

Bluestone Wind Project

Case No. 16-F-0559

1001.2 Exhibit 2

Overview and Public Involvement Summary

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EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT SUMMARY

(a) Brief Description of the Proposed Facility

The proposed Facility is a large-scale electric generation wind facility located in the Towns of Sanford and Windsor, Broome County, New York (see Figures 2-1 and 2-2 for Facility location and layout). The proposed Facility components will be situated on leased land. Farmers and landowners can continue with existing land uses such as farming, mining and forestry alongside those components. Key terms used to describe the Bluestone Wind Project are defined below:¹

- Facility: The Facility consists of up to 33 wind turbines generating up to 124 megawatts (MW) of electricity—29 in the Town of Sanford and four in the Town of Windsor—together with the following structures and equipment:
 - o Access roads: The Facility access roads will be approximately 15.7 miles long. Temporary access roads will be gravel surfaced and typically 60 feet wide to accommodate construction/delivery vehicles. The roads will be restored for use as permanent access roads, which will be gravel-surfaced and typically 16 feet wide.
 - o Meteorological (met) towers: Two permanent approximately 426-foot (130-meter) met towers will be installed in Sanford to collect meteorological data and support performance testing of the Facility.
 - o Collection lines: The Facility includes approximately 40 miles of underground collection lines to deliver power from the turbines to the collection substation. Overhead collection lines are not proposed.
 - o Substations: The collection substation will be located in Sanford at the end of the Facility's 34.5 kilovolt (kV) collection system and will include a 10 MW battery storage system. The point of interconnection (POI) substation will be located adjacent to an existing NYSEG transmission line. The substations will be connected by a 200-foot long span of overhead 115 kV transmission line.
 - o Temporary laydown yard/staging area: A temporary construction laydown yard (10 acres) will be established in Sanford to accommodate construction trailers, storage containers, large project components, a temporary concrete batch plant, and parking for construction workers.
 - o Operation and maintenance (O&M) building: The proposed O&M building will be constructed in Sanford next to the planned laydown yard. It will be roughly 5,000 square feet and will house permanent staff offices and store maintenance equipment and supplies.
- Facility Area: The general area of interest identified by the Applicant and depicted on Figures 1 and 2 of the Preliminary Scoping Statement (PSS) used to initiate scopes of studies and inform early outreach efforts.
- Facility Site: The parcels proposed to host the Facility components, which are depicted on Figure 2-2.
- Off-site Ancillary Features: Limited to temporary public road improvements within the Facility Area.

¹ The descriptions of the Facility components generally complies with Stipulation 2(a). However the individual component descriptions have been adjusted to reflect the current design parameters as presented in this Article 10 Application.

(b) Brief Summary of the Application Contents

A table summarizing applicable exhibits and accompanying appendices required under 16 NYCRR Part 1001 is located after the Table of Contents.

(c) Brief Description of the Public Involvement Program (PIP) before Submission of Application

The initial draft PIP was submitted to the Siting Board on October 4, 2016, comments on the PIP were received from the New York State Department of Public Service (DPS) on November 3, 2016, and the PIP was updated, finalized and filed by the Applicant on December 3, 2016. The PIP is available on DPS' Document Matter Master (DMM) (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-F-0559&submit=Search>) and on the Facility-specific website maintained by the Applicant (<http://bluestonewind.com/>). The first goal of the PIP is to identify affected stakeholders. Since the PIP's final submission, the Master List of Stakeholders has been updated based on the Applicant's consultations, meetings with stakeholders, and other outreach efforts. See Appendix B for the updated Master List of Stakeholders. The Applicant has completed the consultations identified in the PIP and, in many cases, has held additional stakeholder meetings, discussions and outreach. These efforts are summarized in a PIP Tracking Log (see Appendix C), which has been submitted on a regular basis to DMM. The Tracking Log will be updated and filed on the Siting Board website throughout the Application process. Below is a summary of notable pre-application outreach activities conducted by the Applicant:

- Presented to the Southern Tier Association of Towns in October 2016.
- Sent notification letters regarding the project and PIP filing via direct mail to all stakeholders in January 2017.
- Presented to the Broome County Executive and town supervisors on February 8, 2017 and held meetings with local and county officials, including the supervisors and attorneys of Windsor and Sanford, the Broome County Executive, and Directors of the Broome County Industrial Development Agency and Planning Department.
- Met with staff from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) and discussed previous studies that could provide protocols/guidance on cultural efforts (see Exhibit 20).
- Participated in telephone conversations with representatives from the Oneida Indian Nation on the identification of "stone landscapes" and hosted a site walk on August 23, 2018 with representatives from NYSOPRHP, the Nation, and others to review the landscapes, impact avoidance, and possible mitigation options (see Exhibit 20).
- Held Open House Informational Sessions at Windsor High School on January 26, 2017 and at the Deposit Theater on November 9, 2017. Approximately 80 members of the public attended the first meeting and 70 attended the second to ask questions and learn about the Facility.
- Held a project update meeting with the Waterman Conservation Education Center (<https://www.watermancenter.org/>) on January 29, 2017 to review Article 10 regulations and the general

construction process for a wind farm. Located in the Town of Windsor, the Center promotes conservation education and environmental literacy.

- Participated in meetings and conference calls with the New York State Department of Environmental Conservation (NYSDEC), Delaware-Otsego Audubon Society (DOAS), and U.S. Fish & Wildlife Service (FWS) regarding the scope of avian studies and the Facility's effect on eagle and raptor populations (see Exhibit 22).
- Engaged in multiple discussions with the host communities and affected school districts on the Facility layout, transportation routes, road use agreements (RUAs), and host community agreements (see Exhibits 25 and 27).
- Surveyed towns and various community organizations to obtain information about viewsheds of potential concern for purposes of conducting the Visual Impact Assessment (see Exhibit 24).
- Corresponded with local area utility providers (i.e., Digsafe, NYSEG, TDS Telecom, etc.) regarding the location of nearby utilities and potential setback and design standards (see Exhibit 12).
- Participated in multiple meetings during the scoping/stipulations process with the affected agencies, during which stakeholders were able to participate via conference call.

The Applicant is hosting a project website (www.bluestonewind.com) that includes information about the Facility, maps, and the Article 10 process and provides links to key documents. The website provides a means for stakeholders to obtain information from, and provide comments to, the Applicant. The Applicant has filed paper copies of non-confidential major documents (e.g., the PIP, PSS and Application) at the following repositories listed in the PIP: Windsor Library, 107 Main Street, Windsor, NY 13865, (607) 655-2024; Deposit Free Library, 159 Front St, Deposit, NY 13754, (607) 407-2577. The Applicant has not yet established a toll-free phone number for the Facility.

Per 16 NYCRR § 1000.5, the Applicant submitted a PSS to DPS on August 18, 2017. At the close of the public comment period, the Applicant prepared a chart summarizing the comments on the PSS and its response to those comments, which was submitted to DMM. The majority of comments received were from DPS. Although the comments covered a broad range of issues, many focused on noise impacts, preliminary design and construction concerns, and visual/shadow flicker impacts. NYSDEC's comments focused on terrestrial ecology, wetland and water resource impacts. Comments also were received from the New York State Department of Agriculture and Markets and the New York State Department of Health (NYSDOH). Both host communities submitted comments, although the vast majority came from Sanford. While these comments covered various subjects, the majority addressed noise, visual and transportation impacts, and public safety concerns. The DOAS and Delaware Highlands Conservancy submitted comments relating to bird/bat and wildlife impacts and impacts to protected lands, respectively.

The Applicant reviewed the PSS comments document and worked closely with agency staff during the Application/stipulation process to develop wildlife, noise, visual and other ecological scopes of studies to satisfy

applicable regulations, ensure that staff received the information necessary to evaluate the impacts of the Facility, and address concerns raised in the PSS. The Applicant also reached out to the host communities to ensure that the Facility complies with local laws and that any local concerns were addressed. The key items or concerns raised during these outreach efforts are summarized below:

- Potential wildlife and wetland impacts – As described in Exhibit 22, the Applicant has prepared a wide range of avian and ecological studies, including extending the avian studies field season to collect additional data. Further, through an iterative design process, the Applicant has located turbines, access roads, and collection lines largely outside of wetlands, and is working with NYSDEC to develop adaptive management techniques to avoid and minimize potential impacts to wildlife to the maximum extent practicable.
- Cultural resource impacts – The Applicant has continued to coordinate with the NYSOPRHP and the Oneida and Delaware Indian Nations regarding cultural resources, including stone landscapes, and has implemented several micro-siting adjustments to avoid impacts to these resources (see Exhibits 9 and 20).
- Property value concerns – At the Towns' request, the Applicant provided a review of publicly available studies, which showed no material impact to property values from wind turbines (see Exhibit 4).
- Transportation impacts – The Applicant has coordinated directly with the host communities to prepare RUAs addressing temporary impacts on transportation and roads associated with the Facility (see Exhibit 25).
- Visual impacts – The Applicant conducted extensive outreach to local communities to identify viewsheds of concern and provide the information needed to assess the potential visual impact of the Facility (see Exhibit 24).

(d) Brief Description of the Public Involvement Program after Submission of Application

(1) Post-Application PIP

Section 5.3 of the PIP requires the Applicant to identify additional activities to encourage stakeholder participation during the certification process. These activities will include: periodically updating the Master Stakeholder List; attending stakeholder meetings to provide project updates, if needed; providing notice of construction activities to stakeholders; and implementing complaint-resolution procedures (see Exhibit 12 and Appendix R). All of the ongoing PIP activities will be tracked in the log posted periodically on DMM (see weblink above). Any stakeholder wishing to obtain information about the Facility or provide comments may do so by following the weblinks on the <http://www.bluestonewind.com> website. The Applicant will respond to suggestions and written comments or questions.

(2) Updated Stakeholder List

The Master Stakeholder List (see Appendix B), which has been updated, will be filed confidentially because it has been updated to include host and adjacent landowners, as well as stakeholders identified through the public outreach process based on information provided in open houses, landowner and town communications, and in response to

requests from the public. The list will be used for mailing notices regarding of Facility milestones, including submission of this Application, and will be updated as new stakeholders are identified.

(3) Additional notices

In addition to the notices required under 16 NYCRR §§ 1000.6 and 1000.7, the Applicant mailed notice of the pending Application submittal to the updated stakeholder mailing list as described above. The notice includes information on the Facility generally and the Article 10 Application specifically. A copy of the mailing list and documentation indicating the dates the mailings were made will be provided to the Secretary of the Siting Board.

(4) Publication in free community newspaper

In addition to publication in several traditional newspapers in the Facility Area, notice of the Application and any subsequent notices will be published in at least one free community newspaper (e.g., the Sidney Pennysaver).

(e) Brief Overall Analysis

This Section provides the Siting Board with the information required to: (1) make the required findings regarding the nature of the probable environmental impacts of the construction and operation of the Facility on (a) ecology, air, ground and surface water, wildlife and habitat, (b) public health and safety, (c) cultural, historic and recreational resources, and (d) transportation, communications, utilities and other infrastructure; (2) decide whether to grant a Certificate under PSL § 168(2); and (3) make the determinations required by PSL § 168(3).

(1) Ecology, Air, Ground and Surface Water, Wildlife and Habitat

(i) Ecology

Approximately 87% of the Facility Site is forested (including deciduous forests, mixed forests, coniferous forests, and forested wetlands). Approximately 7% of the Facility Site contains successional old fields that have been removed from agricultural production. The Facility Site also includes 5% or less of active agricultural land (cropland, pasture or hayfield) and disturbed or developed land, and less than 1% of coverage of open water. Of the 5,657-acre site, it is estimated that the Facility will disturb up to 441 acres. Of this total disturbed area, 192 acres would involve only vegetation clearing and 249 acres would involve vegetation clearing and some level of soil disturbance. These impacts would be largely temporary, 388 acres (88% of the total disturbed area) would be restored and would recover in time. Impacts to 54 acres would be permanent (i.e., these areas would be converted to built facilities). These impacts have been significantly reduced from the original plan to install 53 turbines, which would have disturbed up to 902 acres, with 749 acres of temporary impacts and 153 acres of permanent impacts.

The Applicant has designed the Facility Site specifically to avoid sensitive resources such as wetlands and forested land to the maximum extent practicable. Facility access roads were sited on existing roads, farm lanes, logging roads, and transmission and natural gas pipeline rights-of-way wherever possible. These and other measures mean that the Facility will temporarily impact only 343 acres of forest land, of which 264 acres will be allowed to revegetate and 79 acres will be converted to a different cover type (e.g., shrub scrub). Only 44 acres of forested area (0.8% of the Facility Site) will be converted to built facilities. In the very limited areas where the Applicant could not avoid or further minimize these impacts, it has identified mitigation measures (i.e., restoration seeding, invasive species control, and other best management practices [BMPs]) that will mitigate/offset the impacts (see Exhibit 22).

With respect to wetlands, after completing the initial delineation process for the Facility, the Applicant relocated certain structures, reducing permanent wetland impacts from approximately 1.4 to 0.4 acres. This change will enable the Applicant to seek coverage under the U.S. Army Corps of Engineers' (USACE) Nationwide Permit program, rather than requiring an individual permit. No impacts to State-regulated wetlands are proposed. To address unavoidable impacts to wetland resources, the Applicant is proposing mitigation through an in-lieu fee payment to the Wetland Trust Mitigation Bank to offset the lost functions of these resources (see Exhibit 22 for details on wetland impacts). Any potential indirect impacts to wetlands and other sensitive resources will be avoided/minimized by the implementation of various plans, including the Facility-specific stormwater pollution prevention plan (SWPPP) and spill prevention, control and countermeasures (SPCC) Plan.

No threatened, endangered, candidate, rare plant species, or significant ecological communities were identified at the Facility Site. Accordingly, the temporary and permanent disturbance to vegetation communities is not expected to result in adverse impacts to protected plants or significant ecological communities.

(ii) Air

The Facility will have a positive impact on air quality by producing electricity without emissions. Although air emissions are expected from construction equipment and vehicles, they are anticipated to be minor and will be limited to the construction period. To minimize localized air impacts (including fugitive dust and emissions from sources such as the concrete batch plant), the Applicant will require the contractor to adhere to BMPs, including prohibiting unnecessary idling of equipment and adherence to New York State guidance on controlling fugitive dust emissions. Overall, the Facility will have a positive impact on ambient air quality.

(iii) Ground Water

The Facility Site does not contain any primary aquifers, a designation applied by the U.S. Geological Survey (USGS) and NYSDEC to aquifers that are highly productive and utilized by major municipal water supply systems. The Facility

Site overlays part of an unconsolidated aquifer mapped by NYSDEC. In addition, approximately 219 acres of the 5,657-acre Facility Site is located above the Clinton Street-Ballpark Valley sole source aquifer. The Applicant reached out to NYSDEC, the NYSDOH and the Broome County Department of Health for information about groundwater wells within one mile of the Facility Site; the Applicant also surveyed residences/businesses within a 2,000-foot radius of the Facility to obtain information about existing groundwater wells. Based on information received to date, it is unlikely that construction of the proposed Facility will impact water well quality or quantity. Among other things, the majority of turbines are located on hilltops, generally above and outside the aquifer footprints. Moreover, the excavations are comparatively shallow and are not expected to intercept groundwater. Finally, to ensure against impacts, the Applicant will conduct pre- and post-construction baseline testing of certain wells to identify potential impacts; any impacts identified will be mitigated (see Exhibit 23(b)(5)).

During construction, the greatest potential for groundwater impacts is installation of turbine foundations. Any blasting required will comply with applicable laws and be completed according to a site-specific blasting plan designed to protect surrounding structures, including groundwater wells. There is the potential for short-term, minor impacts to groundwater from accidental discharge of petroleum/chemicals; construction of impervious surfaces, turbine foundations and installation of buried interconnect lines; disruption of groundwater flows down-gradient of proposed turbine foundations; minor modifications to surface runoff or stream-flow potentially affecting groundwater recharge characteristics; minor degradation of groundwater quality relating to installation of concrete foundations; impacts to groundwater recharge areas (wetlands); and groundwater migration along collection line trenches. However, these impacts will be insignificant and/or avoided altogether through adherence to the Facility's SWPPP, SPCC, inadvertent return, and blasting plans, among others. Operation of the Facility is not expected to affect groundwater quality or quantity.

(iv) Surface Water

The Applicant conducted a detailed stream delineation and has sited Facility components to avoid or minimize temporary and permanent impacts to surface waters to the maximum extent practicable. The Applicant has attempted to site turbine components to minimize stream crossings and cross at narrow points when streams cannot be avoided. Certain direct impacts to surface waters may occur during construction of the Facility, including: an increase in water temperature and conversion of cover type due to clearing of vegetation; siltation and sedimentation due to earthwork, such as excavating and grading activities; disturbance of stream banks and/or substrates resulting from buried cable installation; and the direct placement of fill in surface waters to accommodate road crossings. The Applicant has committed to implementing measures to protect surface water resources from these direct impacts (e.g., establishing no equipment access areas and restricted activity areas, implementing sediment and siltation control, and restricting work periods consistent with NYSDEC guidance). The Applicant also is implementing engineering techniques such as horizontal directional drilling (HDD) that are designed to minimize stream impacts. Finally, the Applicant has sited the

Facility to largely avoid floodplains. The only Facility component that will cross a floodplain is an approximately 1,500-foot long section of underground collection line which will be installed via trenchless technologies.

Indirect impacts to surface waters may result from sedimentation and erosion caused by construction activities (e.g., removal of vegetation and soil disturbance leading to stormwater-related impacts). These impacts will be minimized through measures identified in the SWPPP (e.g., erosion and sediment control practices and daily site inspections). The Applicant also will implement post-construction erosion and sediment control practices (e.g., dry swales, vegetative filters and level spreaders) to minimize indirect discharges once construction of the Facility is complete.

(v) Wildlife and Habitat

The Applicant conducted comprehensive surveys of wildlife on the Facility Site using a combination of existing databases and field surveys. The key conclusions from these surveys and analyses are set forth below:

- The only mammals (excluding bats) known to occur at the Facility Site include species common to south central New York. No endangered/threatened mammal species or species of special concern were identified (excluding bats).
- Several common bat species are likely to be found in the Facility Site including the big brown bat, hoary bat, eastern red bat and silver-haired bat. Other bat species that may use the Facility Site include little brown bat, small-footed bat, and eastern pipistrelle. According to the New York Natural Heritage Program review, there are no known maternity roosts, hibernacula, or critical habitat for the State-listed northern long-eared bat (NLEB). However, according to NYSDEC, it is possible that NLEB may occur within the Facility Site during fall migration. The Applicant developed a Net Conservation Benefit Plan (NCBP) to implement measures to avoid and minimize impacts to NLEB and ensure a net conservation benefit to the species. The Applicant's minimization will also reduce risk to all bat species, including migratory tree bats.
- Two threatened species of mussels—the green floater and brook floater mussel—have historically been recorded in the vicinity of the Facility. However, as previously noted, the Applicant has designed the Facility to minimize stream disturbance. Also, sedimentation and changes in hydrology that could potentially impact the species will be addressed through implementation of the SWPPP.
- Based on publicly available data, it is estimated that 10 species of reptiles and 20 species of amphibians may be found on the Facility Site, several of which rely on vernal pools for egg-laying. The Applicant changed the Facility design to avoid these pools and so minimize impacts to amphibian species.
- Extensive site-specific surveys² were conducted to identify bird species present within the Facility Site. This information, combined with a review of many public data sources, determined that the Facility Site has a

² The surveys include raptor surveys conducted by the DOAS using intervenor funds provided through the Article 10 review process in October 2017.

number of species common to mixed forest habitats. In addition, on-site surveys observed two State-listed threatened bird species (northern harrier and bald eagle), two State-listed endangered bird species (peregrine falcon and golden eagle) and several bird species of special concern and species of greatest conservation need (SGCN). Although impacts to the peregrine falcon and northern harrier are unlikely, the Facility may have some impact to golden and bald eagles. The Applicant developed a NCBP to implement measures to avoid and minimize impacts to eagles and ensure a net conservation benefit to both species.

Impacts to wildlife are expected to be minimal and will not have population-level effects on any of the species that occur within the Facility Site. Construction-related impacts to wildlife are anticipated to be limited to incidental injury and mortality due to construction activity and vehicular movement, habitat disturbance/loss associated with clearing and earth-moving activities, and displacement of wildlife due to increased noise and human activity. However, none of these construction-related impacts will be significant enough to affect local populations of any resident or migratory wildlife species. Tree clearing will primarily take place between November 1 and March 31 when bats and other mammals are in hibernation and many birds have migrated south. If tree clearing is required outside this season, the Applicant will implement measures to avoid/mitigate potential impacts from tree clearing as outlined in the NCBP for the Facility.

Impacts relating to Facility operation include direct habitat loss, habitat degradation through forest fragmentation, and disturbance/displacement of wildlife due to the presence of the turbines and other equipment, and avian and bat mortality as a result of collisions with operating turbines. With respect to wildlife habitat, no significant natural communities or critical habitats were identified on the Facility Site. A total of 54 acres of wildlife habitat will be converted to built facilities; however, this represents less than 1% of the 5,657-acre Facility Site. A detailed study included with the Application concluded that given the limited amount of forested habitat to be cleared for construction of the Facility (6% of the Facility Site) and the existing patchwork nature of forested and non-forested habitat, it is unlikely that the Facility will cause significant forest fragmentation impacts to bird communities. The study reached a similar conclusion regarding the impact of loss of forested habitat on bats. The potential disturbance/displacement impacts on breeding birds, waterbirds, raptors, and game species are generally expected to be minimal.

The Facility has been designed to minimize bird and bat collision mortality. To reduce avian and bat impacts, electrical collection lines between the turbines will be buried. Lighting of the turbines (and other infrastructure) will be minimized to the extent allowed by the Federal Aviation Administration (FAA), and will follow specific design guidelines to reduce collision risk (e.g., using motion-detection and blinking lights with the longest permissible off cycle). The use of guy wires will be minimized and all guy wires will be marked to reduce collisions. In addition an adaptive management plan to reduce NLEB fatalities is included in the NCBP, which will reduce risk to all bat species, including migratory bats.

Operation of the Facility may result in some level of direct impact to three State-listed species, NLEB, bald eagle, and golden eagle. An estimate of take for each species was calculated as part of a NCBP for the Facility. Although take of these species has been conservatively calculated and included in the NCBP, actual take of these species is unlikely, especially given the proposed curtailment regime for NLEB. There have been no documented golden or bald eagle fatalities at wind farms in New York, and *Myotis* species, including NLEB, are rarely found at wind farms compared to other bat species. The avoidance, minimization, and mitigation measures outlined in the NCBP will offset the potential impacts of the Facility to NLEB and golden and bald eagles and result in a net conservation benefit for all three species.

(2) Public Health and Safety

While wind farms potentially pose unique impacts, including blade throw and tower collapse, ice shedding and ice throw, and shadow flicker, to the best of the Applicant's knowledge, there are no known instances of the general public being injured at an operating wind farm in the United States. Moreover, the isolated location of the Facility reduces the already minimal risk to the public presented by these potential impacts (see Exhibit 15).

Significant adverse shadow flicker impacts are not anticipated. Of the 392 sensitive receptors identified, only 11 nonparticipating residential receptors are expected to exceed the 30-hour-per-year shadow flicker design goal. The Applicant is committed to limiting shadow flicker to a maximum of 30 hours annually at any nonparticipating residential receptor and has identified various mitigation measures to achieve that goal (see Exhibits 15 and 24 for additional information about shadow flicker).

The Facility is not expected to result in any public health and safety issues due to infrasound and audible frequency noise. Modern pitch-regulated wind turbines of the type proposed for this Facility do not generate low frequency noise to any significant extent. As discussed in Exhibit 19 of this Application, no impact of any kind, whether related to annoyance or health, is expected from Facility-related low frequency noise.

Based on the detailed analyses summarized in Exhibit 19, the Facility has been designed to minimize sound impacts. No sensitive non-participating sound receptors will exceed 45 dBA L_{8 hr}, and no participating sound receptors will exceed 55 dBA L_{8 hr}. These proposed limits minimize and mitigate any adverse impacts associated with the sound produced by the construction and operation of the Facility, and are consistent with the 1999 World Health Organization (WHO) and 2009 WHO Europe guidelines to address sleep disturbance and health effects, respectively. By adhering to the WHO guidelines, potential impacts due to sound from construction and operation of the proposed Facility will protect the health of the residents of the community.

(3) Cultural, Historic and Recreational Resources

In the Facility's area of potential effect (APE) for direct effects, the Applicant identified 22 archaeological resources: 20 potentially Pre-Contact Native American stone landscape features (SLF) sites consisting of 66 individual SLFs, one Pre-Contact Native American lithic scatter, and one historic-period farmstead. All archaeological resources that meet criteria for listing on the State/National Register of Historic Places (S/NRHP) have been avoided. In addition, the Applicant was able to avoid 19 of the 20 SLF sites entirely and minimize impacts to the single remaining site. To reach this result, the Applicant worked closely with the Oneida and Delaware Indian Nations and NYSOPRHP to minimize and mitigate the impact of the Facility on SLFs, including making various micro-siting adjustments to avoid impacts to these features. Going forward, mapped locations of all potentially significant archaeological sites within 100 feet of proposed Facility-related impacts will be identified as significant in construction drawings and marked in the field by construction fencing and signs that restrict access. Any unanticipated archaeological resources encountered during construction will be addressed consistent with the Facility's unanticipated discovery plan (see Exhibit 20).

No historic structures will be damaged or removed during construction and operation of the Facility. The Facility's impact on cultural, historic and recreational resources is limited to its potential visual impacts. The visual impacts analysis indicates that five S/NRHP-listed properties are located in the 5-mile APE established for the Facility; three of these properties will have no view of the turbines while the remaining two may have views of up to two and three turbines, respectively. For the additional 25 properties within the 5-mile APE determined to be S/NRHP eligible, nine will have no view of turbines, while only two may have views of 16 turbines or more. Actual Facility visibility is likely to be more limited due to limitations in the viewshed mapping process.

More generally, the Applicant conducted a comprehensive Visual Impact Assessment (VIA) to determine the extent and significance of the Facility's visual impacts. The study assessed the character and quality of the existing landscape, used models to assess the potential visibility of the Facility within a 5 and 10-mile study area, and included simulations of the Facility from various viewsheds in the area. Taking account of the screening effects of topography, vegetation and structures, the visual impact modeling shows that the Facility will not be visible within approximately 82.6% of the 5-mile study area and 89.2% of the 10-mile study area. The Applicant also conducted a comprehensive outreach process to identify viewsheds of concern in the community. Twenty simulations were then prepared to assess the potential visual impact of the Facility in various settings (forest, open water, transportation corridor, rural residential/agricultural and village). A panel of three registered landscape architects reviewed the simulations and concluded that the Facility's overall contrast with the visual/aesthetic character of the area will generally be moderate. Based on experience with currently operating wind power projects, public reaction to the Facility is likely to be highly variable based on proximity to the turbines, the affected landscape, and the attitude of the viewer regarding wind power.

Mitigation options for visual impacts are limited given the nature of the Facility and its siting criteria. With respect to the specific visual impact on historic structures, consistent with NYSDEC policy, the Applicant has proposed to mitigate impacts by funding projects that will benefit historic properties and/or the public's appreciation of historic resources. The Applicant has reached out to local historic experts in towns near the Facility Site to identify potential mitigation projects and prepared a preliminary Cultural Resources Mitigation Plan to be implemented using funds from the Applicant (see Appendix GG).

An analysis of the potential impacts of noise on S/NRHP-listed or eligible sources indicates that only one S/NRHP-eligible property is within 0.5 mile of the nearest turbines. The property is anticipated to experience noise levels of between 40 and 45 Dba $L_{eq(8)}$ during Facility operation at the parcel's fenceline; because the structure is located 0.6 mile from the turbine, the noise from the turbines is not anticipated to cause a significant adverse impact.

(4) Transportation, Communications, Utilities and Other Infrastructure

(i) Transportation

Virtually all of the traffic-related impacts associated with the Facility will occur during construction (see Exhibit 25). There will be a temporary increase in truck traffic on area roadways serving the Facility Site, including conventional construction trucks, crane transporters, concrete trucks, and oversized semi-trailers to transport the turbine components. The construction of each wind turbine will require the use of approximately 10 oversized/overweight (OS/OW) vehicles. Although minor traffic delays may occur during delivery of equipment components using OS/OW vehicles, because existing traffic volumes are low, local traffic flow should not be significantly impacted. Moreover, the Applicant has identified preventative measures to facilitate transportation and maintain road user safety.

As part of its assessment of the traffic impacts of the Facility, Applicant's consultant reviewed available traffic information, corresponded with local highway supervisors, and drove around the Facility Area to identify possible access routes, assess road conditions, and identify routes that posed safety concerns (sharp curves, steep grades, restricted site distance). Based on this assessment, the Applicant determined that: there is one posted bridge in the route evaluation study area; although there are two interstate bridges at the start of the potential destination routes, they will not be subject to loads because of interstate off-ramp locations; there are some culverts along the haul routes that may need improvement; and certain roadways have other physical restrictions (width, deficient intersection radii, low utility wires, etc.) that must be remedied prior to use by OS/OW vehicles. The Applicant has preliminarily identified the improvements that must be made to address these deficiencies and ensure safe use. Any damage to local, county or state roads caused by construction of the Facility will be repaired at the Applicant's expense in accordance with

agreements with local communities (i.e., RUAs). In addition, the Applicant will obtain all required local, county and state permits and approvals (highway work permits, utility work permits, etc.).

Normal operation and maintenance of the Facility will not impact local traffic or road conditions. Periodic trips to each turbine location using non-OS/OW vehicles will be necessary to conduct inspections and repairs/maintenance. In the rare instance where a major component requires removal/replacement, the Applicant will assume the costs of any road improvements/restoration required to transport the components consistent with the RUAs.

(ii) Communication

The Facility is not expected to have an impact on cable or satellite television, microwave communications, AM or FM radio broadcast coverage, first responder communication, municipal/school district services, industrial/business land mobile sites, areas of public safety and mobile phone communication. The Facility is also not anticipated to result in any adverse impacts to federal communications systems or to have any effect on NEXRAD (next-generation radar) or Doppler weather radar. Although minor impacts to certain off-air television signals are possible, the Applicant has committed to addressing any concerns through its complaint resolution process.

The Applicant sent a written notification of the proposed Facility to the National Telecommunications and Information Administration (NTIA) seeking feedback on possible impacts of the Facility on federal communication systems. Although no response had been received as of the date of the Application based on the current turbine height/design, an analysis conducted by the Applicant's communications consultant indicates that no adverse impacts are anticipated. In addition, the Applicant has submitted a request for a Determination of No Hazard (DNH) from the FAA pursuant to 49 USC § 44718. Upon receipt of the request, the FAA will reach out to the U.S. Department of Defense and other agencies to determine the potential impact of the turbines on air safety and military readiness. Issuance of the DNH is confirmation that the turbines will not have adverse impacts in these areas.

(iii) Utilities and Other Infrastructure

As described in Exhibit 12, the Applicant has coordinated with local utility providers and has integrated the necessary design or setback standards to avoid impacts or conflicts. In particular, the Applicant has reached out to the owners of two existing and one proposed natural gas pipeline and developed plans to avoid interference with pipeline operation. Implementation of these plans and standards will avoid adverse impact to utilities and other infrastructure.

(5) Determinations Pursuant to PSL Section 168

Under PSL § 168(3), the Application must provide the Siting Board with the information needed to make five determinations. These determinations are set forth below.

(i) The Facility is a Beneficial Addition or Substitution for Electric Generation Capacity of the State

The Facility is a beneficial addition and substitution for the electric generation capacity of the State as it helps the State achieve the goals of the 2015 State Energy Plan and related State energy policies to increase renewable energy generation and reduce carbon emissions. Based on the results of the System Reliability Impact Study, the Facility is not anticipated to have any adverse effects on the New York power grid. The Facility also will improve fuel diversity within the State by increasing the electric capacity from renewable wind power. In so doing, it will reduce overall demand for fuel and ease fuel delivery constraints in the State. Finally, the inclusion of 10 MW of battery storage will help achieve the goals of the New York Legislature's recently-enacted energy storage target law.

(ii) The Construction and Operation of the Facility Will Serve the Public Interest

In addition to the beneficial impacts to the State's energy grid—including the addition of major battery storage capacity—the Facility will have a positive impact on socioeconomics (e.g., increased construction and permanent employment, increased revenues to local municipalities, and purchases of products and services in the local community), air quality, and climate change.

(iii) The Facility Will Minimize/Avoid Adverse Environmental Effects to the Maximum Extent Practicable

The information contained in this Application and summarized above thoroughly addresses the Facility's environmental impacts. Although some adverse environmental impacts will occur, they will be minimized through the use of various general avoidance and minimization measures to the maximum extent practical, as well as through site-specific mitigation measures. These site-specific measures include, but are not limited to:

- Siting the Facility to largely avoid impacts to wetlands and minimize, to the maximum extent practicable, impacts to forest lands and streams. The Applicant revised the Facility layout to reduce wetland impacts below .5 acre, allowing the Applicant to qualify for a nationwide permit from the USACE. The Applicant also reconfigured the Facility to avoid impacts to vernal pools and so protect the breeding grounds for certain amphibians.
- Configuring the Facility to avoid and minimize direct impacts to prehistoric or historic archeological resources, including SLFs, and agreeing to implement mitigation measures to compensate for unavoidable impacts to historic resources and potential views.
- Consolidation of the layout to minimize disturbance and reduce the viewshed.

With the implementation of these and other avoidance and minimization measures outlined in the Application, the Facility is expected to result in positive, long-term overall impacts that will offset the adverse environmental effects that cannot otherwise be avoided or mitigated.

In addition to avoiding and minimizing adverse environmental impacts during construction and operation of the Facility, the Applicant has developed programs to ensure that the Facility's impacts will be offset or minimized for the duration of the Certificate. These programs include, but are not limited to: a Complaint Resolution Plan, which identifies and addresses concerns that may develop during Facility construction and operation; an environmental compliance program, which will provide funding for an independent third-party environmental monitor to oversee compliance with environmental commitments and permit requirements; implementation of a post-construction invasive species control plan; implementation of an operation and maintenance plan to optimize the Facility's operational capacity and availability and pro-actively detect any significant safety or maintenance issues; and a post-construction avian and bat monitoring program to monitor any adverse impacts to avian and bat species and determine additional mitigation measures to avoid significant adverse impacts.

(iv) The Applicant Will Offset/Minimize Impacts to Environmental Justice Communities for the Duration of the Certificate Using Verifiable Measures

The nearest potential EJ area is approximately 12.5 miles from the Facility Site; accordingly, no adverse impacts to EJ areas are anticipated (see Exhibit 28).

(v) The Facility Will Comply with State and Local Laws and Regulations

The Facility will conform to all State substantive requirements for those approvals, consents, permits, certificates, or other conditions needed to construct and operate the Facility. The Applicant's compliance with State requirements is thoroughly outlined in Exhibit 32. The Facility's compliance with local laws and regulations is addressed in Exhibit 31 of this Application. As currently proposed, the Facility will comply with all applicable local laws and regulations and does not require any waivers from the Siting Board. The Applicant is also committed to entering into HCAs with the local municipalities to ensure compliance and mitigation efforts.