructed as part of this Project. DPS Staff notes that 16 NYCRR §1001.34 Exhibit 34(i) requires that the need for a substation to be constructed be described in the Application.	Comment noted. The Application will include the required information.

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203	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.35	Section 2.35 - Electric and Magnetic Fields - "For Each Right-of-Way Segment, Base Case and Proposed Cross Sections Showing"	Exhibit 35 - Electric and Magnetic Fields	The Applicant did not mention that they would provide both a "base case" and "proposed" cross-section to scale that shows "all underground gas transmission facilities." DPS Staff notes that 16 NYCRR §1001.35 Exhibit 35 (b)(2) requires the Applicant include all underground gas transmission facilities.	Comment noted. The Application will include the required information.
204	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.35	Section 2.35 - Electric and Magnetic Fields - Electric Field calculation Tables and Field Strength Graphs	Exhibit 35 - Electric and Magnetic Fields	The Applicant states that electric and magnetic field strength graphs depicting the electric and magnetic fields along the width of the entire ROW and out to the property boundary of the Facility will be included in the EMF study. DPS Staff notes that 16 NYCRR §1001.35 Exhibit 35(d)(3) requires that the Electric and Magnetic field (EMF) strength graphs shall extend out 500 feet from the edge of the right-of-way, on both sides. Therefore, in the event the property boundary of the Facility is less than 500 feet from the edge of the right-of-way, the Applicant should provide the electric and magnetic field strengths at 500 feet from the edge of both sides of the right-of-way	Comment noted. The Application will include the required information.
205	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.4	Section 2.4 - Land Use - Map of Existing Land Uses	Exhibit 4 - Land Use	Additional categories of land uses that should be identified and addressed in the Application include the following: i. Oquaga Creek State Park: this New York State Park is located northeast of the proposed Facility Area and within the Land Use Study Area, but it is not mentioned (and is not mapped at PSS Figure 10 Preliminary Sensitive Site Resources). The Park includes recreational features, open space, and potential views toward the Facility Area. ii. New York State Forest Lands trail locations: several of these properties within or adjoining the Facility Area have maintained recreational trails that should be mapped and considered in the Land Use assessment. iii. Public Fishing Easement rights granted to NYS DEC: several locations along Oquaga Creek within and adjoining the Facility Area in the Town of Sanford are publicly accessible for recreational fishing and should be mapped and analyzed in the Land Use assessment. Maps of these areas are provided as Attachment 2 to these comments. iv. Private campgrounds: there are several campgrounds within or nearby to the Facility Area that should be identified and analyzed in the Land Use assessment. Locations of some of these sites are identified in the Broome County GIS website.	The Application will include this information, to the extent available.

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206	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.4	Section 2.4 - Land Use - Compatibility of the Facility with Existing and Proposed Land Uses	Exhibit 4 - Land Use	The PSS indicates that compatibility of the proposed Facility with existing mineral extraction, including mining operations and oil and gas production, will be assessed. DPS notes that the Facility Area includes many properties that have or recently had gas development lease holdings (See Attachment 3, a map of Marcellus Shale lease rights). The land use analysis (and property rights showings in Exhibit 13) should address subsurface mineral rights and how any future development of those leasehold interests are accommodated in wind facility siting, layout and safe operation.	The Applicant will address all mineral rights issues with the owner(s) of those rights prior to construction and will provide copies of any such agreements. From a land use perspective, mineral extraction in relation to the Facility will be addressed in the Application.
207	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.4	Section 2.4 - Land Use - Compatibility of the Facility with Existing and Proposed Land Uses	Exhibit 4 - Land Use	Likewise, the proposed Constitution Pipeline project was approved for construction by the Federal Energy Regulatory Commission within the proposed Bluestone Wind Facility Area. While that project is currently on hold, the Applicant should consider and address any impacts that its possible future construction and operation may have on the Bluestone Wind Facility Area.	Comment noted.
208	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.4	Section 2.4 - Land Use - Compatibility of the Facility with Existing and Proposed Land Uses	Exhibit 4 - Land Use	The New York State Public Service Commission (NYS PSC) has previously required showings regarding co-location of electric lines with gas pipelines, and the lightning protection grounding systems for major wind energy facilities in proximity to gas wells and gas transmission pipelines that may be applicable in this area. (See, e.g., Case 07-E-0213 Petition of Sheldon Energy LLC, Order Granting Certificate of Public Convenience and Necessity, and Providing for Lightened Regulation, issued January 17, 2008; Conditions 9a – 9c, page 17). This information should be provided in the Application with appropriate design and protection protocol descriptions.	The Application will describe the measures to be taken by the Applicant to ensure maintenance of a given pipeline's cathodic protection system, in those locations where Facility components are located in close proximity to such pipelines.
209	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.4	Section 2.4 - Land Use - Aerial Photograph Overlays	Exhibit 4 - Land Use	This section describes, "limits of clearing and disturbance required" as including, "20-foot temporary road and 50-foot temporary width for access roads" (page 23). DPS Staff notes that these figures do not conform with the "Typical Area of Vegetation Clearing" and "Typical Area of Total Soil Disturbance" (temporary and permanent) listed at Table 5: Impact Assumption, PSS page 107, Section 2.22(b). This should be clarified.	This will be clarified in the Application.
210	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	Regarding setbacks, please see Attachment 4, which is a table that contains features DPS Staff recommends be included for identifying required or recommended setback and height limits of the involved Towns, the Applicant, and the manufacturer. DPS Staff recommends that the Applicant complete DPS Attachment 4, and submit this document as part of its response to PSS comments.	The Applicant is reviewing the setback table provided by the commenter and will work with DPS staff during the stipulations process regarding this table.

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211	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	This Section states that, "[m]anufacturer's siting guidelines are typically focused on technical issues such as available wind resource at a given site...rather than land use/zoning issues such as setbacks" (page 34). DPS advises that setbacks include public safety considerations, protection of other critical infrastructure, etc., and are not limited to land use or zoning requirements. Likewise, manufacturer's recommendations are not limited to wind resource considerations. The Applicant is advised that it should inquire further with the manufacturer than the "brochure" level of information provided for informational purposes and update this section accordingly.	Comment noted. Please note the cited statement has been misinterpreted by the Commenter. While it is certainly true that setbacks require consideration of matters related to public safety and infrastructure, the point made in the PSS was merely that setbacks are derived using a number of different considerations, including local laws, developer experience, and manufacturer specifications. However, in the case of siting guidelines provided by turbine manufacturers, it has been Applicant's experience that such guidelines typically focus on issues related to wind resource and technical matters, without giving sufficient additional consideration to other issues which should be used to develop appropriate setbacks for a project. For that reason, Applicant will look at more than just turbine manufacturers' recommended setbacks—as stated in the PSS, the selection of setbacks will include consideration of public safety and infrastructure considerations, local laws and ordinances, developer experience, potential noise and shadow flicker impacts, and numerous other issues above and beyond setbacks recommended by manufacturers. Specifically, "the Article 10 Application will describe how setbacks will ultimately be applied to Facility turbines to ensure the safety of the public and neighboring properties, minimize impacts at residential and other sensitive structures/resources, and ensure consistency with the intent of any applicable land use/zoning setback regulations." PSS at page 34.
212	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.6	Section 2.6 - Wind Power Facilities - Third-Party Review and Certification of Wind Turbines	Exhibit 6 - Wind Power Facilities	It is noted on page 35 of the PSS that, "[t]he will include a discussion regarding the status and results of third-party review and certification (type and project) of wind turbines proposed for construction and operation at the electric plant." DPS Staff advises that the Applicant provide, in the PSS response comments, a statement that wind turbine certification will be in accordance with International Electrotechnical Commission (IEC) 61400.	The wind turbine certification will be in accordance with IEC standards.
213	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	2.6	Section 2.6 - Wind Power Facilities - Third-Party Review and Certification of Wind Turbines	Exhibit 6 - Wind Power Facilities	It is also stated on page 35 that, "[t]hese certifications require that the wind turbines have a design life of at least 20 years for the specified wind regime. The wind regime considers factors such as weather extremes, average wind speed, wind gusts, and turbulence intensity." DPS Staff recommends that a table be provided in the Application showing wind classes with corresponding turbulence levels (e.g., IEC class IB, etc.) that are suitable for use in the Project area. The table should include the following wind regime factors: weather extremes, average wind speed, wind gusts, and turbulence intensity.	The Project Sponsor will provide the information required by 1001.6(d) of the Article 10 regulations.
214	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	Appendix D	Appendix D - Meeting Log	NA	The meeting log should provide a summary of issues, concerns and questions and indicate how Bluestone Wind, LLC plans to address these items as the Project moves forward.	Comment noted. As shown in PSS Appendix D, Bluestone Wind has used a Comments/Follow-up column in the meeting logs to indicate the nature of conversations and outreach, and the plans of Bluestone Wind to address or follow up on items raised. Bluestone Wind will continue to document outreach efforts, and the items raised during those sessions.

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215	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	Figures	Figure 2: Facility Area and 5-Mile Study Area	NA	The truncation of the Study Area at the Pennsylvania Border does not account for consideration of significant resources and potential impacts on locations immediately adjacent to the southern edge of the Facility Area. The study area should be expanded as appropriate to consider habitats, watersheds, cultural and visual resources, land uses and potential noise receptor locations that may be adversely affected by the proposed Facility.	The Applicant does not propose to expand the Study Area(s) to include portions of land outside of New York and in another State, as this would fall outside the scope of New York State law and the definitions provided in NY PSL § 160(1); see also 16 NYCRR § 1000.2(an) with respect to "stakeholders." Doing so may introduce confusion regarding the Board's jurisdiction, for example, to award intervenor funding or impose conditions in other jurisdictions. However, the PIP includes methods of broadly disseminating information without regard for the State jurisdiction (i.e., providing information regarding the Project via the internet, providing public notices to newspapers with circulation in Pennsylvania, potential local project office in proximity to the state line, etc.) and going forward, the Applicant will continue to consider methods of ensuring outreach and information dissemination in areas not currently covered by the PIP depending on, among other things, feedback received from the public. Furthermore, any interested Pennsylvania residents who wish to receive Project updates will be encouraged to join the Project mailing list.
216	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYS DPS	Figures	Figure 9: Preliminary Visual Study Area	NA	See comments above re: Section 24, and Figure 2.	See associated response above.

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217	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS	Figures	Figure 10: Preliminary Sensitive Site Resources	NA	The area labelled, "Page Pond State Forest" is identified on DEC's list of State Forests as "Beaver Pond State Forest." Also, see comments above regarding other resource locations including Oquaga Creek State Park, trails on NYS Forest Land, and resource locations in Pennsylvania, etc.	Comment noted. The identified New York State resources will be included in the Application. However, the Applicant does not propose to expand the Study Area(s) to include portions of land outside of New York and in another State, as this would fall outside the scope of New York State law and the definitions provided in NY PSL § 160(1); see also 16 NYCRR § 1000.2(an) with respect to "stakeholders." Doing so may introduce confusion regarding the Board's jurisdiction, for example, to award intervenor funding or impose conditions in other jurisdictions. However, the PIP includes methods of broadly disseminating information without regard for the State jurisdiction (i.e., providing information regarding the Project via the internet, providing public notices to newspapers with circulation in Pennsylvania, potential local project office in proximity to the state line, etc.) and going forward, the Applicant will continue to consider methods of ensuring outreach and information dissemination in areas not currently covered by the PIP depending on, among other things, feedback received from the public. Furthermore, any interested Pennsylvania residents who wish to receive Project updates will be encouraged to join the Project mailing list.
218	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS		General Comment	NA	Department of Public Service Staff (DPS Staff) notes that the case number is not referenced on the Preliminary Scoping Statement (PSS) documents. The case number is essential information and should be included on all correspondence and outreach efforts so it can be easily identified with the specific case.	Comment noted. The Case number will be provided on future correspondence and cited in outreach efforts, notices, and other documents.
219	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS		General Comment	NA	DPS Staff advises that the Application must also contain all the applicable informational requirements included in 16 NYCRR §1001.	Comment noted.
220	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS		General Comment	NA	Various Sections will require mapping at different levels of detail. DPS Staff recommends that a table specifying appropriate mapping formats, sizes and scales for the required mapping be developed. An example is provided as Attachment 1 to these comments.	Comment noted.

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221	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS		General Comment	NA	Applicant should provide a matrix during the scoping and stipulation process to cross-reference and indicate where issues, comments, and information required under 16 NYCRR §1001 are addressed in multiple exhibits.	The Applicant will consult with DPS on the desired matrix, given the significant amount of information referenced by the commenter and the wide range of interpretation regarding how such a matrix should be organized, level of detail it should contain, etc.
222	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS		General Comment	NA	GIS shapefiles used in development of the Application should be provided to support information in the Application. GIS shapefiles of all Project and resource locational information and analyses should be provided directly to DPS Staff on CD-ROM along with paper copies of the Application.	Comment noted.
223	Cassandra A. Partyka, New York State Department of Public Service September 8, 2017	9/8/2017	NYSDPS		General Comment	NA	DPS Staff requests that Applicant provide immediate access to GIS shapefiles for the Project Facility Area, as well as any preliminary facility locations, or participating property mapping, to advance our understanding of potential resource considerations and refinement of Project scoping discussions.	Comment noted. The Applicant will consult with DPS staff to provide Facility-related information in digital format to support continued project review.
224	Cindy Taylor, Delaware Highlands Conservancy September 8, 2017	9/8/2017	Public Comment		General Comment	NA	The Delaware Highlands Conservancy has met with and had subsequent discussions with Alec Jarvis, Director of Development with Calpine Energy regarding the potential impact to the lands protected by the Delaware Highlands Conservancy. Ultimately, Jarvis was informed on April 20, 2017 that the Conservancy and its Legal Committee reviewed the Conservation Easements on these properties and determined that they prohibit wind development (including but not limited to wind turbines, access roads, transmission lines and associated infrastructure). Additionally, the Conservancy is concerned that wind development in the area surrounding the properties may impact the Conservation Values that the Conservation Easements protect.	Based on the currently proposed layout, no turbines or project components are located on lands owned by the Delaware Highlands Conservancy or lands with conservation easements. Additionally, effort to avoid impacts to ecological resources within the broader Facility Area (i.e., wetlands, habitat, etc.) have been incorporated in the planning of this Project (see PSS pages 6 and 7) and will be further documented in the Article 10 Application per the PSS and as described in these responses.
225	Cindy Taylor, Delaware Highlands Conservancy September 8, 2017	9/8/2017	Public Comment		General Comment	NA	The Delaware Highlands Conservancy requests that the New York State Board on Electric Generation Siting and the Environment account for the public interest on the abovementioned protected lands and reject any project proposals that create permanent or temporary impacts on these protected lands, including the siting of turbines and transmission facilities.	Comment noted. See immediately above.

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226	Cindy Taylor, Delaware Highlands Conservancy September 8, 2017	9/8/2017	Public Comment		General Comment	NA	Additionally, the Delaware Highlands Conservancy requests the noise analysis be extended to cover the properties with Conservation Easements, and that these properties receive a higher level of analysis for visual impacts.	As indicated in the PSS and required by the Article 10 regulations, a Noise Impact Assessment (NIA) will be prepared for the Facility. Sensitive receptors for the NIA are listed in pages 79 of the PSS. Additionally, for publicly owned spaces, the Applicant will identify the potential receptor within the property boundaries and does not consider the property or easement boundary alone to function as a sensitive receptor. Regarding visual analyses, the Applicant will prepare a Visual Impact Assessment (VIA) per the PSS. As part of this effort, sensitive sites within 10 miles of the Facility Area will be identified (see page 139 of the PSS). Also, the Applicant will implement a detailed outreach effort (including correspondence with the Delaware Highlands Conservancy) as documented on pages 140 and 141 of the PSS to determine potential viewpoint locations to be used in a VIA.
227	Cindy Taylor, Delaware Highlands Conservancy September 8, 2017	9/8/2017	Public Comment		General Comment	NA	These protected lands should be identified on Bluestone Wind's Application maps depicting Recreational and Other Sensitive Lands.	The Applicant will incorporate GIS information provided by the Delaware Highlands Conservancy within the applicable figure/maps in support of the Article 10 Application. If this information cannot be provided, the Applicant will utilize publicly available information related to conservation land.
228	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.2	Section 1.2 - Introduction - Facility Benefits	NA	No specific [economic] benefit is actually articulated in the PSS for the Host communities; and Applicant has indicated they want to explore a PILOT agreement. They indicate they have meet with the Broome County Industrial Development Agency (IDA). The projected impact to the assessed property values within the Town and to the fair market values of non-participating properties requires evaluation. Development of a property value protection plan should be required, especially for those nonparticipating property owners. These plans are not uncommon for landfills, mining operations, and other large scale development projects (including wind). It is the Town's position that such a plan would be particularly appropriate here and should be required by the Siting Board. Under Real Property Tax Law Section 487, Sanford has opted out, making the project 100% assessable and taxable. The Applicant should discuss tax consequences with local government (the towns and schools) and not just the County IDA. Additionally, the Applicant needs to address if the subject school districts have opted out (some districts in Broome County have) and if Broome County has (upon information and belief, it has). Please see Fact Sheet on RPTL section 487 from NY-Sun and NYSERDA; https://www.nyserda.ny.gov/-/media/NYSun/files/Real-Property-Tax-Law-487.pdf . The potential impact on property values should be evaluated. See prior comment regarding property value protection plans.	The economic impact and taxation details requested in this comment will be provided in the Application. The Application will also discuss socioeconomic impacts, including a literature review regarding impacts on property values. Importantly, it has never been demonstrated that wind projects have a demonstrable impact on property values, as will be discussed in the Application. Based on the Project Sponsor's experience, adverse impacts to property values are not anticipated, and as such a property value protection plan is not necessary. Moreover, property value protection plans are not required for wind projects in New York or elsewhere, and it would be unlawful or unconstitutional to compel private developers to guarantee private property values. The Project Sponsor will continue to consult with the Town on the PILOT. Please see Section 2.27 of the PSS for additional information. As the Town is aware, the developer is very early in the Article 10 siting process, but nevertheless expects to continue the dialogue on taxing and host community benefits of the Facility to the host communities in the near future.

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229	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	While some impacts of this project may be similar to other major construction projects, in many ways this project is very different than a typical major construction project. Construction will occur on dozens of different sites spanning two townships, rather than at one site. That may result in impacts that differ significantly, both in type and intensity, than other major construction projects. Also, for these two townships, which are rural in nature, major construction projects are a rarity. The uniqueness of this project for the area and its residents cannot be understated. For any major construction, the Town looks to the developer to minimize impacts during construction and during operation. This Applicant needs to do the same. These include: <ul style="list-style-type: none"> • Traffic and Road Uses • Traffic Related Noise and Backup Alarms • Sensitive Receptors • Blasting • Pile Driving • Property Value • Storm Runoff • Dust 	As documented in the PSS and as required by the Article regulation, the Applicant proposes to prepare the following reports/studies to address these concerns: Route Evaluation Study, Noise Impact Assessment (NIA), Visual Impact Assessment (VIA), Blasting Plan, Preliminary Geotechnical Report, and SWPPP, among others. Adherence to these plans and implementation of these guidelines will result in impact avoidance and/or minimization to the maximum extent practicable. These will be summarized and provided in the Article 10 Application, and the Town will be included as a statutory party in the Application and Hearing phase, which will include discussion of these matters.
230	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	The Applicant should coordinate with service providers and prepare written plans including: <ul style="list-style-type: none"> • Emergency Response Plan • Fire Response Plan These plans should provide for relevant training for local responders. The plans should be reviewed by the County Emergency Management Office.	Consultation has already been initiated with local first responders. Results from these consultations will be summarized in Exhibit 18. Additionally, safety and emergency action plans will be provided in the Article 10 Application per pages 74 and 77 of the PSS.
231	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	The impact of vibration due to heavy traffic and blasting requires assessment. Such could be detrimental to historic structures and the health of sensitive individuals. The impact of vibration on farm animals should be evaluated.	Impacts pertaining to blasting will be examined and presented in Exhibit 21 of the Article 10 Application per page 99 of the PSS.
232	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	The Town should be allowed to supplement these comments and any comments where additional studies are undertaken by the Applicant. The project and its related impacts could have major repercussions for the Town and its residents. The Applicant should address the potential for these issues to cause negative health impacts such as sleep deprivation in sensitive individuals.	Comment noted. The Town will be provided with ample additional opportunities to comment and participate in the Article 10 process, as a stakeholder and statutory party under Article 10. This will include the ability to participate in Stipulations discussions, which will commence following the pre-application conference scheduled for October 16, and the Applicant's planned public information session in fall/winter 2017; the ability to submit comments to the Siting Board docket, and during comment periods associated with future filings, including the Application itself; the ability to participate in public statement hearings to be convened by the Hearing Examiners in the local community following submission of the Application; and the right to participate in adjudicatory hearings and briefing as a statutory party under Article 10.

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								Furthermore, Applicant will continue its public education and outreach efforts to stakeholders, including the Towns, pursuant to the PIP, and is willing to attend Town Board meetings to provide updates or information at the request of the Board.
233	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	Facility may have turbine visibility, and shadow flicker, visual impacts, wildlife impacts, noise impacts, impact to historic, cultural or archeological resources; and all of these impacts will be evaluated through studies. The Town should be allowed to supplement these comments and any comments where additional studies are needed. The projects and its related impacts could have major repercussions for the Town and its respective residents.	Impacts including: turbine visibility, and shadow flicker, visual impacts, wildlife impacts, noise impacts, impact to historic, cultural or archeological resources will be addressed in various Exhibits of the Article 10 Application as documented in the PSS and in this response matrix. Applicant will continue to work with stakeholders, including the Town, to identify sensitive resources for inclusion in the Visual and Noise Impact Studies, and in other Application-related assessments. Additional discussion of studies will occur during the Stipulations process, in which the Applicant will invite and welcome the Town's participation.
234	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	The Applicant acknowledges that use of Host Community Roads will require a Road Use Agreement (RUAs). For any major construction, the Town looks to the developer to give proper and timely notice of traffic and road interruptions. Coordination must be done with the public, NYSDOT, Broome County, and the schools. Damage to the road requires correction and/or compensation. And developers such as those in the oil & gas industry are routinely asked for a RUA, which has requirements including but not limited to insurance, damage/repair escrow, bonding, and coverage of expert consultation costs. The Town expects the Applicant will discuss a RUA with the Town Board. Applicant should be planning on how to address traffic impact during construction, especially with alternative routes, and addressing the needs of the public and school buses and emergency services. The construction of meteorological towers and related facilities by the Applicant in the Town has already caused some traffic and road impacts.	The Applicant will perform a Route Evaluation Study and assess impacts to state and local roads. See Section 2.25 of the PSS for more information. The Article 10 Application will include a discussion on potential RUAs which may be required (see page 147 of the PSS). The Applicant also anticipates discussing potential RUAs and related issues with the Towns in the coming months, as well as during the stipulations process. As stated on page 163 of the PSS, the Applicant "will work with the Towns to follow their procedural and substantive requirements for the permit of highway work permits."
235	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	Upgrading local roads will have long term effects on the Town. Upgrading types, and sizes of local roads will require maintenance by the Town after such upgrades. RUAs should consider the life cycle cost implications of upgrades. Such upgrades (i.e., stone and oil to pavement) may require maintenance that is cost prohibitive to the Town.	The Applicant will perform a Route Evaluation Study and assess impacts to state and local roads. See Section 2.25 of the PSS for more information. The Article 10 Application will include a discussion on potential RUAs which may be required (see page 147 of the PSS). Applicant will be in contact with the Towns and the owners of other potentially impacted roadways, such as Broome County, to discuss these issues further.

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236	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	The Town has experienced major flooding, and severe weather events in the last decade (esp. 2006 and 2011). Special care needs to be taken to address surface water concerns. The project requires a Storm Water Pollution Prevention Plan (SWPPP) and coverage under a State Pollutant Discharge Elimination System (SPDES) General Stormwater Permit. The Town should have an opportunity to review and comment on the SWPPP.	The Applicant has made efforts to avoid location Facility components within the 100-year floodplain. In addition, a SWPPP will be prepared to address stormwater management for construction related activities (see Section 23 of the PSS). The SWPPP will describe the erosion and sediment control practices to be implemented during construction activities to avoid impacts to surface waters.
237	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	Increasing impervious surfaces; building new roads and creating channels for water movement (roads) must be looked at carefully, taking into account the topography, recent and historic flooding, soils and other relevant factors. Road modifications, clearing, new road construction and the associated stormwater ditches and culverts must anticipate runoff from severe events. Altering of runoff patterns could result in damage to Town and private property. Additionally, construction activity and altering of runoff patterns can impact public, private and agricultural surface and groundwater supplies. Contingency planning is needed in the event a water supply yield or quality is adversely impacted. Such may include the need to provide alternate water supply suitable for the residential or agricultural use, on both short term and permanent basis. Will land clearing and maintenance over the operating life require the use of herbicides or defoliant? The use of such chemicals must evaluate impacts to residents, agricultural operations, water supplies, etc	The Applicant has made efforts to avoid location Facility components within the 100-year floodplain. Also, the Facility will contain limited amounts of new impervious surface. A SWPPP will be prepared to address the erosion and sediment control practices to be implemented during construction activities to avoid impacts to surface waters. Additional discussion of herbicides or other chemicals will be included in the Article 10 Application per Section 2.23 of the PSS.
238	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.4	Section 1.4 - Introduction - Potential Impacts	NA	The Town has several cemeteries. There is a concern about the impact of blasting on the below and above ground features of the cemeteries; especially the older cemeteries. Some of the cemeteries are private; some public; but regardless, care needs to be taken to minimize the impacts. The Town should be allowed to supplement these comments and any comments where additional studies are needed. The project and its related impacts could have major repercussion for the Town and its residents.	Impacts pertaining to blasting will be examined and presented in Exhibit 21 of the Article 10 Application per page 99 of the PSS. The Applicant will work with the Town to identify local resource concerns, including the location of cemeteries.
239	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	1.5	Section 1.5 - Introduction - Impact Avoidance Measures	NA	There needs to be an evaluation and a comparison of using existing roads (including necessary improvements for project uses) or the creation of roads. As the proposed routes are unknown, it is impossible for the Town to say which has the lesser impact. However, what is known, is that there will be impacts. The Applicant needs to enter into an RUA with the Town, which should include planning a mutually agreeable haul route. The Town experiences heavy truck traffic from the oil and gas industry travelling through the Town to and from sites in Pennsylvania. In some cases these companies have signed and are complying with RUAs with the Town. Therefore, the Applicant must be required to coordinate its road use, upgrades and repairs with those other developers subject to an RUA for efficiency, to avoid conflicts, and to minimize the overall impact to residents and the Town.	The Applicant will perform a Route Evaluation Study and assess impacts to state and local roads. See Section 2.25 of the PSS for more information. The Article 10 Application will include a discussion on potential RUAs which may be required (see page 147 of the PSS). As noted above, the Applicant will work with the Towns to address these issues.

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240	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.11	Section 2.11 - Preliminary Design Drawings - Interconnection Facility Drawings	Exhibit 11 - Preliminary Design Drawings	The Town reserves the right to provide additional input on the proposed location of the Facility sites.	The Applicant will continue to implement a series of public outreach efforts per the PIP and per section 2.24 of the PSS. Additionally, the Applicant looks forward to consultation during the stipulations discussions and future phase of the process.
241	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.11	Section 2.11 - Preliminary Design Drawings - Engineering Codes, Standards, Guidelines, and Practices	Exhibit 11 - Preliminary Design Drawings	While zero emissions are a plus for public health generally, that does not speak to specific positive impacts to the Town, where there are currently little or no such emissions. Furthermore, the significance of other potential negative impacts (visual, noise, ice, blade issues, etc.) have not yet been addressed by the Applicant or weighed against positive impacts. This cost benefit analysis should be evaluated by the Applicant in more detail.	The Article 10 Application will provide an assessment of potential environmental impacts, including visual, noise, ice, blade throw, etc., as documented in the PSS and in this response matrix.
242	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.12	Section 2.12 - Construction - Procedures for Addressing Public Complaints and Disputes	Exhibit 12 - Construction	This [complaint resolution] plan needs to include a person by name and a telephone number where emergencies can be addressed; and where first responders and Town officials can connect; day or night, with a person. Emergencies, as well as complaints can and potentially will occur.	This will be included in the Application.
243	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	Noise is a major concern for the Town. Generally speaking, residents of the Town are accustomed to a quiet, rural environment. Weather, topography, seasons, and other factors affect noise, how it travels, if it is magnified, etc. The Applicant needs to confirm that noise levels will not disrupt or be harmful and allow residents and the public to enjoy the surrounding areas. It should also be noted that compliance with any dBA or other noise requirements found in the Town's zoning codes may not be enough to adequately protect residents from noise impacts. Based upon accurate and appropriate noise studies, more stringent requirements may be appropriate	The Applicant will perform a detailed analysis of the potential noise impacts from the project, as outlined in the Noise Impact Assessment described in the PSS at Section 2.19 and further detailed in the PSS at Appendix F (Sound Level Monitoring Report), Figure 4 (Sound Monitoring Locations). This analysis will include a discussion of the Facility's compliance with local noise ordinances, and the noise-related standards and guidelines applicable to the Facility.
244	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	The Applicant shall identify potential health issues that may result from shadow flicker. A review of literature indicates flicker can cause photosensitive seizures in some individuals.	Per the PSS, the Applicant will perform a Shadow Flicker Analysis. A summary will be provided in Exhibits 15 and 24 of the Application and the Shadow Flicker Report will be appended to the Application.

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245	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety	Exhibit 15 - Public Health and Safety	" regulations required the assessment of potential risks with the operation..." Again, the details of these risks are not included. The Town reserves the right to respond to the on these and all points. But the Town notes that the Applicant's comments do not include proactive measures: meeting with Fire agencies, Code officers, First responders, Town officials, etc. and the creation of preparedness plans (i.e., evacuation, fire, flooding, etc.). Preparedness plans are needed and need to be detailed.	A summary of the Applicant's coordination with local responders, as well as copies of application safety response plans, will be included in the Article 10 Application per Section 2.18 of the PSS. A number of plans will be prepared for the Project, including a Preliminary Safety Response Plan, a Spill Prevention Control and Countermeasure (SPCC) Plan, a Complaint Resolution Plan, and will be included in the Application. The purpose of the PSS document is to identify what information will need to be included in the Application, and what studies need to be performed for the Application; discussions of potential risks and measures to avoid, minimize, or mitigate those risks are more appropriately included—and will be included—in the Application itself.
246	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	The Applicant shall describe the measures that will be taken to minimize the likelihood of blade throw or tower collapse as well as the necessary emergency procedures required in the event of their occurrence.	This information will be provided in the Article 10 Application per the PSS Section 15(e).
247	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	The ERP needs to cover more than worker safety. It should also address emergency situations caused by the Facility impacts. Additionally, it should address how non-facility related emergencies and disasters will be handled at the facility (i.e., high winds, storms, excessive snow fall, flooding, ice shedding, etc.).	Exhibit 18 of the will contain a preliminary safety response plan, which will include emergency response plans.
248	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	The Town has concerns about all of these items [blade throw, tower collapse, unreasonable noise, ice flicker, shadow flicker]. The Applicant needs to explain in more detail, why these are not truly concerns for the Host Towns. And also, the Applicant needs to create contingency plans (Preparedness Plans) to address if the worst case scenarios occur.	The information sought by the Commenter will be included in the Application, including applicable safety response plans (i.e., Site Security Plans, Emergency Response Plan, etc.), as identified in the PSS, and other detailed information on these topics will be provided in Exhibit 15 and Exhibit 18.
249	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Wind Power Facility Impacts	Exhibit 15 - Public Health and Safety	The Applicant shall identify potential risk and liability due to ice throw.	As stated in the PSS at page 68, this information will be provided in the Article 10 Application.

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250	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Public Health and Safety Maps; Significant Impacts on the Environment, Public Health, and Safety; Unavoidable Adverse Impacts and Appropriate Mitigation/Monitoring Measures; Irreversible and Irretrievable Commitment of Resources	Exhibit 15 - Public Health and Safety	The Town has concerns about all of these topics [impacts on the environment, public health and safety]. And the Town needs more detail. The Town reserves the rights to respond to the on these and all topics.	Under Article 10, the Town is a statutory party to this proceeding. The Applicant will continue to engage the Town through its local outreach efforts, and will invite the Town to participate in the pre-application stipulations process, which will commence following the pre-application conference scheduled for October 16, to negotiate potential agreements on the scope and methodology of studies proposed in the PSS, and on the information required for the Application. When the Application is filed, a public comment period will provide any interested person, including the Town, the opportunity to submit comments on the Application, the proposed Project, identified impacts, avoidance minimization and mitigation strategies, and any other matters. The Town will also have the opportunity to participate as a formal party during the hearing phase, which will include the ability to engage in discovery, submit testimony, examine or cross-examine witnesses, submit briefs, etc. The Town will have ample opportunity to respond on any and all issues throughout this process, and will be provided additional detail in the successive stages of the process. As noted elsewhere in this response, many of the details sought by the Town are simply not available at this early stage of project development, which is focused on the scope and methodology of studies, and the information that will be required for a complete Application.
251	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.15	Section 2.15 - Public Health and Safety - Irreversible and Irretrievable Commitment of Resources	Exhibit 15 - Public Health and Safety	There must be financial guarantees that the installed infrastructure will be properly removed and decommissioned. The guarantee must be in a form that allows closure and decommissioning even in the event of a bankruptcy. The Town needs timely notification if certain structures, or improvements, plan to be abandoned. Abandonment could interfere with future growth and development. This includes buried improvements. Agriculture and mining are large uses in both Towns, and items that are buried have the ability to be re-earthed as part of farming. As part of Decommission, all improvements and infrastructure need to be removed; including those that are buried. The Town has addressed wind development decommissioning in its local law	This information pertaining to decommissioning and restoration, including details regarding financial assurances, notification processes, and removal of components, will be provided in Exhibit 29 of the Article 10 Application. The Application will also include a discussion of the substantive decommissioning requirements under local law, as stated in Section 2.31 of the PSS.
252	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.19	Section 2.19 - Noise and Vibration	Exhibit 19 - Noise and Vibration	The Town needs an opportunity to review such NIA. The NIA should follow the methodology. NYSDEC Policy for Assessing and Evaluating Noise Impacts states that 6 dBA increase over ambient is a perceptible impact. See NYSDEC Policy Assessing and Mitigating Noise Impacts, Revised February 2, 2001. http://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf	The Town will have the opportunity to review the NIA once the Article 10 Application is submitted. Additional discussion of the scope and methodology of the noise study will take place amongst the parties during the stipulations discussions.

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253	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.19	Section 2.19 - Noise and Vibration - Sensitive Sound Receptor Map	Exhibit 19 - Noise and Vibration	Noise impacts should be assessed at all receptor properties not just structures with COOs. Several types of farming structures do not require COOs and the potential impacts to farm animals should be evaluated. And because of the idyllic setting of the Host Towns, a large number of seasonal residences, camping areas and vacation areas exist. All such structures and areas should be included as sensitive sound receptors sites. Additionally, as publicly-owned open spaces are used for a large number of uses; the boundary lines; and not just gathering spaces should be the location of the potential receptors. Minimally, the respective Host Town should be consulted and have input on the receptors locations, if the receptors are not on the boundaries.	See earlier responses on "sensitive receptors." Additional discussion of these issues is anticipated during the stipulations phase.
254	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.19	Section 2.19 - Noise and Vibration	Exhibit 19 - Noise and Vibration	Receptor locations should be reviewed with the Town.	Sensitive receptors will be identified in accordance with Section 2.19 of the PSS. The Project Sponsor will consult with the town with respect to receptors during the stipulations phase.
255	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.19	Section 2.19 - Noise and Vibration - Future Noise Levels at Receptors During Facility Construction	Exhibit 19 - Noise and Vibration	Construction phase noise should include noise generated for any road improvements and furnishing of construction materials to the tower sites. Any blasting, pile driving and land clearing activities require specific evaluation. Noise modeling which takes into account topography, traffic movements, etc. should be employed to produce a noise impact map which can express noise contour lines. This will more readily present the likely impact at individual receptor properties. Noise should be evaluated with leaf off condition and under certain weather conditions such as temperature inversions. Modeling will also facilitate the noise impacts of alternate layouts, mitigation strategies and future modifications.	As documented in in the PSS and as required by the Article 10 regulations, the Applicant proposes to prepare a Noise Impact Assessment (NIA) which will include an assessment of construction and operation noise impacts. These will be summarized and provided in the Article 10 Application and the NIA will be appended to the Application as documented in the PSS.
256	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.19	Section 2.19 - Noise and Vibration - Estimated Sound levels to be produced by Operation of the Facility; Future Noise Levels at Receptors During Facility Operation	Exhibit 19 - Noise and Vibration	In addition to total sound pressure, frequency, pure tone and cycling of noise can be particularly annoying and require evaluation.	As documented in in the PSS and as required by the Article regulation, the Applicant proposes to prepare a Noise Impact Assessment (NIA) which will include an assessment of construction and operation noise impacts, including a discussion of specific noise-related impacts and concerns. These will be summarized and provided in the Article 10 Application and the NIA will be appended to the Application as documented in the PSS.

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257	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.19	Section 2.19 - Noise and Vibration - Applicable Noise Standards	Exhibit 19 - Noise and Vibration	The Town's local laws are reasonable and expect compliance from the Applicant.	Comment noted. While the Siting Board has final jurisdiction regarding the applicability of local zoning laws to a Facility, the Project Sponsor intends to comply with substantive local requirements to the greatest extent practicable.
258	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.2	Section 2.2 - Overview and Public Involvement - Brief Description of the Public Involvement Program After Submission of Application	Exhibit 2 - Overview and Public Involvement	Applicant needs to provide the Town Board, the Highway Superintendent, and Emergency Services providers with a detailed road route (describing truck types, sizes, weights, and trip frequencies), enter into a RUA with the Town, and provide ongoing public notice (media notice, neighbor letters, notice to schools, and notice to the Town) of road closures, alternative route options and other notices as necessary. Road improvements inclusive of stormwater ditches, culverts, etc. may require independent review by the Town Engineer. Considering the topography of the tower sites, new access roads and improvements to Town roads may alter drainage patterns. Such improvements must anticipate the impacts of extreme precipitation events.	The Applicant will perform a Route Evaluation Study and assess impacts to state and local roads. See Section 2.25 of the PSS for more information. The Article 10 Application will include a discussion on potential closures, notice procedures, etc. The Applicant will also work with the Towns and, where appropriate, Broome County, to develop RUAs, and to identify potential issues associated with access, transportation, and emergency services—information which will inform the content of the Application.
259	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.2	Section 2.2 - Overview and Public Involvement - Brief Overall Analysis	Exhibit 2 - Overview and Public Involvement	The Town submits that all local law and local government requirements are applicable and not unreasonably burdensome. As such, the Facility needs to comply with the Town requirements.	Comment noted. See response to similar comment above.
260	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.21	Section 2.21 - Geology, Seismology, and Soils - Preliminary Blasting Plan	Exhibit 21 - Geology, Seismology, and Soils	The Town must be able to review and comment on the blasting plan; especially in light of its historic items, cultural resources, cemeteries and other infrastructure.	Impacts pertaining to blasting, including potential impacts to cultural resources, will be examined and presented in Exhibits 20 and 21 of the Article 10 Application. The blasting plan itself will be included in the Article 10 Application, and parties including the Town will have the opportunity to review and comment on that plan during the Application and Hearing Phase. With regard to the information which must be included in that plan, the Applicant looks forward to discussing these items with the Town during the Stipulations process.
261	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	The Town should be provided an opportunity to review and respond to the VIA.	The VIA will be made available for review as part of the Article 10 Application filing. Comments on the proposed scope of the VIA should be submitted during this pre-application stage of the proceeding.

Comment Number	Commenter/Date	Date of Comment	Entity	Section	PSS Section and Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
262	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	The VIA will include an analysis of potential visibility and identify locations within the area. The Town would like an opportunity to review the proposed locations, and if they are lacking, suggest additional locations. Visual evaluation should include parks, recreational communities, lake communities, etc. to assure all sensitive viewsheds and vistas are considered.	See Section 2.24 of the PSS regarding visual impact assessment. The Applicant will request information from local visual stakeholder pertaining to sensitive sites and viewpoint selections as documented on page 140 of the PSS. Preliminary information on the Visual Study Area, Cultural Resources, and Sensitive Site Resources, were included at Figures 5, 9 and 10 of the PSS, and the rating forms to be used as part of the VIA were included as Appendix I. Additional discussion with the Town on these matters will take place during the Stipulations phase, and in the outreach to be conducted by the Applicant specific to the VIA.
263	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	The Town concurs that special care needs to be taken with the visual impacts on public locations, including roads. But this should also include parks, other areas of recreation and existing scenic viewsheds. The evaluation should consider leaf off conditions.	See Section 2.24 of the PSS regarding visual impact assessment. The Applicant will request information from local visual stakeholder pertaining to sensitive sites and viewpoint selections as documented on page 140 of the PSS. Parks and outdoor recreation areas will be included in the VIA. As noted in the PSS, viewpoint locations will be selected based on their open views—this means that vegetation will not significantly screen Facility components in the simulation, eliminating the need for leaf-off and leaf-on simulations.
264	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	As explained elsewhere herein, several types of farming structures do not require COOs. Such structures, as well as seasonal use structures, even if no COO has been required, should be included as visual receptors sites. Additionally, locations of human occupancy can change over time. All relevant locations require evaluation, not just those with a COO.	As noted above, the Applicant will be conducting a detailed outreach program specific to the pending Visual Impact Assessment to be conducted for the Facility (see comment/response 180 for additional information). This outreach program will provide the Town, and all other visual stakeholders, multiple opportunities to identify visually sensitive resources and review viewpoints to be used for simulation.
265	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.24	Section 2.24 - Visual Impacts - Visual Impact Assessment	Exhibit 24 - Visual Impact Assessment	Flicker impacts to receptor properties should be avoided. The potential for sleep deprivation should be evaluated.	Per the PSS, the Applicant will perform a Shadow Flicker Analysis. A summary will be provided in Exhibits 15 and 24 of the Application, which will include a discussion of the potential effects of shadow flicker, and the Shadow Flicker Report will be appended to the Application.
266	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.24	Section 2.24 - Visual Impacts - Viewshed Analysis	Exhibit 24 - Visual Impact Assessment	In addition to the December 2016 Public Involvement Program Plan, the Applicant needs to include in its correspondence the Supervisor, Town Board, Code Enforcement Officer and Planning Board. The project warrants a noise mitigation response plan with preplanned measures to investigate and respond to noise and other project-related complaints.	The Applicant will coordinate with Town staff as documented in the PIP and PSS. See previous responses regarding NIA.

Comment Number	Commenter/Date	Date of Comment	Entity	Section	PSS Section and Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
267	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.25	Section 2.25 - Effect on Transportation - Conceptual Site Plan; Description of the Pre-Construction Characteristics of Roads in the Area	Exhibit 25 - Transportation	The Town needs to know the specific haul routes and these details. RUAs are necessary. Conversations with the schools and first responders about routes need to occur and need to occur sooner rather than later; these should be priority to minimize the impacts. Temporary road closures may isolate areas of the Town or add significantly to travel and response times. It may be necessary to spot emergency equipment at remote locations to minimize response times.	The Applicant intends to consult with the Towns regarding RUAs and, as noted elsewhere, stipulations discussions should include these details. The Route Evaluation Study and Exhibit 25 generally, will look at haul routes, transportation-related school and emergency response issues, road closures, and other items identified by the Commenter.
268	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.25	Section 2.25 - Effect on Transportation - Conceptual Site Plan; Description of the Pre-Construction Characteristics of Roads in the Area	Exhibit 25 - Transportation	The Applicant should actually discuss RUAs and provide relevant details including restoration agreements with the Town before providing what it considers a draft agreement. The Applicant needs to meet with the supervisor and the Town Board who ultimately approves Town contracts. The Town may seek the input of the Highway Superintendent, but agreements need to be reviewed by legal counsel and acted upon by the Town Board. Additionally, Applicant needs to provide more details to the Town early in the process. The Town reserves its right to address this and all topics explained further in the Application.	As stated in PSS Section 2.25 (d)(4), the Applicant anticipates meeting with the host municipalities to discuss these issues, and entering into RUAs with host municipalities if needed.
269	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.25	Section 2.25 - Effect on Transportation	Exhibit 25 - Transportation	The Town of Sanford has a local law which requires a RUA, as well as local laws that address private driveways and road excavation. Applicant needs to contact the Town Supervisor to begin the RUA process.	As stated in PSS Section 2.25 (d)(4), the Applicant anticipates entering into RUAs with host municipalities.
270	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.26	Section 2.26 - Effect on Communications - Existing Broadcast Communication Sources	Exhibit 26 - Effect on Communications	Applicant needs to be very careful, and insure that [emergency service] communications are not interrupted. If they are, Applicant needs to, at its own expense, restore the communications to the same or higher level of communications.	An analysis of the effect on communication will be presented in the Application. See PSS Section 2.26 for the scope of studies pertaining to communication. Applicant will consult with local emergency services entities, and that consultation will include discussion of potential communications impacts.
271	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.26	Section 2.26 - Effect on Communications - Existing Broadcast Communication Sources	Exhibit 26 - Effect on Communications	Applicant needs to be very careful, and insure that [municipal and school district] communications are not interrupted. If they are, Applicant needs to, at its own expense, restore the communications to the same or higher level of communications.	An analysis of the effect on communication will be presented in the Application. See Section 26 for the scope of studies pertaining to communication.

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272	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.27	Section 2.27 - Socioeconomic Effects - Incremental Municipal, Public Authority, or Utility Operating and Infrastructure Costs	Exhibit 27 - Socioeconomic Effects	There can be road damage, in all stages of the project: construction, operation and decommission. The RUAs need to address that.	As stated in PSS Section 2.25 (d)(4), the Applicant anticipates entering into RUAs with host municipalities if needed. The RUA will address road damage and mitigation thereof. These will be summarized and/or included in the Article 10 Application.
273	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.27	Section 2.27 - Socioeconomic Effects - Jurisdictions that Will Collect Taxes or Benefits; Incremental Amount of Annual Taxes or Payments	Exhibit 27 - Socioeconomic Effects	The Town and all taxing jurisdictions need information about what the Applicant's intentions are with respect to seeking a PILOT.	Comment noted. As stated in PSS Section 2.27 (i), the Applicant anticipates negotiating a PILOT agreement with host municipalities. The Applicant will work with the host municipalities as the Facility design is further developed. This process will involve additional outreach to the Towns directly, on this and other issues (such as an RUA). Further details will be included in the Application.
274	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.27	Section 2.27 - Socioeconomic Effects - Equipment or Training Deficiencies in Local Emergency Response Capacity	Exhibit 27 - Socioeconomic Effects	"Applicant will detail special emergency equipment that it will maintain for the facility. Applicant acknowledges that local emergency responders will not have specialized training or equipment to handle emergencies at the Facility. Conversations with first responders will continue." These statements need to be reaffirmed by the Applicant in its and confirmed with the first responders. The first responder may need additional training or equipment. It may be necessary to address first responder needs on the Facility site, as well as potential issues that the Facility causes to first responders in the surrounding areas.	Comment noted. The Application will affirm these commitments, and will discuss issues relating to emergency response entities, if any, in Exhibit 18 on Safety and Security.
275	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Exhibit 29 - Site Restoration and Decommissioning	The Town agrees that all phases of the project need to have a RUA in place. Bonds, or other financial assurance which are satisfactory to the Town, need to be in place during all phases of the project. Financial considerations are a very high priority since the Town has a limited budget, subject to the state tax cap.	As stated in PSS Section 2.25 (d)(4), the Applicant anticipates entering into RUAs with host municipalities if needed.
276	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.29	Section 2.29 - Site Restoration and Decommissioning - Performance Criteria	Exhibit 29 - Site Restoration and Decommissioning	Decommissioning of this facility must be done in a manner so that the Town and property owners are not saddled with expensive or impossible removal or restoration costs. Bonds are the preferred method to ensure that the properties do not become blight or brownfields. The Town and its respective tax payers need and deserve these reassurances. If this project was to be reviewed at the local government level, the Town would require decommissioning bonds (see e.g. Sanford renewable energy local law).	Comment noted. Information pertaining to decommissioning and restoration will be provided in Exhibit 29 of the Article 10 Application, including a discussion of financial assurance, decommissioning triggers, and plans for removal and restoration.

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277	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.29	Section 2.29 - Site Restoration and Decommissioning - Decommissioning and Restoration Plan	Site Restoration and Decommissioning	"Components buried greater than 36 inches will remain." Items that are buried, especially in areas where there is farming or surface mining, can be re-earthed. A depth of 36 inches can easily be unearthed, after several years of crop rotation, and proper farming practices.	The Applicant anticipates removal to a depth of 48 inches in agricultural land and will coordinate with NYSDAM and local landowners prior to filing the Article 10 Application.
278	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.31	Section 2.31 -Local Laws and Ordinances - List of Applicable Local Ordinances and Laws of a Procedural Nature	Exhibit 31 - Local Laws and Ordinances	Applicant listed local laws it finds to be applicable (2.31a). In Sanford, in addition to those listed, the entirety of Local Law #1 of 1992, as amended, Local Law #2 of 2011, Local Law #1 of 2016, Local Law #1 of 2012, and Local Law #2 of 2008 apply. The Town reserves its right to assert the applicability of other local laws.	Comment noted. The Applicant will include review of the additional identified laws in Exhibit 31 of the Application.
279	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.31	Section 2.31 -Local Laws and Ordinances - Local Procedural Requirements Requiring Board Authorization	Exhibit 31 - Local Laws and Ordinances	The Town Board is requiring execution of an RUA and would like to begin discussion and negotiation of it with the Applicant soon. Additionally, Broome County has a Local law that requires RUAs. Please see http://www.gobroomecounty.com/energydevelopment/regulations	As stated in PSS Section 2.25 (d)(4), the Applicant anticipates entering into a RUA with host municipalities.
280	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.31	Section 2.31 -Local Laws and Ordinances - Local Procedural Requirements Requiring Board Authorization	Exhibit 31 - Local Laws and Ordinances	The Town agrees and believes that the Applicant should work to follow procedural and substantive requirements of local governments whenever possible.	Comment noted. Please note that procedural requirements of local laws are expressly preempted by Article 10 (See PSL 172). However, as noted above, the Applicant intends to comply with substantive local requirements identified in the PSS.
281	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.31	Section 2.31 - Local Laws and Ordinances - List of Applicable Local Ordinances and Laws of a Substantive Nature; List of Substantive Local Ordinances/Laws That the Applicant Requests the Board Not Apply	Exhibit 31 - Local Laws and Ordinances	The Town needs additional information and needs to be allowed an opportunity to respond to any waiver request. It is stated that no water or sewer hook-ups will be required. However, should that change, the Town would seek compliance with all applicable local laws related to sewer and water.	Comment noted. This information will be provided in the Application. To the extent that any waiver requests are necessary, the Article 10 process provides the Town and any other party ample opportunity to comment on a requested waiver. Should water or sewer hookups be required, the Applicant will consult with the Town on those issues, and will specify that information in the Application.

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282	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.31	Section 2.31 - Local Laws and Ordinances - Identification of Municipal Agency Qualified to Review and Approve Building Permits	Exhibit 31 - Local Laws and Ordinances	The Town welcomes this conversation and wants to work with the Applicant to make sure that a proper review is done. The Town does believe that it is possible the Applicant will need to pay for a consultant to either assist or perform a portion of this work. Certain construction activity, particularly relating to roads and drainage, may require review and oversight by the Town Engineer or other third party consultant. The cost of such should be borne by the Applicant.	Upon filing of the Application, additional intervenor funding will be made available for local stakeholders such as the Town. This funding is provided in addition to the pre-application intervenor funding already provided, from which the Town has requested an allocation. By law, at least 50% of that intervenor fund must be made available to local municipalities. Furthermore, as stated in the Application, the Applicant will confer with municipalities about potential Road Use Agreements; it is anticipated that these agreements will include information on construction activity, road impacts, drainage, and other items raised by commenter.
283	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Noise Standards Comparison	Exhibit 4 - Land Use	Paragraph 2.24 says the Visual Impact Assessment will be conducted. The Town should be allowed to supplement these comments and any comments where additional studies are needed. The projects and its related impacts could have major repercussions for the Town and its respective residents.	As stated in the PSS, the Applicant will review the substantive and procedural provisions of Town's local laws, including the sections identified, where applicable.
284	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Comprehensive Plan	Exhibit 4 - Land Use	Applicant is using Windsor's 2006 Comprehensive Plan (CP) and Sanford's 1992 CP. It should be noted that Windsor adopted an amendment to its 2006 CP in 2015.	Comment noted. Windsor's 2015 CP will be addressed in the Application.
285	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Comprehensive Plan	Exhibit 4 - Land Use	The Town has zoning local laws, which must be addressed. The Town should be allowed to respond to this point after the proposed land use map is provided.	See PSS Section 2.31 for a list of local laws and ordinances. Town zoning laws will be addressed in Exhibit 31 of the Application.
286	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Map of Specially Designated Areas	Exhibit 4 - Land Use	There are no CEAs in the Host Towns. But there are CEAs in Broome County http://www.dec.ny.gov/permits/25103.html . The Town may have habitats suitable for RTES. Such requires evaluation.	Consultation of the NYSDEC database indicate no CEAs exist within the Project Study Area as indicated in Section 2.28 of this PSS. Additionally, Section 2.22 (e) identifies species likely to occur with the vicinity of the Facility Site. Applicable threatened and endangered species reports will be appended to the Application per Section 2.22 of the PSS.

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287	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Compatibility of the Facility with Existing and Proposed Land Uses	Exhibit 4 - Land Use	The Town has zoning local laws, which must be addressed. The Town should be allowed to respond to this point after the proposed land use map is provided. The Applicant has quantified existing land uses and the Applicant's proposed responses to its land use impacts. The Town should be allowed to participate in the identification of land uses of particular concerns. Clearly, the Town cannot, with the limited information provided, identify concerns with any particularity at this time.	Town zoning laws will be addressed in Exhibit 31 of the Application. The Town will be provided numerous opportunities for input and consultation as this process continues, as noted elsewhere. This will include stipulations discussions, which can begin following the October 16 pre-application conference.
288	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Compatibility of the Facility with Existing and Proposed Land Uses	Exhibit 4 - Land Use	The Facility is consistent with Towns' respective CPs. The Town would like the Applicant to demonstrate the consistency.	Comment noted. Further details regarding the Applicant's compliance with the respective Town's CPs will be included in the Application.
289	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Compatibility of the Facility with Existing and Proposed Land Uses	Exhibit 4 - Land Use	"Only minor change in land use are anticipated within the Facility site as a result of Facility operation, and no changes are predicated outside the Facility site. During operation, additional impacts on land use if any, over the years should be infrequent and minimal. Besides from occasional maintenance and repair, the operations will not interfere with on-going land uses." These statements need support. The proposed Facility, because of its use, its sheer size and location, are alone a major change of land use. The resulting effects of the facility and its operations (and decommission) including but not limited to visual impacts, road and infrastructure impacts, and the burdens upon the first responders, may also be considered to have large impacts on the uses of the land. Projects of this scale will likely affect future development in the project area. It should also be noted that the Town zoning code addresses mobile home parks and trailer parks, which might be applicable to the Applicant's construction work crew.	For concerns relating to Land- Use refer to Section 2.4 of this PSS. The Application will include further discussion of these issues, including potential housing issues for construction crews, if applicable.
290	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.4	Section 2.4 - Land Use - Community Character	Exhibit 4 - Land Use	"The will provide a description of community character." The Town should have an opportunity to respond to this and any details provided in the Final Application, any studies or any additional submissions.	Comment noted. See Exhibit 4 of the Application for further information.
291	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.5	Section 2.5 - Electric System Effects - Facility Maintenance and Management Plans	Exhibit 5 - Electric System Effects	Improvements to existing public infrastructure have long lasting financial impacts for the Town. Widening of public roads and improvements that change the surface of the roads (i.e., stone and oil to blacktop) will result in increased future expenses for the Town (i.e., future maintenance, removal of the improvement, etc.). The Town needs to have input as to changes to the roads, especially if the financial impacts to the Town will not be fully covered by the Applicant under the RUA.	PSS Section 2.25 will describe and evaluate if changes to the existing transportation system are needed to accommodate the Facility. Further, any RUA would necessarily include discussion of substantial road improvements required for the construction of the Facility.

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292	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.5	Section 2.5 - Electric System Effects - Facility Maintenance and Management Plans	Exhibit 5 - Electric System Effects	The Applicant should supply a list of potential repair activities that may require additional infrastructure improvements, a description of the required improvements and the applicable regulations.	See PSS Section 2.5 (f) (4) for the scope of maintenance and management plans and procedures. Additional information will be provided in the Application.
293	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.5	Section 2.5 - Electric System Effects - Facility Maintenance and Management Plans	Exhibit 5 - Electric System Effects	The Applicant needs to assess the likelihood of future delivery of large equipment and components to the Facility and its impact on roads and infrastructure. This issue should also be anticipated by the RUA.	Comment noted. The scope of the Route Evaluation and Transportation Study is discussed in Section 2.25 of the PSS, and will be addressed in the RUA.
294	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.5	Section 2.5 - Electric System Effects - Availability and Expected Delivery Dates for Major Components	Exhibit 5 - Electric System Effects	Delivery dates and times [for equipment and major Facility components] should be carefully planned to minimize financial impact on the Town, its residents and businesses. There is seasonal tourism, fairs, community events, mass gatherings, etc. which should be taken into consideration.	Comment noted. The scope of the Route Evaluation and Transportation Study is discussed in Section 2.25 of the PSS, and the impacts identified will be considered, where applicable.
295	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.5	Section 2.5 - Electric System Effects - Availability and Expected Delivery Dates for Major Components	Exhibit 5 - Electric System Effects	Delivery dates and times [of equipment and Facility components] should be planned to minimize hazards to other drivers.	Comment noted. The scope of the Route Evaluation and Transportation Study is discussed in Section 2.25 of the PSS. Exhibit 25 of the Application will also include a discussion of potential traffic hazards associated with construction and large component delivery.
296	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	The Town has zoning local laws. Setbacks, spacing of turbines and support facilities need to be in compliance with local laws and address safety concerns and other impacts to the Town and its residents. When preliminary and final layouts and placements are provided, the Town should be allowed to review and comment.	Comment noted. See PSS Section for applicable setback regulations, and Section 2.31 for the scope of the Application's discussion of zoning laws. The Town will have numerous opportunities to review these issues.

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297	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	The Town has zoning local laws. Setbacks, spacing of turbines and support facilities need to be in compliance with local laws, safety concerns and other impacts to the Town and its residents. When preliminary and final layouts and placements are provided, the Town should be allowed to review and comment.	Comment noted. See PSS Section for applicable setback regulations, and Section 2.31 for the scope of the Application's discussion of zoning laws. The Town will have numerous opportunities to review these issues.
298	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	The Town has zoning local laws. Setbacks, spacing of turbines and support facilities need to be in compliance with local laws and address safety concerns and other impacts to the Town and its residents. When preliminary and final layouts and placements are provided, the Town should be allowed to respond.	Comment noted. See PSS Section for applicable setback regulations, and Section 2.31 for the scope of the Application's discussion of zoning laws. The Town will have numerous opportunities to review these issues.
299	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	"Sanford has a Wind Local Law; Windsor does not have a Wind Local Law." The Town has relevant zoning laws which must be analyzed for applicability and compliance.	Comment noted. PSS Section 2.31 indicates the local laws to be reviewed in connection with the Application. Exhibit 31 of the Application will also include review of other provisions of local law identified by commenter above.
300	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	The Town has zoning local laws. See prior comments on compliance with local setbacks and spacing requirements for turbines and support facilities. When preliminary and final layouts and placements are provided, the Town should be allowed to respond.	Comment noted. See PSS Section for applicable setback regulations, and Section 2.31 for a discussion of zoning laws. The Town will have numerous opportunities to review these issues.
301	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.6	Section 2.6 - Wind Power Facilities - Statement of Setback Requirements/Recommendations	Exhibit 6 - Wind Power Facilities	Interaction with first responders, Broome County Sheriff, Fire Districts, Fire Companies, EMS providers should also be considered.	Comment noted. The regulations require that certain emergency response plans for the Facility be reviewed by local emergency first responders. Applicant will also engage in consultations with these agencies, as detailed further above.

Comment Number	Commenter/Date	Date of Comment	Entity	Section	PSS Section and Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
302	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.9	Section 2.9 - Alternatives - Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	Exhibit 9 - Alternatives	Applicant needs to include costs related to RUAs, and the fiscal impacts of improvements to public roads.	Comment noted. Exhibit 25 of the Application will contain an analysis of impacts to transportation as required by the Article 10 regulations.
303	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.9	Section 2.9 - Alternatives - Description of Reasonable Alternative to the Proposed Facility at the Proposed Location	Exhibit 9 - Alternatives	"Sanford has regulations pertaining to renewable energy; Windsor does not. Applicant will address any exception to Sanford's regulation in Exhibit 31 of the." The Town has various zoning local laws that are relevant; and must be analyzed for applicability and compliance. Additionally, the Town should be able to address any comments made at a later date.	Comment noted. The Application will include an analysis of all relevant zoning regulations, including those identified by the commenter.
304	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.9	Section 2.9 - Alternatives - Description of Reasonable Alternative to the Proposed Facility at the Proposed Location	Exhibit 9 - Alternatives	The Town needs to be involved in the PILOT processes and the tax assessment process, which should necessarily include the Town's assessor. Additionally, if landowners' real property values are affected by the proposed projects, then non-participating landowner reimbursement should be included in this process. As described above, development of a property value protection plan would be appropriate for this project and should be required by the Siting Board. Also, please see the Town's previously stated concerns about road use, RUAs, and impacts of public road improvements by the Applicant.	Comment noted. As stated in PSS Section 2.27 (i), the Applicant anticipates negotiating a PILOT agreement with host municipalities. Further details will be included in the Application.
305	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.9	Section 2.9 - Alternatives - Why the Proposed Facility Best Promotes Public Health and Welfare	Exhibit 9 - Alternatives	"Applicant believes that there will be socioeconomic benefits to the Host Towns, including increased revenues to the local municipalities and school districts." This is a very general statement, especially in light of the references to PILOT agreement in the submission. The Town requests details about the increased benefits and revenue, etc. that is alluded to but not detailed; and reserves the right to respond and request more information	Comment noted. As stated in PSS Section 2.27 (i), the Applicant anticipates negotiating a PILOT agreement with host municipalities. Further details will be included in the Application.
306	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.9	Section 2.9 - Alternatives - Description of Reasonable Alternative Sites; Comparison of Advantages and Disadvantages of Proposed and Alternative Locations	Exhibit 9 - Alternatives	Applicant claims to have a low number of nearby residences to be affected by the proposed turbines. Whether this is a density populated area or a more sparsely populated area, the safety concerns need to be addressed.	Comment noted. The impact on residents will be assessed in the Application, under the sections devoted to specific types of impacts.

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307	Coughlin & Gerhard, LLP on behalf of Dewey Decker, Town of Sanford September 8, 2017	9/8/2017	Town of Sanford	2.9	Section 2.9 - Alternatives - Why the Proposed Facility Best Promotes Public Health and Welfare	Exhibit 9 - Alternatives	The public health and welfare of residents is priority of the Town. Details should be provided by the Applicant. The Applicant needs to address first responder training and needs, evacuation plans, and other safety issues. The Town reserves the right to respond to the on these points.	Comment noted. The impact on public health and welfare of residents will be in Section 2.9 (8) of this PSS. Section 2.18 of the application will contain an Emergency Response Plan which coordinates with local emergency service providers. Section 2.27 (k) will provide specific detail on first responder training and equipment needs. As stated in the PSS text, conversations with local fire departments and first responders have already begun. The results of past and future dialogue will be included in the Application.
308	Carolyn W. Price, Town of Windsor September 8, 2017	9/8/2017	Town of Windsor	2.18	Section 2.18 - Safety and Security - Preliminary Safety Response Plan	Exhibit - 18 Safety and Security	The Applicant should have additional conversation with first responders and discuss training opportunities. First responders should be provided training and tools necessary to address any types of issues unique to wind energy; and that training and tools should be provided by the Applicant.	Comment noted. As stated in Section 2.27 (k), conversations pertaining to training and equipment deficiencies have already begun with local fire department and first responders. The results of past and future dialogue will be included in the Application.
309	Carolyn W. Price, Town of Windsor September 8, 2017	9/8/2017	Town of Windsor	2.27	Section 2.27 - Socioeconomic Effects - Incremental Amount of Annual Taxes or Payments	Exhibit 27 - Socioeconomic Effects	The Applicant should discuss a PILOT agreement with the Town. The Town did not opt out of Real Property Tax Law section 487; allowing the Town to negotiate a PILOT. It is the Town understanding the school(s) and the County are similarly situated and are able to negotiate a PILOT with the Applicant. The Applicant should contact the Supervisor to discuss.	Comment noted. As stated in PSS Section 2.27 (i), the Applicant anticipates negotiating a PILOT agreement with host municipalities, and will be in contact with the Town to discuss these issues.
310	Carolyn W. Price, Town of Windsor September 8, 2017	9/8/2017	Town of Windsor	2.31	Section 2.31 - Local Laws and Ordinances	Exhibit 31 - Local Laws and Ordinances	The Town has several local laws that could apply to the application. These applicable local laws include Chapters: 413 (Depositing and/or Tracking of Certain Materials on Town Highways and Streets), 49 (Property Maintenance), 50 (Fire Prevention), 51 (Flood Damage Prevention), 5.3 (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code), and 93 (Zoning). The Town believes, if applicable, that there should be compliance with these local laws and that these local laws are not unreasonably restrictive/ burdensome. The Town's Noise local law (Chapter 68), contains an exception for the "Construction, modification or operation of improvement(s), structure(s) or land use(s) where some form of State or Federal approval or review is conducted; including but not limited to: Public Service Law Articles VII or 10 matters, Environmental Conservation Law Articles 23, or 27 matters; this is applicable regardless of whether such State or Federal review/approval is completely or partially preemptive.' 65-9. Thus this local law may not be applicable; however, the Town acknowledges that New York Department of Public Service (DPS) will have the final decision on applicability and reasonableness of local laws.	As stated in the PSS, the Applicant will review the substantive and procedural provisions of Town's local laws, including the sections identified, where applicable.

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311	Carolyn W. Price, Town of Windsor September 8, 2017	9/8/2017	Town of Windsor	2.19, 2.24	Section 2.19 - Noise and Vibration; Section 2.24 - Visual Impacts	Exhibit 19 - Noise and Vibration; Exhibit 24 - Visual Impacts	The Applicant discusses possible noise and visual impacts in the PSS; and mentions that it will be doing studies. The Town understands that ambient noise testing has already begun. Seasonal homes and farm structures should be included in any sound or visual studies; not just structures with certificates of occupancy. The Town would like the opportunity to review those studies and comment.	The Town will have the opportunity to review and comment on sound studies during Stipulations. A detailed definition of "sensitive receptor" will be provided in the Application.