

Appendix F: 2008 Environmental Assessment Form and 2015 Board Resolution

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact (s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**).
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for the Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large important impacts that may have significant impact on the environment, therefore a positive declaration will be prepared.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Noble Ball Hill Windpark
Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

May 2008
Date

PART 1 – PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Noble Ball Hill Windpark			
LOCATION OF ACTION (Include Street Address, Municipality and County) Towns of Villenova and Hanover, Chautauqua County			
NAME OF APPLICANT/SPONSOR Noble Ball Hill Windpark, LLC		BUSINESS TELEPHONE (585) 322-7675	
ADDRESS 7294 Centerville Road			
CITY/PO PO Box 72, Bliss		STATE NY	ZIP CODE 14024
NAME OF OWNER (If different) N/A		BUSINESS TELEPHONE ()	
ADDRESS			
CITY/PO		STATE	ZIP CODE
DESCRIPTION OF ACTION <p>Noble Ball Hill Windpark, LLC (Noble) is proposing to construct and operate an approximately 94.5 megawatt (MW) wind energy facility (the Project) in the towns of Villenova and Hanover, Chautauqua County. The wind energy generation component of the Project will be located in both Villenova and Hanover. The transmission component of the Project will be located in Hanover only. The Project consists of the following:</p> <ol style="list-style-type: none"> 1) Installation and operation of 63 wind turbines (52 turbines in Villenova and 11 turbines in Hanover); 2) Construction and use of approximately 17 miles of access roads (13 miles in Villenova and 4 miles in Hanover). During construction, 35-foot wide temporary roads located within a 60-foot wide construction corridor will connect to each wind turbine to allow vehicle access to the facilities. After construction, the roads will be scaled back to 16 feet allowing Noble to use the existing roadway for maintenance and operational purposes; and 3) Construction and use of an electrical collection system (approximately 23 miles [18 miles in Villenova and 5 miles in Hanover]) that will allow delivery of electricity to the power grid. Where practicable, the electrical collection system will be installed along the same right-of-way corridor as the access roads. 4) Construction and use of a new substation in the Town of Hanover that will tie into a new 115-kilovolt (kV) transmission line. The substation footprint will be approximately 200 by 300 feet; 5) Construction and use of a new switchyard in the Town of Hanover. The switchyard footprint will be approximately 300 by 500 feet; 6) Construction and use of an approximately 6-mile overhead 115-kV transmission line, located entirely in the Town of Hanover to transfer the energy to the proposed switchyard to provide access to an existing National Grid transmission line in Hanover. <p>Each turbine will consist of an enclosed monopole support tower, a nacelle atop each tower containing the electrical generating equipment, and a three-blade rotor attached to the nacelle. Each wind turbine will have a maximum generating capacity of approximately 1.5 MW.</p>			

Please Complete Each Question – Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____
2. Total acreage of project area: **approx. 13,101 acres** Includes all acreage within Project Area/Wind Overlay District boundary as shown in attachment C
APPROXIMATE ACREAGE

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	383 acres	376 acres
Forested	7,044 acres	6,925 acres
Agricultural (Includes orchards, cropland, pasture, etc.)	5,202 acres	5,054 acres
Wetland (Freshwater of tidal as per Articles 24, 25 of ECL)	98 acres	97 acres
Water Surface Area	4 acres	4 acres
Unvegetated (Rock, earth or fill)	0 acres	0 acres
Roads, buildings and other paved surfaces	17 acres	17 acres
Other (Indicate type) Developed, Open Space	354 acres	629 acres
3. What is predominant soil type(s) on project site? **Busti silt loam 3-8% and 8-15% slopes, Chautauqua silt loam 3-8% and 8-15% slopes, Fremont silt loam 3-8 % slopes and 0-3% slopes, Erie silt loam, 3-8% slopes**
 - a. Soil drainage: Well drained 18% of site Moderately well drained 26% of site
 Poorly drained 56% of site
 - b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? **7,800 acres.** (See 1 NYCRR 370)
4. Are there bedrock outcroppings on project site? Yes No
 - a. What is the depth to bedrock? **N/A** (in feet)
5. Approximate percentage of proposed project site with slopes: 0-10% **75%** 10-15 % **16%**
 15% or greater **9%**
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No **New York SHPO GIS Database**
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?
 Yes No
8. What is the depth of the water table? **Variable; at the surface to 137 feet** (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
Hunting and fishing.
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to **NYSDEC, the Henslow's sparrow, short-eared owl, sedge wren, and bald eagle are known to occur within 10 miles of the project area. According to USFWS, the clubshell is known to occur in Chautauqua County. See Attachment A.**
Identify each species
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain
14. Does the present site include scenic views known to be important to the community? Yes No **A Visual Impact Assessment will be conducted as part of the DEIS. See Attachment D.**
15. Streams within or contiguous to project area: **Unnamed tributaries to Tupper Creek; Unnamed tributaries to North Branch Conewango Creek; and Unnamed tributaries to West Branch Conewango Creek.**
 - a. Name of Stream and name of River to which it is tributary **North and West Branches to Conewango Creek drain to Conewango Creek, which drains to the Allegheny River in Pennsylvania; Tupper Creek drains to Walnut Creek, which drains to Lake Erie.**
16. Lakes, ponds, wetland areas within or contiguous to project area:
 - a. Name **The Project Area contains 6 NYSDEC mapped wetlands and 86 NWI Mapped wetlands**
 - b. Size (in acres) **NYSDEC mapped wetlands: 238.32 acres. NWI Mapped wetlands: 210.58 acres. Wetland acreage to be further delineated in the wetland application that will be submitted to NYSDEC and USACE.**
17. Is the site served by existing public utilities? Yes No
 - a) If Yes, does sufficient capacity exist to allow connection? Yes No
 - b) If Yes, will improvements be necessary to allow connection? Yes No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No **Districts 0, 5, and 10**
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- Total contiguous acreage owned or controlled by project sponsor **Approx. 13,101** acres.
 - Project acreage to be developed **Approximately 323 acres** initially; **Approx. 300** acres ultimately.
 - Project acreage to remain undeveloped **12,778** acres.
 - Length of project, in miles **N/A** (If appropriate)
 - If the project is an expansion, indicate percentage of expansion proposed **N/A**%
 - Number of off-street parking spaces existing **None**; proposed **None**.
 - Maximum vehicular trips generated per hour **15 (construction)** (upon completion of project)? **None**
 - If residential: Number and type of housing units: **N/A**
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | N/A | N/A | N/A | N/A |
| Ultimately | N/A | N/A | N/A | N/A |
- Dimensions (in feet) of largest proposed structure **118.5 meters (389 ft)** height; **77.2 meters (253)** width, **N/A** length
 - Linear feet of frontage along a public thoroughfare project will occupy is? **Approx. 11,282** ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? **Approximately 140,000 CY** tons/cubic yards **40% of material will likely be topsoil that will be distributed on the associated access roads/turbine site. The remaining 60% will either be used in construction of the access roads throughout the project or sent to licensed facilities.**
3. Will disturbed areas be reclaimed? Yes No N/A
- If yes, for what intended purpose is the site being reclaimed? **Agriculture; wetlands.**
 - Will topsoil be stockpiled for reclamation? Yes No
 - Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? **Approx. 126** acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
Yes No
6. If single phase project: Anticipated period of construction **12** months, (including demolition).
7. If multi-phased: **NA**
- Total number of phases anticipated **N/A** (number),
 - Anticipated date of commencement phase 1 **N/A** month **N/A** year, (including demolition).
 - Approximate complete date of final phase **N/A** month **N/A** year.
 - Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated during construction **Approximately 185**; after project is complete **Approximately 7. 1 Plant Manager, 1 Administrative, 5 Technical.**
10. Number of jobs eliminated by this project **None**.
11. Will project require relocation of any projects or facilities? Yes No If yes, explain
12. Is surface liquid waste disposal involved? Yes No
- If yes, indicate type of waste (sewage, industrial, etc.) and amount **N/A**
 - Name of water body into which effluent will be discharged **N/A**
13. Is subsurface liquid waste disposal involved? Yes No Type
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
- If yes, what is the amount per month **approximately 10 tons** during **6 months of construction. Waste generation will be negligible during operations.**
 - If yes, will an existing waste facility be used? Yes No
 - If yes, give name **TBD. Due to materials identification and classification, multiple sites may be used.**
 - Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
 - If yes, explain **N/A**
17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? **N/A** tons/month.

b. If yes, what is the anticipated site life: **N/A** years.

- 18. Will project use herbicides or pesticides: Yes No
 - 19. Will project routinely produce odors (more than one hour per day)? Yes No
 - 20. Will project produce operating noise exceeding the local ambient noise levels? Yes No **Noise**
- analysis will be conducted in the DEIS.**
- 21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s)
 - 22. If water supply is from wells, indicate pumping capacity **N/A** gallons/minute. **N/A**
 - 23. Total anticipated water usage per day **N/A** gallons/minute. **N/A**
 - 24. Does project involve Local, State or Federal funding? Yes No
If yes, explain

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	See Attachment B	
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

C. Zoning and Planning Information

- 1. Does proposed action involve a planning or zoning decision? Yes No
If yes, indicate decision required:
zoning amendment zoning variance special use permit subdivision site plan
new/revision of master plan resource management plan other
- 2. What is the zoning classification(s) of the site? **Portions of the Project Area in Villenova are classified as Transition (T) District. The Project Area within the Town of Hanover is entirely within the Agriculture and Residential (A1) district.**
- 3. What is the maximum potential development of the site if developed as permitted by the present zoning? **N/A**
- 4. What is the proposed zoning of the site? **Wind Overlay District**
- 5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? **N/A**
- 6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
Project will allow continued use of land for agricultural purposes. The Town of Villenova and Town of Hanover have adopted a Wind Energy Facilities Law that regulates the placement of Wind Energy Conversion Devices/Farms. The action is consistent with the requirements set forth in these laws except for height restriction in the Town of Hanover for which area variances will be sought from the Hanover Zoning Board of Appeals.
- 7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? **Agriculture and forested.**
- 8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile: Yes No
See item 6.
- 9. If the proposed action is the subdivision of land, how many lots are proposed? **N/A**
a. What is the minimum lot size proposed? **N/A**
- 10. Will proposed action require and authorization(s) for the formation of sewer or water districts? Yes No
- 11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No **Small potential increase in demand for police and fire protection.**
a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- 12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No
Temporarily during construction. During operation traffic will resume to present levels. Traffic analysis will be conducted as part of the DEIS.
a. If yes, is the existing road network adequate to handle the additional traffic? Yes No
Noble will enter into a Road Use Agreement with the Towns of Villenova and Hanover and Chautauqua County in order to mitigate and/or repair any damages to the local roads. A haul route study will be provided in the DEIS that will identify any necessary roadway improvements.

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name

Date May 16th 2008

Signature  JOHN M. QUIRK Title E.V.P. DEVELOPMENT

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **No** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc) NO YES

- Specific land forms:

1 Small to Moderate Impact	2 Potential Large Im- pact	3 Can Impact Be Mitigated By Pro- ject Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts:

4. Will proposed action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.

• Other impacts:

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

- Proposed Action will Require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts:

	1 Small to Moderate Impact	2 Potential Large Im- pact	3 Can Impact Be Mitigated By Pro- ject Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

6. Will proposed action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.
- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.

Other impacts:

IMPACT ON AIR

7. Will proposed action affect air quality?

NO YES

Examples that would apply to column 2

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Proposed Action will result in the incineration of more than 1 tone of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
- Proposed action will allow an increase in the amount of land committed to industrial use.
- Proposed action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts:

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.
- Removal of any portion of a critical or significant wildlife habitat.
- Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
- Other impacts:

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

1 Small to Moderate Impact	2 Potential Large Im- pact	3 Can Impact Be Mitigated By Pro- ject Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)
- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. I
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)
- Other impacts:

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources?

NO YES

(If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts:

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts:

	1 Small to Moderate Impact	2 Potential Large Im- pact	3 Can Impact Be Mitigated By Pro- ject Change	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts:

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

NO YES

Examples that would apply to column 2

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction of the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts:

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts:

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts:

1 Small to Moderate Impact	2 Potential Large Im- pact	3 Can Impact Be Mitigated By Pro- ject Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts:

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts:

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
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1 Small to Moderate Impact	2 Potential Large Im- pact	3 Can Impact Be Mitigated By Pro- ject Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- Other impacts:

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

NO YES

If any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3.

PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Base on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

Attachment A

**Ball Hill Windpark
United States Fish and Wildlife Service Correspondence
New York Natural Heritage Program Correspondence
(Part 1A-11)**



ecology and environment, inc.

International Specialists in the Environment

BUFFALO CORPORATE CENTER

368 Pleasant View Drive, Lancaster, New York 14086
Tel: 716/684-8060, Fax: 716/684-0844

September 18, 2006

Ms. Jean Pietrusiak

Information Services; New York Natural Heritage Program
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, New York 12233-4757

Re: Noble Environmental Power LLC
Towns of Villenova and Hanover
Chautauqua County, NY

Dear Ms. Pietrusiak:

Ecology & Environment, Inc. (E & E), on behalf of Noble Environmental Power LLC (Noble), is preparing a feasibility study for a potential wind energy facility in the Towns of Villenova and Hanover, Chautauqua County, NY. Prior analyses of meteorological conditions in the vicinity of this area have identified the presence of a favorable wind resource. The project, if implemented, would create a renewable energy supply, with the electricity generated from the facility to be supplied to the regional electric supply grid. This project would be specifically designed to meet the needs of the Governor's initiative to increase the percentage of New York State's electric supply from renewable sources to 25% by 2013.

The proposed Ball Hill project area is shown in the enclosed figure. The figure is a composite of the Cherry Creek (1990), Forestville (1990), Perrysburg (1990), and Hamlet (1990) 7.5 minute USGS topographic quadrangle maps.

We are currently analyzing the potential issues involved with the siting of a wind energy facility in the identified area; therefore, no specific layout of facilities or infrastructure is available. Rather, based our preliminary evaluation of existing resources, Noble would design the facility to minimize impacts to the extent possible. E & E is seeking your assistance in identifying state-listed threatened or endangered species, significant or critical habitats, natural areas, or other wildlife or fisheries features that may occur within the identified project area boundary.

Ms. Pietrusiak
September 18, 2006
Page 2 of 2

If you have any questions regarding this data request or require additional project information, please do not hesitate to call me at 716-684-8060. Thank you very much for your attention to this request. We look forward to receiving your input on this project.

Sincerely,
ECOLOGY & ENVIRONMENT, INC.



Christine Sousa
Biologist

Enc.: (1)

cc: Sandy Sayyeau (Noble)
Christina Presnell (Noble)
Mike Morgante (E & E)



Source: USGS Cherry Creek Quad, 1990; USGS Forestville Quad, 1990; USGS Perrysburg Quad, 1990; USGS Hamlet Quad, 1990.

**Ball Hill Project Area
 USGS 1:24,000 Quadrangle**



**New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources**

New York Natural Heritage Program
625 Broadway, 5th floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
Website: www.dec.state.ny



October 17, 2006

Christine Sousa
Ecology and Environment, Inc
Buffalo Corporate Ctr, 368 Pleasant View Dr.
Lancaster, NY 14086

Dear Ms. Sousa:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Noble Environmental Power Wind Energy Facility, area as indicated on the map you provided, located in the Towns of Villenova and Hanover, Chautauqua County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

PLEASE NOTE: For Windpower Projects, we report all records found within the project boundary, and any avian records that may be located within a 10-mile buffer of the project boundary. We also report Indiana bat hibernaculum that may be located within a 40-mile buffer of the project boundary.

The presence of rare species may result in this project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Tara Seoane
Tara Seoane, Information Services
NY Natural Heritage Program

Enc.

cc: Reg. 9, Wildlife Mgr
Jack Nasca, Environmental Permits, Albany
Mark Wothal, Bureau of Habitat, Albany

Natural Heritage Report on Rare Species and Ecological Communities

These occurrences are within
10-miles of the project site.

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

- This report contains SENSITIVE information that may not be released to the public without permission from the NY Natural Heritage Program.
- Refer to the User's Guide for explanations of codes, ranks and fields.
- Location maps for certain species and communities may not be provided if 1) the species is vulnerable to disturbance, 2) the location and/or extent is not precisely known, and/or 3) the location and/or extent is too large to display.

Natural Heritage Report on Rare Species and Ecological Communities

BIRDS

Ammodramus henslowii

Henslow's Sparrow NY Legal Status: Threatened NYS Rank: S3B; Vulnerable Office Use: 11071
 Federal Listing: Global Rank: G4; Apparently secure
 Last Report: ** EO Rank: ** ESU
 County: Chautauqua
 Town: Arkwright
 Location: Brainard Road Fields
 Directions: From Cowdens Corner, follow Skinner Miller Road south to Brainard Road. Turn west on Brainard Road. The birds were found in fields on the south side of the road.
 General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.

Ardea herodias

Great Blue Heron NY Legal Status: Protected NYS Rank: S5; Demonstrably secure Office Use: 4800
 Federal Listing: Global Rank: G5; Demonstrably secure SL
 Last Report: 1995-04-03 EO Rank: Good or Fair
 County: Chautauqua
 Town: Arkwright
 Location: Dibble Hill, Farrington Hollow
 Directions: The rookery is located about 0.8 mi northwest of Town Corners and 2000 feet northwest of the junction of Farrington Hollow Road and Hamlet Road.
 General Quality and Habitat: Usually more than 50 nests/year, but some years less. Ridgetop with mature northern hardwoods-beech, maple, hemlock. Nests mostly in beech trees.

Asio flammeus

Short-eared Owl NY Legal Status: Endangered NYS Rank: S2; Imperiled Office Use: 11085
 Federal Listing: Global Rank: G5; Demonstrably secure
 Last Report: ** EO Rank: ** ESU
 County: Chautauqua
 Town: Sheridan
 Location: Dunkirk Airport Sheridan
 Directions: The birds were observed in the fields bounded by Middle Road to the south, Newell Road to the east, Harrington Road to the west, and a railroad to the north, in the town of Sheridan.
 General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.

Natural Heritage Report on Rare Species and Ecological Communities

Cistothorus platensis

Sedge Wren NY Legal Status: Threatened NYS Rank: S3B; Vulnerable Office Use: 10681
 Federal Listing: Global Rank: G5; Demonstrably secure
 Last Report: ** EO Rank: ** ESU
 County: Chautauqua
 Town: Sheridan
 Location: Middle Road Field Sheridan
 Directions: From Sheridan, follow Center Road north to Route 121 (Middle Road). Turn west on Route 121 (Middle Road). Look for a stone driveway on the north side of the road (mailbox #2897). The birds were observed in the field in front of the willow plantation.
 General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.

Cistothorus platensis

Sedge Wren NY Legal Status: Threatened NYS Rank: S3B; Vulnerable Office Use: 10686
 Federal Listing: Global Rank: G5; Demonstrably secure
 Last Report: ** EO Rank: ** ESU
 County: Chautauqua
 Town: Pomfret
 Location: Sage Road Field Nortons Switch
 Directions: From Fredonia, follow Route 20 west to Adams Road. Turn south on Adams Road and follow it to Webster Road. Turn west on Webster Road then turn south on Sage Road. The birds were seen and heard on both sides of the road.
 General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.

Haliaeetus leucocephalus

Bald Eagle NY Legal Status: Threatened NYS Rank: S2S3B,S2N; Imperiled Office Use: 9672
 Federal Listing: Threatened Global Rank: G5; Demonstrably secure
 Last Report: ** EO Rank: ** ESU
 County: Cattaraugus, Chautauqua
 Town: Cattaraugus Indian Reservation, Cattaraugus Indian Reservation
 Location: Cattaraugus Creek Indian Reservation
 Directions: There are five nests on the south side of Cattaraugus Creek about 5 kilometers upstream (east) of the New York State Thruway crossing. The location of Nest D has not been GPSed, but it is right next to Nest E. Access is only through the Reservation of Seneca Nation.
 General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.

Haliaeetus leucocephalus

Bald Eagle NY Legal Status: Threatened NYS Rank: S2S3B,S2N; Imperiled Office Use: 11638
 Federal Listing: Threatened Global Rank: G5; Demonstrably secure
 Last Report: ** EO Rank: ** ESU
 County: Cattaraugus
 Town: Dayton
 Location: Conewango Swamp
 Directions: The bald eagles are nesting east of Dexter Corners and west of Wolf Road. One nest is in Conewango Swamp and the other is just southwest near a tributary associated with the swamp.
 General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.

Records Processed

Natural Heritage Report on Rare Species and Ecological Communities

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

These occurrences are within the project site or in close proximity.

- This report contains SENSITIVE information that may not be released to the public without permission from the NY Natural Heritage Program.
- Refer to the User's Guide for explanations of codes, ranks and fields.
- Location maps for certain species and communities may not be provided if 1) the species is vulnerable to disturbance, 2) the location and/or extent is not precisely known, and/or 3) the location and/or extent is too large to display.

Natural Heritage Report on Rare Species and Ecological Communities

COMMUNITIES

Rich hemlock-hardwood peat swamp

This occurrence of Rich Hemlock-Hardwood Peat Swamp is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value.

Office Use

NY Legal Status: Unlisted.

NYS Rank: S2S3;

961

Federal Listing:

Global Rank: G3G4;

SL

Last Report: 1992-08-28

EO Rank:

County: Chautauqua

Town: Arkwright, Villenova

Location: West Mud Lake Swamp

Directions: From Black Corners (junction of Route 83 and Farrington Hollow Road), go east on Route 83 about 1.0 mi to West Mud Lake (easily seen to the north of Route 83). The swamp is along the west edge of West Mud Lake. The swamp continues south of Route 83 along the west side of West Branch Conewango Creek.

General Quality and Habitat: Excellent quality, with history of some selective logging followed by very good recovery. Community is well-buffered. Minimal disturbance and good size. A mixed conifer and hardwood swamp along the west side of west Mud Lake, a eutrophic pond. The wetland continues to the south of Route 83. To the north and west of wetland are agricultural fields. The swamp extends south of Route 83 west of West Branch Conewango Creek. The southern portion of the swamp is more disturbed by selective logging than the north end (west of the lake). The north end is pristine.

Shrub swamp

This occurrence of Shrub Swamp is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value.

Office Use

NY Legal Status: Unlisted

NYS Rank: S5;

3633

Federal Listing:

Global Rank: G5;

Last Report: 1990-08-15

EO Rank:

County: Chautauqua

Town: Hanover, Villenova

Location: East Mud Lake

Directions: From the junction of Route 93 and Route 39 in Parcells Corners, travel south on Route 93 (Hanover Road) 1.75 miles. Mud Lake and the swamp are on the right (west) side of the road. Ask permission for access to the site.

General Quality and Habitat: Of good size and biologically diverse, with some cottages on the lake shore. Uplands around the wetlands are primarily farm fields. There were no exotics observed. A lake and small pond surrounded by a very dense shrub swamp thicket. Further upland, the shrub swamp gradually transitions into a red maple swamp which eventually merges with a hemlock-northern hardwood forest. East Mud Lake is bordered on the west side by homes and cottages. Much of the surrounding landscape is farm fields.

SH

Natural Heritage Report on Rare Species and Ecological Communities

Ichthyomyzon greeleyi

Mountain Brook
Lamprey

NY Legal Status: Special Concern

NYS Rank: S1; Critically imperiled

Office Use
11520

Federal Listing:

Last Report: 2001-05-04

Global Rank: G3G4; Vulnerable

EO Rank: Extant

County: Chautauqua

Town: Villenova

Location: West Branch Conewango Creek

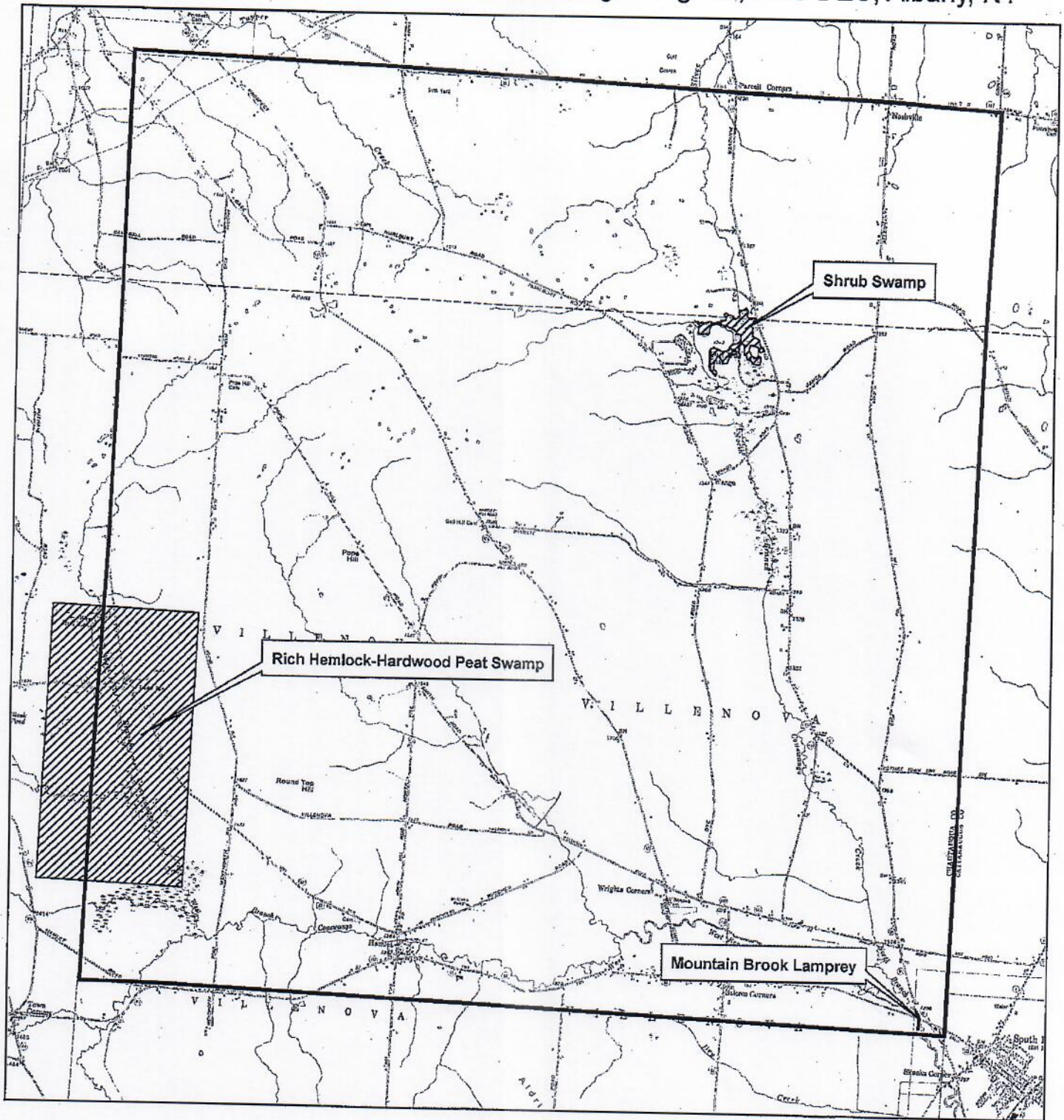
Directions: The lampreys were found in West Branch Conewango Creek at Route 322.

General Quality
and Habitat: The lampreys were found in a creek.

3 Records Processed

Natural Heritage Map of Rare Species and Ecological Communities

Prepared October 13, 2006 by NY Natural Heritage Program, NYS DEC, Albany, NY



Legend

 Project Site

NY Natural Heritage Program Database Records*

 Animal

 Community

1:60,000

0 0.4 0.8 1.6 2.4 Miles

*The locations that are displayed are considered sensitive and cannot be released to the public without permission. We do not provide map locations for all records. Please see report for details.





ecology and environment, inc.

International Specialists in the Environment

BUFFALO CORPORATE CENTER

368 Pleasant View Drive, Lancaster, New York 14086
Tel: 716/684-8060, Fax: 716/684-0844

September 18, 2006

Mr. David Stilwell
United States Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

Re: Noble Environmental Power LLC
Towns of Villenova and Hanover
Chautauqua County, NY

Dear Mr. Stilwell:

Ecology & Environment, Inc. (E & E), on behalf of Noble Environmental Power LLC (Noble), is preparing a feasibility study for a potential wind energy facility in the Towns of Villenova and Hanover, Chautauqua County, NY. Prior analyses of meteorological conditions in the vicinity of this area have identified the presence of a favorable wind resource. The project, if implemented, would create a renewable energy supply, with the electricity generated from the facility to be supplied to the regional electric supply grid. This project would be specifically designed to meet the needs of the Governor's initiative to increase the percentage of New York State's electric supply from renewable sources to 25% by 2013.

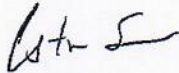
The proposed Ball Hill project area is shown in the enclosed figure. The figure is a composite of the Cherry Creek (1990), Forestville (1990), Perrysburg (1990), and Hamlet (1990) 7.5 minute USGS topographic quadrangle maps.

We are currently analyzing the potential issues involved with the siting of a wind energy facility in the identified area; therefore, no specific layout of facilities or infrastructure is available. Rather, based on our preliminary evaluation of existing resources, Noble would design the facility to minimize impacts to the extent possible. E & E is seeking your assistance in identifying federally-listed threatened or endangered species, significant or critical habitats, natural areas, or other wildlife or fisheries features that may occur within the identified project area boundary.

A preliminary analysis of available wetland and hydric soils mapping has been completed for the project area. Based on our review, we realize that several state and federal jurisdictional wetlands likely occur within the project area. Field delineations and evaluations of these areas will be necessary and would be conducted in later stages of facility siting, assuming that the site is ultimately considered feasible for siting a wind farm.

If you have any questions regarding this data request, or require additional project information, please do not hesitate to call me at 716-684-8060. Thank you very much for your attention to this request. We look forward to receiving your input on this project.

Sincerely,
ECOLOGY & ENVIRONMENT, INC.



Christine Sousa
Biologist

Enc.: (1)

cc: Sandy Sayyeau (Noble)
Christina Presnell (Noble)
Mike Morgante (E & E)



Source: USGS Cherry Creek Quad, 1990; USGS Forestville Quad, 1990; USGS Perryburg Quad, 1990; USGS Hamlet Quad, 1990.

**Ball Hill Project Area
 USGS 1:24,000 Quadrangle**





Chautauqua County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald eagle ¹	<i>Haliaeetus leucocephalus</i>	D
Clubshell	<i>Pleurobema clava</i>	E
Rayed bean	<i>Villosa fabalis</i>	C

Status Codes: E=Endangered T=Threatened P=Proposed C=Candidate D=Delisted

¹ The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the Bald and Golden Eagle Protection Act (BGEPA). Please follow the Service's May 2007 Bald Eagle Management Guidelines to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

Information current as of: 5/15/2008

Attachment B

**Ball Hill Windpark
Approvals Required
(Part 1B-25)**

Approvals Required

- Corresponds to EAF Section B, #25

Permit or Consultation Required	Agency
Acceptance of DEIS, FEIS and issuance of findings	SEQRA Lead Agency
Zoning Amendment to Create a Wind Overlay District	Town of Villenova Town Board
Special Use Permit	Town of Villenova Town Board
	Town of Hanover Town Board
Area Variances for WECS height	Town of Hanover Zoning Board of Appeals
Special Use Permit/Site Plan Recommendation	Town of Hanover Planning Board
Section 404: Waters of the US Jurisdictional Determination	United States Army Corps of Engineers
GML § 239-m referral	Chautauqua County Planning Board
Article 15 – Stream Disturbance Permit	New York State Department of Environmental Conservation
Article 24 – Freshwater Wetlands Permit	New York State Department of Environmental Conservation
Sect. 401: Water Quality Certification	New York State Department of Environmental Conservation
Article 17 - SPDES– General Permit for Stormwater Discharges from Construction Activity	New York State Department of Environmental Conservation
No Hazard to Aviation Determinations	Federal Aviation Administration
Highway Work/Utility/Non-Utility Permits	NYS Department of Transportation
Chautauqua County Road Use Agreement	Chautauqua County Highway Superintendent
Road Use Agreements	Town Boards of Villenova and Hanover
Host Community Agreements	Town Boards of Villenova and Hanover
Consultation	US Fish and Wildlife Service
Consultation	NYS Office of Parks, Recreation and Historic Preservation
Pub. Svc. Law Sect. 68 Certificate of Public Convenience and Necessity	NYS Public Service Commission
Building Permits	Town of Villenova Code Enforcement Officer of Consultant
	Town of Hanover Code Enforcement Officer or Consultant
Zoning Permit	Town of Villenova Code Enforcement Officer
PILOT Agreement Approval	Chautauqua County Industrial Development Agency

Attachment C

**Ball Hill Windpark
Project Area Figure**

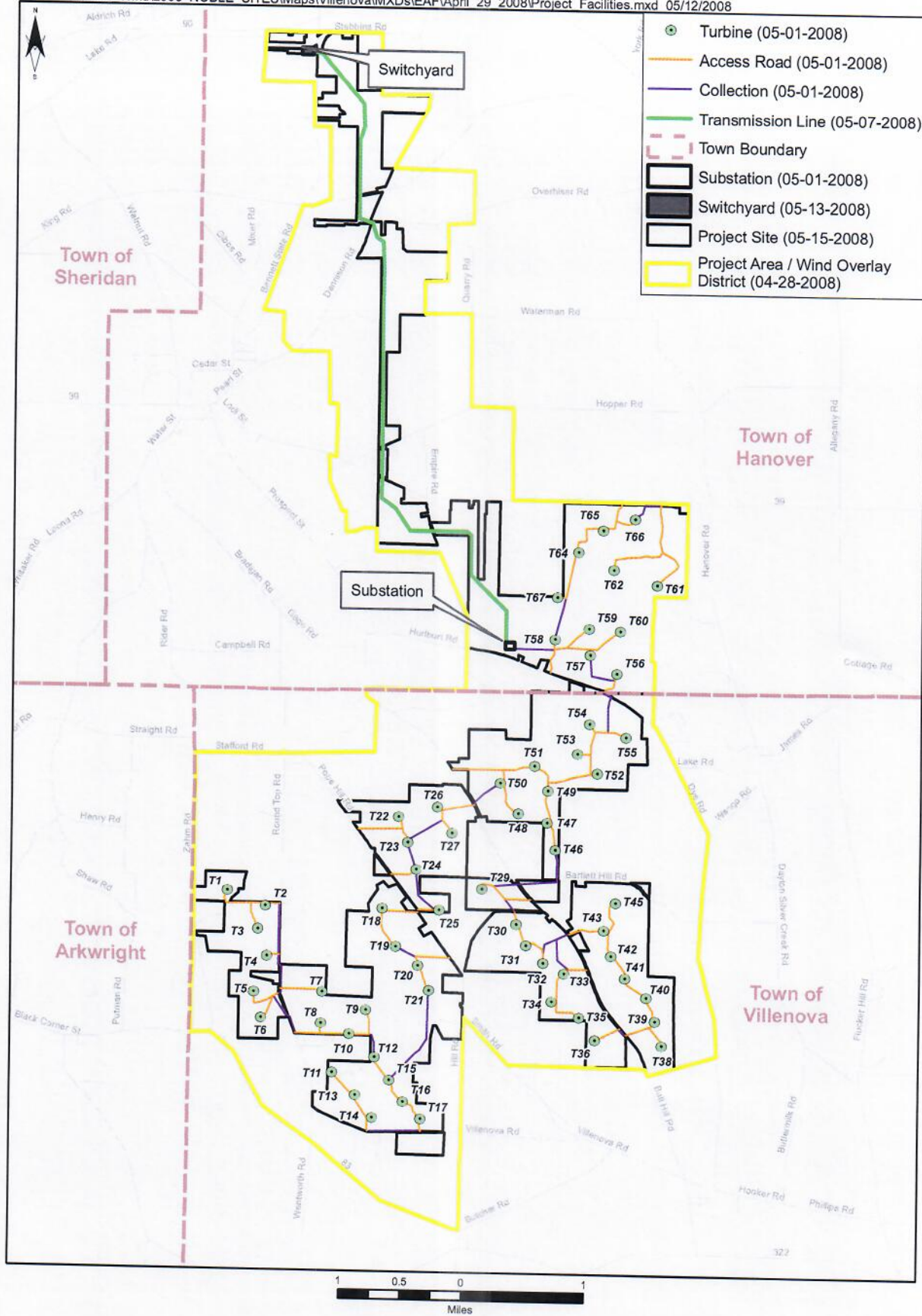


Figure 1: Noble Ball Hill Project Facilities

Attachment D

**Ball Hill Windpark
Visual EAF Addendum**

617.20
Appendix B
State Environmental Quality Review
VISUAL EAF ADDENDUM

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency) ** = No resources found in close proximity

Visibility

		Distance Between Project and Resource (in Miles)				
		0 - ¼	¼ - ½	½ - 3	3 - 5	5 +
1.	Would the project be visible from:					
!	A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
!	An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
!	A site or structure listed on the National or State Registers of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
!	State Parks? <i>State WMA?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	The State Forest Preserve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
!	National Wildlife Refuges and State Game Refuges? **	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	National Natural Landmarks and other outstanding natural features? **	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	National Park Service lands? **	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	Rivers designated as National or State Wild, Scenic or Recreational? **	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
!	A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	A site, area, lake, reservoir or highway designated as scenic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
!	Municipal park, or designated open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	County road?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	State road?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	Local road?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)
 Yes No

3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?
 Yes No

**RESOLUTION OF THE
TOWN OF VILLENOVA TOWN BOARD
FOR ITS CONTINUING SEQRA REVIEW OF THE BALL
HILL WIND ENERGY PROJECT**

WHEREAS, development of the Ball Hill Wind Energy Project began on or about May 23, 2008 with an application filed for a Special Use Permit and Wind Overlay Zoning District under Local Law No. 1 of 2007, the Wind Energy Facilities Law of the Town of Villenova (the Wind Energy Facilities Law), incorporating a proposal to build wind energy facilities in the Towns of Villenova and Hanover in Chautauqua County, New York including wind energy facilities producing approximately 100 MW of clean, renewable energy including without limitation, access roads, electrical collection system, laydown areas, operations and maintenance areas, electrical transmission system, a substation and switchyard and other utility related infrastructure ("Project"); and

WHEREAS, the Town Board of the Town of Villenova, acting as Lead Agency, pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617) ("SEQRA") accepted the Project's application as complete and issued a Positive Declaration of Environmental Significance on June 23, 2008; and

WHEREAS, as a result a Draft Environmental Impact Statement ("DEIS") was prepared for the Project, which was reviewed by the Town Board and its engineering and legal consultants, which was accepted by the Town Board as complete for public review and comment on October 8, 2008; and

WHEREAS, written and oral comments were received on the DEIS and the Project from interested and involved Agencies and the public at a public hearing held on October 30, 2008 in the Town of Villenova; and

WHEREAS, the Project development continued at the same project location with layout and equipment changes that were included in an amended application under the Wind Energy Facilities Law for a Wind Overlay Zoning District and Special Use Permit, including a request to modify the maximum height restriction in §690.09 A.13 of the Wind Energy Facilities Law, filed with the Town Board on August 10, 2011; and

WHEREAS, the Town Board accepted the amended application as complete on February 8, 2012 and ordered that a Supplemental DEIS ("SDEIS") be prepared analyzing potential impacts as required under Wind Energy Facilities Law and SEQRA, and adopted a scope of impacts for said SDEIS; and

WHEREAS, development of the Project continued at the same location with a revised layout and new equipment that were included in a second amended application, including a request to modify the maximum height restriction under §690.09 A.13 of the Wind Energy Facilities Law, for the Project, filed with the Town Board on May 14, 2012; and

WHEREAS, the Town Board accepted the second amended application for the Project as complete on May 23, 2012; and

WHEREAS, the SDEIS, analyzing all impacts identified in the Town Board's resolution dated February 8, 2012 as well as any impacts resulting from the additional height necessary to accommodate the Project's technology as stated in its resolution dated May 23, 2012, was prepared and submitted for the Town Board's engineering and legal consultants' review; and

WHEREAS, the consideration of the aforementioned pending applications, development of the Project by the current sponsor Ball Hill Wind Energy, LLC, the finalization of the SDEIS, addressing any layout or equipment changes for the Project at the original Project location and the resulting potential environmental impacts, for acceptance by the Town Board as SEQRA Lead Agency, continues; and

WHEREAS the Town Board, to support its continued review of the aforementioned pending applications, on October 14, 2015, adopted a resolution confirming its retention of the Town's engineering and legal consultants for their continued assistance with the Town Board's review of the Project and re-authorizing the use of the Project escrow agreement to allow the consultants' continued review of the Project;

NOW, THEREFORE, be it hereby resolved by the Town Board of the Town of Villenova as follows:

1. The Town Board shall continue as Lead Agency under SEQRA for the review of the Project, the SDEIS and all subsequent submissions under SEQRA; and
2. That Ball Hill Wind Energy, LLC will continue the development of the Project and assume all rights and responsibilities of prior developers as related to the Project, applications under the Wind Energy Facilities Law and SEQRA, and shall be recognized by the Town Board as, Applicant for the Project from its inception; and
3. That the SDEIS for the Project shall be consistent with and address the scope of impacts identified by the Town Board in its February 8, 2012 resolution which directed that the SDEIS address and/or provide the following:
 - A. Updated shadow flicker modeling results for all residential structures located within 10 rotor diameters of a proposed WECS;
 - B. Updated visual simulations and renderings;
 - C. Updated viewshed analysis;
 - D. Updated noise analysis;

E. Updated evaluation of impacts to historic properties occurring within the viewshed of the Project;

F. Updated wetland delineation and wetland impact evaluation;

G. Updated evaluation of impacts to land uses, vegetative communities and wildlife and related habitat;

H. Updated evaluation of impacts to surface water resources and compliance with current storm water regulations and federal and state wetland regulations;

I. Updated evaluation of soil disturbance or other disturbance to topography or land resulting from the turbine changes or other Project changes;

J. Updated evaluation of potential communication interference;

K. Updated evaluation of potential adverse impacts to threatened and endangered species including bald and golden eagles; and

L. Updated cumulative impact.

4. That the SDEIS for the Project shall be consistent with and address the scope of impacts identified by the Town Board in its May 23, 2012 resolution which directed that the SDEIS address and/or provide the following:

A. Updated evaluation of any impacts associated with or resulting from the waiver of the maximum height restriction in the Wind Energy Facilities Law to accommodate the additional height of the wind turbine technology proposed for the Project.

5. This Resolution is effective immediately.

PASSED AND ADOPTED by the Town Board of the Town of Villenova on the 29 day of October, 2015

ROLL CALL	Yea	Nay	Abstain
Supervisor Park	✓		
Councilmember Graziano	✓		
Councilmember Tessey	A		
Councilmember Chase	✓		
Councilmamber Goodway	✓		