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March 21, 2019

VIA ELECTRONIC FILING

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223

Re: Case No. 18-F-0262: Application of High Bridge Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 100 MW Wind Powered Electric Generating Facility Located in the Town of Guilford, Chenango County

Dear Secretary Burgess:

Enclosed please find responses from High Bridge Wind, LLC ("High Bridge Wind") to comments filed on the Preliminary Scoping Statement ("PSS") related to a major wind electric generating facility proposed in the Town of Guilford in Chenango County, New York ("High Bridge Wind Farm Project" or the "Facility"). This document will be served in the manner required by the regulations at 16 NYCRR § 1000.5, and proof of said service will be submitted to DMM at a later date.

Please feel free to contact our office with any questions.

Respectfully submitted,

/s/ Laura K. Bomyea

Laura K. Bomyea, Esq.
Young/Sommer LLC

Attorneys for High Bridge Wind, LLC

**High Bridge Wind Project
Revised Scoping Statement (RSS)
Appendix I: Response to Comments Received on the PSS**

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NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE

General Comments

1. In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all the informational requirements included in 16 NYCRR §1001.

Response: *The Application will contain the information required by 16 NYCRR 1001.*

2. The case number indicated in the footer of the Preliminary Scoping Statement (PSS) lists “Case 18-F-026.” Please note that the correct case number for the Project is 18-F-0262

Response: *The Revised Scoping Statement (RSS) has been updated to reflect the correct case number.*

3. Applicant should provide a matrix during the scoping and stipulation process to cross-reference and indicate where issues, comments, and information required under 16 NYCRR §1001 are addressed in multiple exhibits.

Response: *The Applicant will confer with the parties during the Stipulations process to determine how best to provide the information requested. Additionally, the Application will include an index identifying the location of exhibits, appendices, and relevant cross references.*

4. GIS shapefiles used in development of the Application should be provided to support information in the Application. GIS shapefiles of all Project and resource locational information and analyses should be provided directly to DPS Staff on CD-ROM along with paper copies of the Application.

Response: *The information requested will be provided with the Application*

5. DPS Staff requests that Applicant provide immediate access to GIS shapefiles for the Project Facility Area, as well as any preliminary facility locations, or participating property mapping, to advance our understanding of potential resource considerations and refinement of Project scoping discussions.

Response: *The Applicant will provide DPS with GIS shapefiles of the preliminary Facility Site presented in the PSS, as well as preliminary Facility turbine locations.*

Cover Letter and Affidavits

6. The Affidavit of Service provided in the Applicant’s February 4, 2019 letter indicates that the PSS was served on the statutory parties pursuant to 16 NYCRR § 1000.5(c). However, the Applicant did not provide paper copies of the filing to the NYS Attorney General and the required number of paper copies were not served on the Secretary to the Siting Board, the NYS Department of Environmental Conservation (DEC), and the DEC regional office. In addition, the Affidavit of Service does not indicate that an electronic copy of the PSS was provided the public information officer at DPS.

Response: *The Applicant served the PSS in the manner required or, in many cases requested by the agencies that did not wish to receive the number of paper copies specified in the regulations. For example, a representative of the Attorney General’s Office expressly directed the Applicant’s counsel to serve only electronic copies of relevant Article 10 documents on their office, and not to send any paper copies. Similarly, DEC has agreed to a reduced number of*

paper copies of Article 10 filings at both Central Office and the Regional Offices, due to limited space, the large size of many documents, and the resource waste associated therewith. Since the purpose of paper service requirements is to ensure that parties have access to the appropriate format and number of copies of important documents, it is reasonable and ultimately good practice to permit parties to specify what manner and number of copies they prefer to receive, and to refrain from serving paper copies where parties have expressly requested not to receive them, particularly for agencies with strong “paperless” policies. Therefore, the Applicant has complied, and will continue to comply, with agency requests for electronic service, and/or service of a reduced number of paper copies, of important documents and filings.

7. The Chair of the Public Service Commission, John Rhodes, should be added to the Stakeholders List. Also include the following contacts for NYS DPS: Andrea Cerbin, Office of General Counsel and Andrew Davis, Office of Electric, Gas and Water.

Response: John Rhodes, Andrea Cerbin, and Andrew Davis have been added to the Stakeholder List.

Exhibit 2 – Overview and Public Involvement Summary

8. The Applicant indicated that it has not identified host and adjacent landowners at this stage of the Project. An updated Stakeholder List identifying these landowners should be included with the Application. In addition, Staff reiterates the recommendation regarding the PIP Plan that the definition of adjacent landowner should be expanded to include “landowners with property within 2,500 feet of a wind turbine, solar collector array, or substation, or within 500 feet of other Facility Projects components (e.g., collection lines, met tower, O&M Facility, etc.), and any additional landowners whose homes are within 5,000 feet of a turbine.

Response: The Applicant will provide an updated Stakeholder List, including a list of host and adjacent landowners, in the Application. The Applicant will modify the definition of “adjacent landowner” to include all landowners owning parcels abutting the Facility Site, within 0.5 miles of a wind turbine or substation, or within 500 feet of other Facility components (e.g., collection lines, met towers, O&M facility, laydown yards, etc.).

9. The Applicant uses the term “Facility Area” in this exhibit rather than “Facility Site.” It is unclear whether these terms are interchangeable or whether the Facility Area encompasses a larger footprint than the Facility Site and thereby includes a broader group of landowners.

Response: The “Facility Area” refers to the broad project area presented in the Public Involvement Program (PIP) Plan—essentially, a line around the area within which all project components would be located, but also including many non-participating parcels near the Facility Site. The preliminary Facility Site presented in the PSS is smaller than the Facility Area and better represents the area within which parcels containing Facility components will be located. The Facility Area encompasses a larger footprint than the Facility Site and includes a broader group of landowners.

10. Page 16 describes an open house held on August 22, 2018 and indicates that notices were mailed to residents and businesses within the Facility Area. Provide proof of service. In addition, the PIP Plan notes that the Applicant would publish notice of the open houses in the local paper. Provide Proof of Publication. Lastly, the description of the open houses notes that 50-60 people attended. The Applicant should clarify whether this number refers to the August or November open house or both.

Response: The Applicant will provide the proof of service and proof of publication requested. A similar number of individuals were present at both the November and August open houses: approximately 50-60 individuals.

11. In Section 2.2.1, the Applicant describes the consultation Tracking Log and states that the log is in Appendix B. The log should be updated to include the August open house, as well as activities taken to advertise the meetings (e.g. mailing, newspaper). The log should include a summary of the concerns and questions raised by the public and any actions that need to be taken by the Applicant following the meetings and consultations.

Response: The Tracking Log will be updated to include the August open house, as well as activities taken to advertise the meeting, and will be updated to provide a summary of feedback received at this and all other open houses held by the Applicant to date.

12. On page 19, the Applicant notes that copies of all major documents will be posted to the Project website. A review of the site did not find major project documents or a link to the Department's Document and Matter Management system. These documents, as well as copies of outreach materials (factsheets, etc.) developed for the open houses and distribution to the stakeholders should be posted to the website. Additionally, the Project website lacked important components such as maps, project milestones and timeline, the outreach tracking report and a means to join the stakeholder list.

Response: The High Bridge Wind website currently hosts many of the important documents related to this Project, including the Public Involvement Program Plan (PIP), PSS, and all notices related to public events, comment deadlines and application deadlines. The submitted PSS also contains many of the documents requested in the comments, e.g., a Project map. The Applicant recognized the web site could make this additional information about the Project more readily accessible and has updated its website accordingly. There is also a link to the DMM website via the High Bridge website. Originally, this link was labeled as "New York State Article 10 Process" (accessed via the homepage), and the Applicant changed the label for this link to improve navigability. DMM already provides a means for interested parties to sign up to receive automated email alerts when filings are made, called the "Service List" or to sign up for the Party List. The Applicant refers those that visit the High Bridge Wind website to DMM for enrolling on those lists. Those who seek to join the stakeholder list are directed to email High Bridge Wind with a request.

Exhibit 3 – Facility Location

13. For Section 2.3.2(a) topographic maps item (5) Area of Potential Effect for Indirect Effects (PSS pp. 21 – 23),
 - a. DPS recommends that the 5-mile study area be expanded sufficiently to address the Cities of Norwich and Sidney in assessing visual effects on historic resources.

Response: The Applicant will assess visual impacts on historic resources for those areas within the City of Norwich and the Village of Sidney that are within the potential viewshed (based on topography) of the Facility. See the revised text in Section 2.3.2(5) and Section 2.20.1 of the RSS.

- b. DPS recommends that the Shadow Flicker Study Area distance be stated in number of feet as well as the "10-rotor-diameter radius" which may be confusing for some readers.

Response: Comment noted. The definition of the Shadow Flicker Study Area included in the Application will include the size of the study area, in feet. However, since a specific turbine model has not yet been chosen, it is too early to specify the 10-rotor-diameter distance in feet at this time.

- c. DPS requests clarification of specific criteria to be used for determining presence of wetlands within the "500-foot Wetland Study Area" as distinguished from the "100-foot Wetland Study Area," as described at PSS pages 22 and 23.

Response: Comment noted. The definition of the Wetland Study Area has been updated to improve clarity. See the revised text in Section 2.3.2(a)(5), Section 2.22.2(i)(2), and Section 2.22.2(j) of the RSS.

Exhibit 4 – Land Use

14. Discussion in Land Use section 2.4.1 indicates Wild, Scenic and Recreational (WSR) River Corridors in the National WSR System will be considered in recreational resource mapping. DPS advises that National Rivers Inventory (NRI) maintained by the National Park Service lists candidate waterways for WSR designation. The NRI lists the Unadilla River, including the river reach passing in close proximity of the proposed Facility Site, as having “Outstandingly Remarkable Value” as a recreational river; and it is “one of the longest remaining undeveloped, free-flowing rivers in the section.” DPS advises that the Unadilla River should be evaluated in recreational and visual resource analyses for the proposed High Bridge Wind project.

Response: The Application has identified the Unadilla River as a recreational resource as part of on-going visual outreach efforts and will evaluate this resource in the Application.

15. Discussion in section 2.4.2(j) (p. 28). DPS recommends that the assessment of compatibility of any above-ground collection lines with existing and proposed land uses should include the entire study area. Above ground interconnections and related facilities have the potential to impact land uses greater than 300-feet.

Response: The regulations at 16 NYCRR 1001.4(k) expressly limit the required analysis to 300 feet from the centerline of those facilities. For purposes of the Facility’s visual impact analysis, the potential visibility of above-ground collection lines will be considered in Exhibit 24 at a range greater than the 300 feet required for this section. Furthermore, to the extent that any EMF issues exist in the vicinity of these collection lines, they would be discussed at Exhibit 35. Aside from visual impacts, and given the low voltage generally used for electrical collection in this context, it is unclear what other potential impacts to land use the commenter is asserting which would justify expanding the requirements of the regulations.

16. Discussion in section 2.4.2(m) (p. 29) - Aerial imagery should be included for the entire study area. Facilities have the potential to impact land uses within the entire study area.

Response: Comment noted. The Application will provide the requested information. See also the revised text in Section 2.4.2(m) of the RSS.

17. Discussion in section 2.4.2(p) (p. 30) - For community character studies proposed, DPS requests the Applicant include photographs of landscape features and defining elements of Project and Study Area character.

Response: Comment noted. The Application will provide the requested information in a stand-alone photolog appended to the Application. See also the revised text in Section 2.4.2(p) of the RSS.

Exhibit 6 – Wind Power Facilities

18. Section 2.6.1 – Discussion

On page 41, it is noted that “[t]he Project Sponsor has not made a final decision on the turbine manufacturer or model.” However, based on preliminary evaluations, 3.8 MW to over 5 MW represents the range of turbine size types considered

for this Facility. To properly assess factors being considered regarding setbacks, as part of the response to PSS comments, it is advised that the Applicant provide a table including wind turbine models under consideration. The table should include the following: turbine model; rated power; hub height; rotor diameter; and total height. At minimum, the Applicant's response to PSS comments should indicate the maximum blade tip height under consideration for the proposed Facility.

Response: A variety of turbine models are being considered for High Bridge per the input of Original Equipment Manufacturers (OEMs). However, because these models are subject to site suitability and the continuing evolution of technology, it is possible that turbine models presented in the Application are different from what is currently being considered. Currently, the maximum blade tip height of models being considered is 673 ft. The Applicant does not anticipate the maximum blade tip height will increase.

19. Section 2.6.2(a) – Statement of Setback Requirements/Recommendations

If applicable, DPS Staff advises that details of local ordinances, including definitions of terminology, should be important considerations in Facility design and development of the application. Definitions of “structures” and “buildings” and other terms should be provided in the Application.

Response: The Town of Guilford does not have local zoning or other applicable ordinances; therefore, the requested information will not be available or relevant in this case.

20. Section 2.6.2(b) – Explanation of the Degree to which the Facility Layout Accommodates Turbine Setbacks

DPS Staff advises that the Public Service Commission has stipulated to a standard setback distance of 1.5 times maximum blade tip height from major transmission facilities, and the high-voltage side of the proposed Facility Collection Substation. See Case 07-E-0213, Sheldon Energy LLC, Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued January 17, 2008), fn. 5, page 12 (“In the future, we may, as conditions warrant require a minimum setback distance of 1.5 times maximum turbine blade tip height from the edge of the right-of-way of any electric transmission line designed to operate at 115 kV or more.”).

Response: Comment noted.

21. DPS recommends that the Application include explanations of any instances that the proposed layout does not conform to municipal setback requirements (if applicable) and/or the Applicant's and Manufacturers' setbacks. A list of such turbine locations not conforming to local or proposed Applicant and Manufacturer setbacks should be included noting the discrepancy between required and proposed setback distances.

Response: The Application will provide the requested information. See also the revised text in Section 2.6.2(b) of the RSS. Please note that there are no municipal setback recommendations or requirements at this time.

22. Section 2.6(c) – Third-party Review and Certification of Wind Turbines

In addition to what is listed in this section, DPS Staff recommends that the Application include a table that shows wind turbine classes with corresponding turbulence levels (e.g., International Electrotechnical Commission (IEC) class IB, etc.) that are suitable for use in the Project area. The table should include the following wind regime factors: weather extremes, average wind speed, wind gusts, and turbulence intensity.

Response: Comment noted. As detailed in Section 2.6.2(d) of the PSS, the Application will include a table that provides the information requested.

Exhibit 11 - Preliminary Design Drawings

23. Section 2.11.2 (e) Lighting Plan proposes to address lighting as part of Application Exhibit 18 – Safety and Security. DPS advises that preliminary Lighting Plans as required by both 16 NYCRR 1001.11(e) and 1001.18(b)(3) require preliminary site plans and descriptions showing lighting arrangements and initial specifications to be provided in the Application, not as a compliance filing as suggested by the PSS.

Response: A Preliminary Lighting Plan for the O&M building and the collection and POI substations will be provided in the Application, as required by 16 NYCRR 101.11(e) and 1001.18(b)(3).

Exhibit 12 – Construction

24. Section 2.12.2(d) - Procedures for Addressing Public Complaints and Disputes

On Page 66 of the PSS, the Applicant states that the Complaint Resolution Plan will include the “following construction-related components.” This should be expanded to “construction and operations-related components.”

Response: Comment noted. See the revised text in Section 2.12.2(d) of the RSS.

25. DPS Staff recommends that this section include information when the Applicant will communicate with Stakeholders about construction activities, schedule and applicable safety and security measures.

Response: This section of the Application will include the requested information, in the Exhibit text itself and/or in the Complaint Resolution Plan.

Exhibit 14 – Cost of Facilities

26. Section 2.14.2(c) – Work Papers

Per 16 NYCRR §1001.14(c), Staff requests that the Applicant include in the Application all work papers from which the cost estimates, required by 16 NYCRR §1001.14(a), were made.

Response: The Applicant will provide DPS with a table detailing capital cost of facilities under confidential cover, as this is confidential commercial information. See also the revised text in Section 2.14.2(c) of the RSS.

Exhibit 18 – Safety and Security

27. In Section 2.18.1 - Security Lighting – as noted above in comment regarding Exhibit 11, DPS advises that preliminary Lighting Plans as required by both 16 NYCRR 1001.11(e) and 1001.18(b)(3) require preliminary site plans and descriptions showing lighting arrangements and initial specifications to be provided in the Application, not as a compliance filing as suggested by the PSS.

Response: See response to Comment 23.

28. The components of the emergency action plan (EAP) should include specific protocols for notifying different members of the public (e.g. emergency responders, host and adjacent landowners, utilities, environmental agencies, etc.) in the event of an emergency.

Response: Comment noted. The EAP will include protocols for notifying different members of the public (e.g., emergency responders, host and adjacent landowners, utilities, environmental agencies, etc.) in the event of an emergency.

29. On page 85, the Applicant states it will provide a copy of the EAP to the Chenango County Fire and Emergency Services and local responders. DPS Staff recommends the Applicant seek comments on the draft EAP, incorporate suggested changes as applicable and provide a final copy to these entities. The Application should identify the local emergency responders that will be consulted during the development of the EAP and will receive copies of the final plan.

Response: The Applicant will provide a Draft EAP to the Chenango County Fire and Emergency Services and local emergency responders for comment. The Application will identify the local emergency responders that the Applicant consulted with during the development of the EAP, identify any changes made as result of these consultations (if applicable), and list the local emergency responders that will receive final copies of the EAP.

Exhibit 19 – Noise and Vibration

30. Section 2.19.2(d)(12) – Estimated Sound Levels to be Produced by Operation of the Facility

DPS understands that the new WHO-2018 guidelines have been proposed for evaluation of potential noise impacts as part of Exhibit 15 Health and Safety. Therefore, DPS advises the following be included in Exhibit 18:

- a. Section 2.19.2 (d) (12) should be expanded to include procedures for calculation of the L_{day} and Leve noise descriptors which are necessary for calculation of the L_{den} noise descriptor at sensitive soundreceptors.

Response: The WHO 2018 Guideline document will be reviewed as part of the application, and its relevancy will be given the appropriate weight. The Applicant is not committing to these analyses at this time.

- b. DPS Staff recommends an analysis similar to the one proposed for determination of the L_{10} and L_{50} statistical descriptors specified in sections (d) (11) and (12) of the PSS. The method consists on determining wind speed at hub-height and the associated sound power levels from the turbine(s) under consideration in an hourly basis. However, section 2.19.2 (d) 12 proposes “using the percent time matched to sound power level at a wind speed” on an energy basis. DPS Staff recommends consulting with Staff prior to the Application being filed to identify proper methodologies for inclusion in the Application.

Response: See response to Comment 29(a) above.

- c. DPS Staff also recommends using the time frames of evaluation for noise commonly used in U.S. rather than the time designations used in Europe (9-h for the nighttime rather than 8-h, and 11-h for the daytime rather than 12-h).

Response: This is consistent with the regulations for nighttime and will be done. However, the definition of daytime in the regulations is 7 am – 10 pm (15 hours), and thus 15 hours will be used for the daytime evaluation.

31. Section 2.19.2(d)(14) – Estimated Sound Levels to be Produced by Operation of the Facility

DPS Staff recommends the following:

- a. This section should consider other assumptions for determination of the highest 1-hour, 8-hour, and 16-hour sound levels such as height of evaluation for receptors, ground factor (G), uncertainties on sound power level determination, and an analysis between accuracy of predictions for documented cases.

Response: The choice of each of these assumptions/model inputs will be justified in the Application.

- b. The time frames of evaluation should be adjusted as recommended by DPS Staff in comment [29(c)] above.

Response: See response to Comment 29(c) above.

32. This section indicates that the project will not perform 365 8-hour-nighttime and 16-hour-daytime model runs using 1-hour L_{eq} sound levels at all sensitive receptors, however it does not specify how the L_{day} , L_{eve} , and L_{den} will be determined. DPS Staff will like to discuss these procedures as specified in DPS Staff comment [29(b)] above. In addition, section 2.19.2 (d)(7) of the PSS should be expanded to provide sound contours for the L_{den} noise descriptor.

Response: See response to comment 29(a) above. No commitment is made to perform an L_{den} analysis.

33. Section 2.19.2(g) – Table 3 Summary of High Bridge Wind Design Goals and Sound Standards

DPS Staff considers the following:

- a. Table 3 should be expanded to include the new WHO-2018 recommendation consisting of noise levels lower than 45 dBA L_{den} .

Response: The Applicant is not agreeing to this as a design goal. The WHO 2018 Guidelines will be discussed as part of the Application literature reviewed.

- b. After the WHO-2018 withdrawal of the 45 dBA L-8-h (recommended by WHO in 1999) and the retaining of the 30-dBA-8-h indoor recommendation, goal #1 in table 3 should be replaced with the indoor recommendation.

Response: Setting an indoor design goal is not measurable or enforceable. That said, setting an exterior design goal of 45 dBA will still achieve an interior sound level of approximately 30 dBA with the windows open. Interior sound levels will be lower with windows closed. The basis for this is as follows. The WHO 2018 guidelines claim “the differences between indoor and outdoor levels are usually estimated at around 10 dB for open windows...”. The citation for this statement (Locher et al., 2018) is a paper based on a study of traffic noise, not wind turbine noise. A more relevant document to examine for reduction of outdoor sound to indoor sound would be one of the Health Canada papers “Effects of Wind Turbine Noise on Self-Reported and Objective Measures of Sleep”. This research was one of the key sources omitted from the WHO 2018 report. Measurements from that study of wind turbine noise found that the average façade attenuation with windows completely opened was 14 dBA ± 2 dB(A).

This reduction allows an outside sound level of 45 dBA such as proposed for this project to provide for an interior sound level of 30 dBA even with windows open.

- c. DPS Staff recommends consulting with Staff on the details and goals indicated in “Table 3” prior to the Application being filed.

Response: *The Applicant anticipates conducting such a consultation with Staff during the Stipulations process.*

34. Section 2.19.2(k)(1) – Community Noise Impacts, Potential for Hearing Damage

Potential for hearing loss from blasting, if any, should be evaluated by using the recommendations of WHO-1999 consisting of not to exceed a peak sound pressure level of 140 dB for adults and 120 dB for children.

Response: *Comment noted. The requested information will be included in the Application.*

35. Section 2.19.2(k)(4) – Community Noise Impacts, Potential for Annoyance/Complaints

This section should be expanded to include at a minimum, WHO-2018 guidelines; ANSI S12.9 Part 4, Annex D, Section D.2.1; and NARUC-2011 guidelines.

Response: *These documents and their relevance will be reviewed in the Application.*

36. Section 2.19.2(n) – Input Parameters, Assumptions, and Data Used for Modeling

This section should be expanded to include submission to DPS Staff of CADNAA files, technical sheets with sound power levels from the turbine manufacturers, and wind speed data as collected and extrapolated from the meteorological tower(s).

Response: *The requested information will be provided to DPS, subject to the necessary confidentiality requirements. See the revised text in Section 2.19.2(n) of the RSS.*

Exhibit 20 – Cultural Resources

37. As noted above in comment [13(a)], DPS recommends that the 5- mile study area for historic architectural resources surveys (Phase 1A and 1B) should be expanded sufficiently to address the Cities of Norwich and Sidney in assessing visual effects on historic resources.

Response: *See response to Comment 13a.*

38. DPS reminds Applicant that 16 NYCRR 1001.24(b)(4) requires information from the Exhibit 20(b) surveys in assessing and selecting candidate viewpoints for photo-simulations and assessments of visual effect.

Response: *Comment noted.*

Exhibit 21 – Geology, Seismology and Soils

39. Section 2.21.2(a) – Existing Slopes Map

*High Bridge Wind Project
Revised Scoping Statement*

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The map of existing slopes on and within the drainage area should identify potential receptor areas of stormwater runoff, including reservoirs within the Susquehanna River Basin and Chenango River Basin. The Applicant should identify sensitive environmental, agricultural, and human health and safety receptors for potential hazards associated with construction on extremely steep slopes (slopes greater than 25%). For any facilities proposed to be located in areas of extremely steep slopes, the Application should assess the risk of potential impacts associated with construction on these areas, including potential for extreme rainfall events leading to severe erosion hazards and water quality impacts at downstream water resources and aquatic habitats. Mitigation and avoidance measures, including alternative siting of Project Facilities, should be discussed for each location.

Response: *Comment noted. The Applicant will include this information in the Application if these circumstances exist.*

40. Section 2.21.2(f) – Excavation Techniques to be Employed

If horizontal directional drilling (HDD) is proposed, the Applicant should perform an evaluation of the suitability of existing soils and shallow bedrock, including an assessment of frac-out risk potential, based on the results of the preliminary geotechnical investigations and publicly available soils and bedrock data. The Inadvertent Return Plan should identify site specific potential receptors and establish frac-out monitoring, mitigation and response measures.

Response: *The Application will include the requested information. See the revised text in Section 2.21.2(f) of the RSS.*

41. Section 2.21.2(h) – Suitability for Construction

If existing soils are proposed for re-use as structural and/or compacted fill, including for buried collection lines and access roads, the Application should assess the suitability of existing soils specifically for those purposes and describe screening measures to remove materials that do not meet the fill composition characteristics recommended by the Applicant's geotechnical expert.

Response: *As detailed in Section 2.21.2(h)(iii) of the PSS, the Preliminary Geotechnical Investigation will include an "evaluation of the suitability of existing soils for re-use as backfill." This evaluation will be summarized in Exhibit 21(h).*

42. Section 2.21.2(o) – Soil Types Map

The PSS states that mapping of NRCS farmland designations (Prime Farmland, Prime Farmland (if drained), and Farmland of Statewide Importance) will be included in Exhibit 21 of the Application. Staff recommends that any areas of locally designated farmland should also be included in the maps.

Response: *No locally designated farmland has been identified in the Applicant's review of publicly available information on the topic. Therefore, the Application will not include locally designated farmland in the maps identified in Section 2.21.2(o) of the PSS.*

Exhibit 22 – Terrestrial Ecology and Wetlands

43. Section 2.22.2(a)(3) – Identification and Description of Plant Communities

Add the plant community mapping identified in 2.22.2(a)(3) to Appendix G Proposed Map Sizes and Scales.

Response: *The plant community mapping identified in 2.22.2(a)(3) has been added to Appendix G of the RSS.*

44. Section 2.22.2(h)(1)(ii) – Cumulative Avian Impacts

Item “a.” states “[t]he Application will use the results of its eagle use surveys completed at the Facility to assess potential risk to bald and golden eagles, as compared to the local area population (LAP).” LAP is a term used by the USFWS and refers to eagle populations in a much larger area than New York State. LAP is one lens that impacts to eagles could be evaluated against. However, an evaluation of impacts to eagles in NYS and the region surrounding the proposed project is more relevant.

Response: This comment appears to conflict with NYSDEC comment 76. The Applicant anticipates discussing these topics and requests during the Stipulations phase to determine how best to address conflicting requests from the agencies.

45. Section 2.22.2(h)(1)(ii) – Cumulative Avian Impacts; and Section 2.22.2(h)(1)(iii) – Cumulative Bat Impacts. A description of cumulative impacts to birds and bats are offered on a per MW/year and per turbine/year basis. Per MW is the evaluation method employed by reviewing agencies. The application should provide cumulative impact discussions based in per MW/year only.

Response: The Applicant can provide cumulative impact discussions expressed per MW/year, however the request that this be provided “only” in that format is inconsistent with DPS Staff’s prior request to provide this information per MW over the life of the Facility, and with requests from DEC Staff that this information also be provided on a per turbine basis. Therefore, the Applicant cannot agree to only provide the estimates cited.

46. Section 2.22.2(i) – Wetland Maps

To comply with the Application requirements at 1001.22(i), DPS advises:

- a. The Applicant should perform wetland delineations within (1) all facility sites; and (2) within 500-feet of anticipated areas of disturbance. Delineations will be concurrent with the appropriate USACE Wetland Delineation Manual regional supplement and NYSDEC Freshwater Wetlands Delineation Manual for freshwater wetlands regulated under Article 24 of the New York Environmental Conservation Law (ECL).

Response: Comment noted. As stated in Section 2.22.2(i), wetland delineations will be conducted in all areas in the Facility Site within 500 feet of areas to be disturbed by construction. In response to Comment 13c, the Application has clarified the definition of the Wetland Study Area and the methods to be employed in delineating wetlands within this study area. See the revised text in Section 2.3.2(a)(5), Section 2.22.2(i)(2), and Section 2.22.2(j) of the RSS.

- b. Wetland areas that occur outside of the facility site (1) on adjacent parcels; or (2) on adjacent parcels but within 500-feet of anticipated area of disturbance, that are not accessible, may predict the presence and extent of wetlands based on remote-sensing data, interpretation of published wetland, soil mapping and aerial photography.

Response: As detailed in Section 2.22.2(i)(3) of the PSS, the predicted presence and extent of wetlands outside the Facility Site but within 500 feet of areas to be disturbed by construction (e.g., wetlands within adjacent properties the Applicant does not have access to) will be approximated.

Exhibit 23 – Water Resources and Aquatic Ecology

47. Section 2.23.1 – Discussion – Surface Water

The PSS states that one NYSDEC protected stream (Kent Brook, a class C(T) stream), is located within the Facility Site and the Application will identify all NYSDEC mapped streams within the Facility Site. Staff advises that the Unadilla River, a class B surface water body, is located just outside the eastern edge boundary of the Facility Site. The Application should identify this water body and all tributaries within the Facility Site, and any potential impacts should be described.

Response: Comment noted. The Unadilla River and all tributaries within the Facility Site will be identified in the Application, and any potential impacts will be described.

48. Section 2.23.2(a) – Information on Groundwater

Staff advises that part of the Mount Upton Water District, which serves approximately 300 people, is within the eastern portion of the Facility Site. The Application should include maps showing the designated boundaries and evaluate any potential impacts to the community water system.

Response: The Application will include maps showing the designated boundaries of the Mount Upton Water District, based on publicly available data. If the Facility Site presented in the Application intersects the Mount Upton Water District, the Application will evaluate any impacts the Facility may have on the community water system.

49. Section 2.23.2(a)(2) – Information on Groundwater

The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Maps showing water well locations should distinguish whether each well location is approximate or confirmed.

Response: Comment noted. The Application will provide the information requested. See the revised text in Section 2.23.2(a)(2) of the RSS.

50. Section 2.23.2(a)(2) – Information on Groundwater

The content of the survey should include information on joining the stakeholder list. Staff recommends that the stakeholder list should be updated to include landowners who respond to the survey.

Response: Per the Applicant's response to Comment 8, all landowners included in the private water well survey will be defined as adjacent landowners and will be added to the Stakeholder List.

51. Section 2.23.2(b)(4) – Information on Surface Waters

The PSS states that the Application will include a map of all anticipated trenchless stream and wetland crossings. The map should indicate the length of each crossing. With respect to HDD operations, the Application should also include a narrative description of HDD operations and a diagram showing typical HDD equipment layout.

Response: The Application will include the information requested in Exhibit 23 of the Application and will include typical details/diagrams in the Preliminary Design Drawings (Exhibit 11).

Exhibit 24 – Visual Impacts

52. DPS Staff recommends that any visual stakeholders identified through the Viewpoint Selection process should be added to the master stakeholder list. In addition, the Applicant should consider hosting an in-person meeting of the visual stakeholders during the viewshed analysis process.

Response: All visual stakeholders will be added to the Stakeholder List. The Applicant may consider hosting an in-person meeting with visual stakeholder during the viewshed analysis process.

53. PSS Section 2.24.1 under “Visual Impact Assessment” states that “[t]hese “before” and “after” photographs – identical in every respect, except for the Facility components to be shown in the simulated views – will be provided.” (PSS pg. 165). DPS advises that changes to land cover and development pattern or building/structure removals proposed as part of Facility development would be appropriate demonstrations for visual simulations.

Response: Comment noted. Simulations included in the Application will show Facility components and other changes that are relevant at a given viewpoint (e.g., changes in land cover or development). See revised text in Section ___ of the RSS.

54. Section 2.24.2 (a)(8), PSS page 170, DPS advises that rating criteria applicable to a particular location should be included in rating panel visual contrast rating reviews, and that a visual contrast rating category that is not relevant to a particular view should be considered “not applicable” rather than scored as “zero.” In particular, DPS notes that there are few notable open water landscape sites in or near the proposed Facility Site. Therefore, the inclusion of “zero” scores in the “water” category for contrast rating from viewpoints without any visible water body included would only serve to artificially decrease the denominator in developing an “average” contrast score. (See PSS Appendix F – Visual Impact Rating Form, page 1 of 2.) For views from one of the local ponds or the Unadilla River NRI waterway, where a water body would be visible in the photograph and simulation view, the “water” category would be appropriate to report and analyze.

Response: Comment noted. Visual contrast rating categories that are not relevant to a particular view will be considered “not applicable” rather than scored as “zero.”

55. Regarding discussion of “shadow flicker” visible effect of Facility operation at PSS pages 166-167, DPS advises that the National Association of Regulatory Utility Commissions (NARUC) recommends that 30 minutes per day be an evaluation criterion for considering annoyance; DPS requests that the Application include estimates of shadow flicker in hours per year and minutes per day at receptor locations.

Response: Please note, NARUC recommends 30 hours/year or 30 minutes/day at an occupied building. The Applicant has agreed to limit shadow flicker to 30 hours/year. We disagree with a criterion of 30 minutes/day of shadow flicker. The 30 hour/year limit was adopted by the Siting Board in the Cassadaga decision. In that case, DPS recommended the 30-hour limit and as explained below, no new science has developed supporting a 30-minute daily standard. There are two papers supporting the position that an additional daily limit on shadow flicker is not appropriate.

The first paper, published by Ellenbogen et al. (2012),¹ provides a substantive review of the health impacts of wind turbines. This paper cites the 2002 German guideline that specified shadow flicker should not exceed 30 minutes per day. The 2002 German guideline was based on a laboratory experiment, not actual field conditions experienced at one

¹ Ellenbogen, Jeffrey M., et al. "Wind turbine health impact study: Report of independent expert panel." *Prepared for Massachusetts Department of Environmental Protection and Massachusetts Department of Public Health* (2012).

or more wind turbine sites. The 2012 study also references a presentation given by Epsilon Associates, Inc. in 2011 on shadow flicker regulations. This slide was shown to present the range in regulations with respect to time limitations. The concluding slide of the presentation identifies only 30 hours per year of expected shadow flicker as the typical criteria used in evaluating shadow flicker impacts. Importantly, the German 30-minute daily guideline has been called into question.

The second paper, published by Voicescu et al. (2016)² examined shadow flicker and annoyance. When evaluated alone, without any other variable, the study concluded that shadow flicker's predictive strength for estimating high annoyance was only approximately 10%. Therefore, it is an inadequate model for estimating high annoyance to shadow flicker and no recommendation for a 30-minute daily limit was made in the paper. The findings presented in this paper are from the Community Noise and Health Study conducted by Health Canada. As discussed, the current knowledge regarding shadow flicker and annoyance does not support a 30-minute/day limit.

56. In the discussion of 2.24.2(b) Viewshed Analysis, at item (6) on page 174, DPS advises that it is pre-mature at the Scoping stage to limit consideration of mitigation measures including screening of wind turbines. Screening of all or part of tall turbines may be effective at locations nearby to affected resources (such as is proposed as a typical treatment for limiting shadow flicker at a particular receptor location).

Response: The cited language suggests that these mitigation measures would “generally not be effective.” If a specific location or circumstance suggests differently, the Applicant is certainly willing to consider such an approach. However, the Applicant does not anticipate preparing simulations specific to mitigation of turbine visibility in most cases.

57. Comment [53] above regarding contrast rating criteria should be considered in developing the contrast rating scheme as described at 2.24.2(b) Viewshed Analysis, at item (7) on page 174.

Response: The Applicant will consider the comment [53] above when developing the contrast rating scheme in the VIA.

Exhibit 27 – Socioeconomic Effects

58. (JEDI) model, created by the National Renewable Energy Laboratory (NREL), to estimate job impacts. Staff is concerned with using the JEDI model because it has a number of limitations. For example, the JEDI model results reflect gross impacts and not net impacts, the JEDI model assumes fixed linear relationships, etc. (<https://www.nrel.gov/analysis/jedi/limitations.html>). Thus, Staff reserves the right to critique the economic model used by the Applicant and/or the input values entered into that job impact model. The Applicant should make available all job estimates and model work papers for Staff's review.

Response: Comment noted. While the JEDI model does have limitations, as any economic model, input values for the model will be customized and described to provide a reasonable and comparable basis for determining the economic impacts of wind energy projects in a consistent manner. The Applicant will make all job estimates, as well as economic multipliers and assumptions used, available for review by DPS Staff.

59. The Applicant should rely on direct job estimates for the construction and operational phases that are included in the Applicant's budgets for this project to inform socioeconomic effect estimates for the High Bridge Wind project.

² Voicescu, Sonia A., et al. "Estimating annoyance to calculated wind turbine shadow flicker is improved when variables associated with wind turbine noise exposure are considered." *The Journal of the Acoustical Society of America* 139.3 (2016): 1480-1492.

If High Bridge Wind, LLC or its parent companies, Calpine Corporation, has planned or completed other wind facilities in New York State or across the country, the Applicant should also seek to rely on actual job and economic impact numbers from previous projects in informing socioeconomic effect estimates for the High Bridge Wind project. The Applicant should make efforts to use actual job and economic impact numbers from projects that most closely resemble the High Bridge Wind project in terms of location, MW capacity, acreage, and/or regional economics.

Response: The Application will include a description of actual direct job and economic impacts numbers from similar projects, if available and feasible at the time of filing, to supplement the findings of the JEDI model.

60. The analysis of secondary employment and economic activity should also consider an analysis of other impacts such as the economic impact associated with the cancellation of new power plants made unnecessary by the added wind capacity and the economic impacts associated with possible changes in the retail price of electricity to reflect wind power incentives and subsidies. Finally, Staff proposes that the applicant commit to track and report the actual number of direct jobs created during the construction and operational phases of the project, as well as the tax payments to local jurisdictions made during the project (Cassadaga order in case 14-F-0490, condition #78).

Response: The Applicant will not conduct economic analyses associated with the cancellation of other power plants or wind power incentives and subsidies. Such an analysis is more appropriately performed by the Commission or Department of Public Service staff, given that those impacts will result from State policies and the Clean Energy Standard, regardless of which specific renewable energy facilities are ultimately constructed. Moreover, a recent study identified that one of the most significant drivers of the closure of fossil fuel plants is the price of electricity, particularly the low price of natural gas, and regulation of the energy sector, not the development of renewable energy projects. See US Department of Energy Staff Report to the Secretary on Electricity Markets and Reliability (August 2017), available at: <https://bit.ly/2KNEnzJ> (noting at page 13 that “[t]he biggest contributor to coal and nuclear plant retirements has been the advantaged economics of natural gas-fired generation,” and further noting, from pages 13-60, that the largest number of recent fossil fuel plant retirements occurred in 2015, and corresponded with the deadline for coal and oil plants to implement pollution control equipment for mercury and air toxics, finalization of the Clean Power Plan, and “strong signals of future regulation,” while the primary drivers of nuclear plant closures, aside from market conditions, were state policies/conflicts between states and nuclear generators, as well as looming significant plant maintenance issues).

Realistically, even if this analysis wasn’t speculative in terms of “cancellation” of projects, it is beyond the capabilities, control, or responsibility of any individual developer to assess the overall economic impact of State energy policy on the energy system. Furthermore, it is the Applicant’s understanding that an economic analysis of these kinds of impacts was performed in conjunction with adoption of the CES, and commenter is directed to those analyses for the requested information.

Regarding documentation of tax payments to local jurisdictions, this will be discussed in the Application. See also the revised text in Section 2.27.2 of the RSS.

The Applicant intends to track and report the incremental economic benefits created by implementing the standards and guidelines established by the New York State Research and Development Agency (NYSERDA) as part of the Renewable Energy Credit (REC) contract it awarded to High Bridge Wind (RESRFP18-1). For details on reporting standards, please see “Attachment M-RESRFP18-1 Incremental Economic Benefits Reporting Standards and Agreed Upon Procedures Report” available on NYSEDA’s website: <https://www.nyserda.ny.gov/All->

Exhibit 28 – Environmental Justice

61. DPS Staff advises that the Applicant provide the criteria used to determine an environmental justice community.

Response: As described on page 193 of the PSS, the Applicant utilized NYSDEC's regulatory definition for an environmental justice community, as set forth in 6 NYCRR 487.4, as well as NYSDEC's Geospatial Information System (GIS) Tools for Environmental Justice website (www.dec.ny.gov/public/911.html).

Exhibit 29 - Site Restoration and Decommissioning

62. Section 2.29.1 - Discussion

Page 194 of the PSS states that “[d]ecommissioning will be triggered if a wind turbine is non-operational for a continuous 18-month period, unless a longer period is otherwise agreed to by the Town and New York State Department of Public Service.” DPS advise that decommissioning should be triggered if wind turbine(s) are non-operational for a continuous period of 12-months.

Response: As stated in Section 2.29.1 of the PSS, the Applicant proposing triggering decommissioning if a wind turbine is non-operational for a continuous 18-month period and if there is no expectation of returning the turbine to operation. In this event, the turbine(s) will be decommissioned within 12-month period. This period of time is sufficiently responsive, but still provides the Applicant the time necessary to address any issues contributing to the inoperability of a specific turbine.

63. Section 2.29.1 – Discussion

It is noted on page 194 that decommissioning will consist of removing Facility components down to 36 inches below grade. DPS recommends that Facility components located in agricultural land should be removed down to 48 inches below grade.

Response: Facility components sited in agricultural land will be removed to a depth of 48 inches. This will be reflected in the Decommissioning Plan appended to the Application. See also the revised text in Section 2.29.1 of the RSS.

Exhibit 35 – Electric and Magnetic Fields

64. Section 2.35.2 – Proposed Content of the Application

In addition to the requirements the Applicant agrees to adhere to, per §1001.35 through (d); information and analysis shall be provided for locations where the maximum current flow will result from co-located collection lines during peak load conditions.

Response: The information and analysis requested will be provided in the Application. See also the revised text in Section 2.35.2 of the RSS.

65. Section 2.35.2(b) – Base Case and Proposed Cross Sections

The Applicant shall provide all underground gas transmission facilities, as identified per §1001.35(b)(3).

Response: *The Applicant will provide all underground gas transmission facilities, based on publicly available data.*

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

General Comments

66. Reports

NYSDEC requests that all draft and final reports, including wildlife survey reports (avian, bat, etc.), habitat, and wetland/stream surveys prepared for the Project be submitted to NYSDEC on an as-produced basis. Early receipt of such reports will eliminate or reduce the potential for later disagreements between NYSDEC and the Applicant regarding the sufficiency of studies or analyses that will be submitted in support of the Application.

An adequate report will include maps depicting the location(s), observation date(s), species, and behavior(s) of all threatened and endangered (T&E) species and species of special concern (SSC) individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility site. Final reports incorporating comments provided by NYSDEC and US Fish and Wildlife Service (USFWS), along with any other supplemental material or information requested by these agencies, should be included with the Application.

All information and material described in Exhibit 22, including all associated attachments and appendices, should be provided to NYSDEC in full and un-redacted at the time the Application is submitted.

Response: *The Applicant has been proactive in consultation with NYSDEC regarding wildlife studies and work plans. Reports will be provided to the relevant agencies when available. Wildlife survey reports (avian, bat, etc.), and habitat and wetland/stream surveys included in the Application will contain the information requested.*

67. GIS Files

NYSDEC requests shapefiles suitable for use in GIS software via ESRI's ArcGIS suite of software (for example, ArcMap) containing all applicable Project and survey components as described in NYSDEC's *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects* (June 2016) be submitted to NYSDEC as soon as possible. Shapefiles should depict:

The location of all Project components including (separately):

- Extent of Facility site.
- Turbine array locations.
- New access and maintenance roads.
- Existing roads that will be widened/altered.
- Electric collection and transmission lines (specified above ground and/or underground).
- Security fence lines, if applicable.
- Laydown and storage area(s).

- Substation(s).
- Temporary and permanent meteorological tower(s), if applicable.
- Any other temporary or permanent infrastructure constructed in support of the Facility.
- All areas to be cleared around turbines, access roads, electric lines, and all other Facility components.

All wildlife and habitat survey locations as applicable and labeled by year including (separately):

- Breeding bird survey transects/points.
- Eagle/raptor survey locations.
- Winter raptor survey locations and driving routes.
- Viewsheds for eagle/raptor and winter raptor observation points, indicating the area visible from each point.
- Bat acoustic monitoring and/or mist net locations, if applicable.
- Aerial raptor nest survey area and transects.
- Boundaries of all delineated wetlands, adjacent areas, and streams.
- The location(s), observation date(s), species, and behavior(s) of all T&E and SSC individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility site; and any other survey information pertinent to the Facility.

All proposed impact areas including (separately):

- Areas to be removed, cleared or disturbed overlaid with approximate locations and extent of identified plant communities, including areas of invasive species concentrations.
- Stream crossing locations.
- Wetland and stream impacts.

Response: The Applicant will work with the NYSDEC to provide relevant GIS (e.g., using ArcGIS suite of software) shapefiles as available and appropriate, and as outlined in the PSS. In addition, Facility-specific and survey-specific shapefiles will be provided concurrently with the filing of the Application, so long as permitted by applicable protective orders, and the Applicant will work with NYSDPS and NYSDEC to determine the final list of shapefiles to be provided.

68. Wetland Delineations

NYSDEC recommends the Applicant schedule field visits with NYSDEC and US Army Corps of Engineers (USACE) staff prior to the submission of an Application to review final wetland delineations, make determinations, and evaluate resulting impact calculations. NYSDEC requests that all information, including maps and GIS files of delineated wetlands, be provided to NYSDEC as soon as delineations are completed and preferably before the Application is submitted, to allow for NYSDEC to determine the full extent of State wetland jurisdiction.

Response: Following the wetland delineation effort, the Applicant will coordinate with the NYSDEC and USACE to schedule the jurisdictional determination field visit prior to the submission of the Application, if possible. The Applicant will provide maps and GIS files of delineated wetlands to NYSDEC as soon as such materials are finalized.

Specific Comments

69. PSS § 2.22.1: Terrestrial Ecology and Wetlands – Discussion

NYSDEC notes that there are two regulated freshwater wetland areas on the Facility site - one in the northern portion of the Facility site and one in the southwestern portion of the Facility site. The Applicant has identified these wetland areas - GL-2 (Class IV wetland) and GL-3 (Class III wetland) - at page 131 (Table 6) and page 134 (Table &7) of the PSS.

NYSDEC notes that it is aware of several bald eagle nests within 10 miles of the project area, including one less than 2 miles from the project. Potential impacts to these resources will need to be considered and discussed in the Application.

Response: Comment noted. The Applicant has received a map from the NYNHP of all NYNHP known bald eagle nests within the Facility Site and within 10 miles of the Facility Site and will conduct aerial surveys of raptor nests within the Facility Site and within 10 miles of the Facility Site to confirm the nests identified by the NYNHP are occupied or active and document any new bald eagle nests or other raptor nest within the Facility Site, and any new bald eagle nests within 10 miles of the Facility Site. The Application will provide the information requested.

Statement. PSS § 2.22.2: Terrestrial Ecology and Wetlands – Proposed Content of the Application

NYSDEC acknowledges that, at pages 134 – 149 of the PSS, the Applicant has provided a detailed outline of the proposed contents of Exhibit 22 of the Application. This outline tracks the structure of 16 NYCRR § 1001.22, which establishes the minimum required content of Exhibit 22. Exhibit 22 will describe the potential impacts to terrestrial ecology and wetlands if the Article 10 application is granted and the Facility is constructed and operated.

NYSDEC's comments on § 2.22.2 of the PSS likewise follow the structure of 16 NYCRR § 1001.22. These comments are meant to inform the Applicant of the type of specific information and analyses NYSDEC would expect in Exhibit 22 of the Application (and in any guiding stipulation) in order to allow NYSDEC to sufficiently review the Facility's impacts on terrestrial ecology and wetlands.

70. 16 NYCRR § 1001.22(a):

This portion of Exhibit 22 should include:

- A narrative description of the following:
 - Approximate locations and extent of identified plant communities, including areas of invasive species concentrations.
 - All ecological communities identified within parcels that will host Facility components as well as adjacent parcels.
 - A list of all plant species observed during on-site field investigations and incidentally while in the Facility site, including the date(s) each species was observed.
- The sources of information should include on-site surveys, roadside surveys from adjacent parcels, review of recent aerial imagery and National Land Cover Data information.

Response: As stated in Section 2.22.2(a) of the PSS, the Application will describe ecological communities within the Facility Site, will provide mapping all ecological communities located within the 500 feet of areas to be disturbed by Facility construction activities, and will otherwise provide the information requested relative to ecological communities. At stated in Section 2.22.2(b)(2) of the PSS, the Application will provide mapping that will show the location and extent of identified concentrations of invasive species in areas of proposed disturbance.

71. 16 NYCRR § 1001.22(b):

This portion of Exhibit 22 should include:

- A summary impact table that quantifies the number of acres of each plant community type impacted.
 - Vegetation impacts include any temporary and permanent impacts, and indirect impacts to existing, non-invasive plant communities, particularly grasslands, interior forests, wetlands, shrublands, and young successional forests.
 - Permanent impact calculations should include: (1) all areas disturbed by Facility components; (2) all tree clearing for construction of the Facility; (3) permanent conversion of one plant community type to another.
 - A discussion and evaluation of fragmentation to grasslands and forested habitat.
- Maps and GIS files depicting the limits of disturbance (all areas of vegetation clearing and ground disturbance) overlaid with approximate locations and extent of identified plant communities, including areas of invasive species concentrations.

Response: As detailed in Section 2.22.2(b)(1) of the PSS, the Application will include a summary impact table that quantifies the number of acres of each ecological community type impacted. This impact table will include the following impact categories: permanent impact (i.e., areas converted to built facilities), permanent conversion (i.e., areas disturbed during construction and maintained by the Applicant in a successional state), and temporary impact (i.e., areas disturbed by the Applicant during Facility construction that will be allowed to revegetate following soil stabilization). See the revised text in Section 2.22.2(b) of the RSS.

As detailed in Section 2.22.2(f) of the PSS, the Application will include a discussion and evaluation of habitat fragmentation. As detailed in Section 2.22.2(a)(3) and Section 2.22.2(b)(1) of the PSS, the Application will include maps depicting the limits of disturbance overlaid with approximate locations and extent of identified plant communities. The limits of disturbance shown in these maps will include the limits of clearing and the limits of soil disturbance. See also the revised text in Section 2.22.2(b)(1) of the RSS. Invasive species will be mapped as described in Section 2.22.2(b)(2) of the PSS.

72. 16 NYCRR § 1001.22(c):

This portion of Exhibit 22 should include:

- A discussion of avoidance and minimization measures showing how, to the maximum extent practicable, linear Facility components such as access roads and interconnection lines will be co-located with existing features and with each other, and all turbines, buildings, storage areas, and other structures will be constructed in areas already developed or disturbed.
- A discussion of mitigation measures including how post-construction vegetative restoration (for example, reseeding disturbed areas with appropriate native seed mix or planting native woody species, as necessary) will be used to recreate or enhance wildlife habitat.

Response: The Application will include a discussion of how the Facility has been designed to avoid impacts to plant communities, including utilizing existing disturbed areas, and co-locating Facility components. This section of the Application will also discuss mitigation measures, as applicable, that will be used to recreate or enhance wildlife habitat. See also the revised language in Section 2.22.2(c) of the RSS.

73. 16 NYCRR § 1001.22(d):

This portion of Exhibit 22 should include:

- A characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats within the Facility site, including a narrative description, detailed location map, and discussion of potential impacts for each of the following:
 - Habitats that are known to support or could potentially support State species of greatest conservation need (SGCN).
 - Calcareous shoreline outcrops and karst features.
- Identification and delineation of vernal pools, including surrounding upland habitat, within 500 feet of all proposed areas of disturbance, verified under appropriate seasonal conditions. If vernal pools are identified, the Application should include:
 - Ecological characterization data.
 - Detailed location maps.
 - Results of site-specific surveys for amphibians and reptile species conducted under appropriate seasonal conditions and developed in consultation with NYSDEC.
 - Potential impacts that may occur to vernal pools and the species that utilize them
- A characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats as documented during on-site field investigations (for example, ecological cover type assessments, habitat assessments, wildlife surveys, and delineation of wetlands, streams and other regulated waters).
- Locations of bat hibernacula and maternity roosts located within the study area based on available data from the USFWS, New York Natural Heritage Program (NYNHP), NYSDEC, and any studies conducted by the Applicant. If the Applicant identifies bat hibernacula or maternity roosts within the study area, or five miles from any Facility component or boundary, the location and distance to each identified hibernaculum and roost should be provided separately and confidentially to NYSDEC as soon as possible.

Response: At stated in Section 2.22.2(d) of the PSS, the Application will contain the information requested regarding aquatic and terrestrial vegetation, wildlife and wildlife habitats, and bat hibernacula and maternity roost sites.

With respect to vernal pools, consultation with the NHP regarding rare or state-listed animals and plants and significant natural communities was received on __ (See RSS Appendix __). The NHP's report did not identify any amphibians/reptiles, and vernal pools were not listed as sensitive habitat. Based on publicly available data, vernal pools are not expected to be impacted by the Facility and therefore should not require specific study. Vernal pools will be identified and delineated within the 500-foot Wetland Study Area and verified under appropriate seasonal conditions. If vernal pools are identified, they will be documented and potential impacts that may occur to vernal pools and the species that utilize them will be evaluated. Section 2.22.2(d)(1)(viii) of the RSS has been updated to reflect this.

74. 16 NYCRR § 1001.22(e):

This portion of Exhibit 22 should include:

- At a minimum, the list of species should be developed from the following sources: NYNHP; NYSDEC; USFWS; local bird/wildlife experts; Herp Atlas; Breeding Bird Atlas; Breeding Bird Surveys; Christmas Bird Counts; Hawk Migration Association of North America; eBird; The Nature Conservancy surveys/reports; The Kingbird publication; and documentation from on-site field investigations (for example, ecological cover type assessments, habitat assessments, wildlife surveys, and delineation of wetlands, streams and other regulated waters).

- The list should also specify whether each species was observed, known to occur within the Facility site, and/or is predicted to occur based on habitat characteristics and historical records.

Response: The Application will provide the requested information. See also the revised language in Section 2.22.2(e) of the RSS.

75. 16 NYCRR § 1001.22(f):

This portion of Exhibit 22 should include:

- Identification, evaluation, and assessment of direct and indirect impacts to federally and State-listed T&E species and their habitats, SSC and SGCN.
 - The NYSDEC Regional Wildlife Office should be contacted to obtain the most recent breeding, wintering, and habitat data for State-listed species.
 - The USFWS Field Office in Cortland, New York should be contacted to obtain the most recent breeding, wintering, and habitat data for federally listed and protected species.
 - The USFWS and NYSDEC should be contacted for guidance on any further studies that may be required to evaluate the potential impacts the Facility could have on federally listed and protected, and State-listed T&E species, respectively.
- A discussion of the extent, methodology and results of all avian, bat and other wildlife surveys conducted by the Applicant or its agents within or in the vicinity of the Facility site.
- An analysis of construction and operational impacts to wildlife concentration areas, migration corridors, and wildlife habitat resulting from habitat fragmentation.
- An analysis of incidental injury and mortality to wildlife, including the displacement of wildlife from preferred habitat and habitat disturbance and loss associated with vegetation clearing, caused by construction activity, vehicular movement, and earth-moving activities.
- An analysis of impacts to wildlife, including functional loss and degradation of habitat, forest and grassland fragmentation, and wildlife displacement, caused by operation and maintenance of the Facility.
- An analysis of potential short- and long-term impacts to plants, animals, and habitats that may result from the application of any biocides during site preparation, construction, operations, and/or maintenance of the Facility.
- A summary impact table quantifying potential temporary and permanent impacts to wildlife habitats; wildlife concentration areas or travel corridors; and all vegetation cover types, including grasslands, interior forests and young successional forests; resulting from construction and operation of the Facility.
- Identification of Grassland Focus Areas, forest interior blocks, and any other state, county or locally-identified wildlife concentration areas or migration areas.

Response: As stated in Section 2.22.2(f) of the PSS, the Application will include the information requested. In developing this information, the Applicant will consult with the NYSDEC Regional Wildlife Office, USFWS Field Office in Cortland, New York, and, more generally, with the USFWS and the NYSDEC. During Stipulations discussions the Applicant will seek clarification from the NYSDEC with regard to the definition of the terms “forest interior blocks,” “young successional forests,” and “vicinity,” and verify the extent to which the requested information is applicable the proposed Facility.

76. 16 NYCRR § 1001.22(g):

This portion of Exhibit 22 should include:

- An analysis and discussion of measures to avoid impacts to vegetation, wildlife, wildlife habitat, federally and State-listed and protected species, SSC, and SGCN to the maximum extent practicable.
- If direct and indirect impacts associated with habitat loss, fragmentation and displacement cannot be demonstrably avoided to the maximum extent practicable, impacts should be minimized to the maximum extent practicable through appropriate Facility siting; Facility design; construction controls; operational measures; and access road, electric line, and Facility component siting.
- A discussion of appropriate, effective, and timely mitigation measures for any demonstrably unavoidable impacts. Such mitigation measures should be determined only after avoidance and minimization measures are evaluated and agreed upon by all parties and must result in a net conservation benefit to the target species.

Response: This information will be generally be included in Application as described in the PSS/RSS. The Applicant anticipates providing information regarding impact avoidance and minimization, along with proposed mitigation, in the Application.

77. 16 NYCRR § 1001.22(h)(1):

This portion of Exhibit 22 should include:

- A discussion of potential construction and direct impacts to avian and bat species, based on the findings of the pre-construction surveys.
- A cumulative impacts analysis to avian and bat species (particularly all State-listed T&E species, and migratory tree bats) and the habitats that support them, that could result from construction and operation of the Facility. This should include a discussion of the potential cumulative impacts of the Facility on avian and bat species and the habitats that support them with respect to the other wind energy project or turbines that are currently operating and proposed to be constructed in the State and the northeastern US. The cumulative analysis should include:
 - Avian and bat occupancy and usage of the Facility site should be compared with other proposed and operating wind energy projects located in NYS and the northeastern US where publicly available data are available. Analyses should be based on a comparative evaluation of the extent, methodology, and results of the pre-and/or post-construction wildlife studies conducted for the Facility, and other wind energy projects for which data are publicly available, as well as any additional information provided by NYSDEC and USFWS.
 - Discussion and/or calculations describing current installed wind capacity in NYS as well as the estimated increase in installed NYS wind capacity during the expected life of the Facility.
 - Estimated avian mortality (birds/turbine/year and birds/MW/year) documented in NYS and the northeastern US, in the past 20 years.
 - Estimated avian mortality (birds/turbine/year and birds/MW/year) annually and over the expected life of the Facility.
 - A description of bat mortality (bats/turbine/year and bats/MW/year) documented in NYS and the northeastern US, in the past 20 years.
 - A description of estimated bat mortality (bats/turbine/year and bats/MW/year) annually and over the expected life of the facility.
 - Likely species composition of bird and bat mortalities at the Facility, based on pre-construction studies conducted within or nearby the Facility, and post-construction study results from operating projects.

- Estimated risk to and take of federally listed or protected and State-listed species, based on publicly available post-construction studies done in the State and northeastern US, and any other publicly available relevant information.
- An examination of potential population effects of wind turbine-caused mortality to migratory tree bats (eastern red bat, hoary bat and silver-haired bat).

Response: As discussed in Section 2.22.2(h)(1) of the PSS, the information requested will be provided. See also the Applicant's responses to Comment 44 and Comment 45.

78. 16 NYCRR § 1001.22(h)(2):

This portion of Exhibit 22 should include:

This section should include information associated with a proposed post-construction wildlife monitoring plan to be implemented to assess direct and indirect impacts of the Facility on avian and bat species and their habitats. The details of a full post-construction monitoring plan should be developed on a site-specific basis through discussions between NYSDEC, the Applicant, and USFWS (if federally-listed species may be impacted), and, at a minimum, specify the following: the expected and allowed level of take of each target species; survey monitoring methods, effort, scope, and duration; data reporting and compliance documentation; construction parameters; proposed adaptive management responses, if applicable; and mitigation measures sufficient to ensure the Applicant complies with the substantive requirements of 6 NYCRR Part 182. A final work plan should be approved by NYSDEC and NYSDPS and be in place prior to the start of Facility operation.

Response: The Application will provide the information requested. See also the revised text in Section 2.22.2(h)(2) of the RSS.

79. 16 NYCRR § 1001.22(h)(3):

This portion of Exhibit 22 should include:

- A description of the avian and bat avoidance and minimization measures to be implemented at the Facility.
- Acceptable mitigation options for demonstrably unavoidable avian and bat impacts.
- Mitigation actions the Applicant proposes to undertake to provide a qualified and quantified net conservation benefit to each impacted species.
- Potential monitoring and adaptive management responses and operational adjustments (i.e. appropriate and effective curtailment regimes) to be implemented at the facility.
- Support studies and reports (for example, Avian Risk Assessment, Net Conservation Benefit Plans) which will describe compliance with the substantive requirements of 6 NYCRR Part 182 and measures to avoid, minimize, mitigate impacts to T&E avian and bat species. This will include a discussion of a curtailment regime (including operational details of cut in speed, seasonal dates, temperature and time), as well habitat conservation easements, description of field work proposed or completed, and any other actions needed to comply with Part 182.

Response: As described in Section 2.22.2(h)(3) of the PSS, the Application will include the information requested, including mitigation options for unavoidable bird and bat impacts. See also the revised text in Section 2.22.2(h)(3) of the RSS.

80. 16 NYCRR § 1001.22(i):

This portion of Exhibit 22 should include:

- A discussion of on-site field delineation methodology of wetlands and other waters of the US within 500 feet of Facility components specifying that it should be done as follows:
 - For federally regulated wetlands and other waters of the US the delineation should be done in accordance with the USACE *Wetland Delineation Manual* (Environmental Laboratory, 1987), and the appropriate *Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual*.
 - For wetlands regulated under ECL Article 24, the delineation should be done in accordance with the *New York State Freshwater Wetlands Delineation Manual* (1995).
- On-site delineations of vernal pools within 500 feet of facility components should be done in accordance with the appropriate regional supplement.
- Wetland boundaries should be defined in the field by sequentially numbered pink surveyor's flagging marked "wetland delineation", the locations of which should be documented using Global Positioning System technology with reported sub-meter accuracy. Delineated wetland boundaries must be verified by the USACE and NYSDEC.
- Remote sensing for wetlands beyond 500 feet of facility components, or those wetlands wherein the Applicant does not have access, should include observations made from public roads and adjacent parcels; interpretation of aerial imagery; analysis of topography; existing databases of hydric soils and; wetland and soils mapping maintained by National Wetland Inventory and NYSDEC.
- All wetland boundaries should be keyed to the Preliminary Design Drawings. The interpolated boundaries shown on site plans should be differentiated from field delineated boundaries when displayed on maps, site plans, and GIS files.
- Map scale should be 1":50' and include all facility components; proposed grade changes; limits of ground disturbance and vegetative clearing.

Response: As detailed in Section 2.22.2(i) of the PSS, the Application will include the information requested. See also the revised text in Section 2.22.2(i) of the RSS.

81. 16 NYCRR § 1001.22(j):

This portion of Exhibit 22 should include:

- A summary table of wetland delineation information, including the wetland's alpha- numeric code if the wetland is regulated or eligible for regulation under ECL Article 24.
- Copies of all Wetland Determination Data Forms compiled into a Wetland and Stream Delineation Report.

Response: As detailed in Section 2.22.2(j) of the PSS, the Wetland Delineation Report appended to the Application will include the information requested. See also the revised text in Section 2.22.2(j) of the RSS.

82. 16 NYCRR § 1001.22(k):

This portion of Exhibit 22 should include:

- The methodology proposed by the Applicant to evaluate functions and values.
- A discussion of educational and scientific value of wetlands.
- An analysis of production export of wetlands.

- An assessment of protected, T&E species habitat in wetlands.

Response: As discussed in Section 2.22.2(k) of the PSS, the Application will include the information requested.

83. 16 NYCRR § 1001.22(l):

This portion of Exhibit 22 should include:

- An assessment of whether the off-site wetlands currently are or could be regulated under ECL Article 24 including both “mapped” and “unmapped wetlands” that meet NYSDEC’s 12.4-acre size threshold (including any wetlands of any size separated by less than 50 meters which function as a unit in providing wetland benefits, pursuant to 6 NYCRR Part 664, or otherwise meet State criteria for jurisdiction (for example, wetlands or vernal pools determined to be of Unusual Local Importance, pursuant to 6 NYCRR 664.7(c)).
- A summary of off-site wetlands adjacent to the Facility site and any disturbed areas that may be hydrologically or ecologically influenced or impacted by development of the Facility, including Significant Coastal Fish and Wildlife Habitat Areas designated by NYS Department of State, and publicly owned lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility.

Response: As discussed in Section 2.22.2(l) of the PSS, the Application will include the information requested.

84. 16 NYCRR § 1001.22(m):

This portion of Exhibit 22 should include:

- A quantification of temporary and permanent impacts to all wetlands and State- regulated 100-foot adjacent areas and permanent forest conversions based on the proposed footprint of all Facility components and associated impact assumptions. Final impact calculations to the 100-foot adjacent area of State-regulated wetlands and associated mitigation should be based on verified delineation boundaries for jurisdictional wetlands.
- A summary table including the following information: the type of impact, including but not limited to permanent or temporary fill and forest conversion, to each wetland and adjacent area; associated crossing methodology for each wetland, clearly discerning between federal and State wetlands, and adjacent area impacts; acreage of each type of impact to regulated wetlands and adjacent areas; alpha- numeric code if the wetland is regulated or eligible for regulation under ECL Article 24; and the page number on preliminary design drawings depicting the resource.
- A separate set of site plan drawings at 1”:50’ scale showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance.

Response: Potential impacts to wetlands and streams, and State-regulated 100-foot adjacent areas (i.e., resulting from the construction and operation of the Facility) will be identified in the Preliminary Design Drawings (Exhibit 11) and in a separate figure set at a scale of 1”:50’ (see Section 2.22.2(m) and Section 2.22.2(i) of the RSS, see also the Applicant’s response to Comment 79).

85. 16 NYCRR § 1001.22(n):

This portion of Exhibit 22 should include:

- A discussion of all avoidance and minimization measures considered during site planning and design. The discussion of avoidance and minimization measures should be updated upon final verification of wetland boundaries and jurisdictional determinations.
- A detailed alternative analysis for siting utility corridors, access roads and turbine locations. The alternative analysis should be based on the final verified delineation boundaries.
- A conceptual wetland mitigation plan for unavoidable impacts to wetlands and adjacent areas. The proposed mitigation must occur on or in the immediate vicinity of the Facility site (preferably in the same wetland) and provide equal or greater benefit. Once mitigative measures are complete, the wetland should be regulated under ECL Article 24.
- Off-site mitigation should only be considered if an analysis is provided showing that all options within the immediate vicinity were thoroughly evaluated and determined to not be feasible. In-lieu-fee does not meet the State requirements for mitigation.
- A discussion of adaptive management actions to be implemented if the wetland mitigation is not successful.

Response: As discussed in Section 2.22.2(n) of the PSS, the Application will discuss the measures and methods implemented by the Applicant to avoid and minimize wetland impacts. If state regulated wetlands are impacted by the Facility, the Applicant will comply with the substantive requirements and weighing standards of 6 NYCRR 663.5.

86. 16 NYCRR § 1001.22(o):

This portion of Exhibit 22 should include:

- A discussion of impacts to federally and State-listed T&E species, SSC, and SGCN and their habitats and a summary impact table containing information on listed and protected species in these categories. Such a table should include, at a minimum, the following: species name; federal status; State status; if species was observed on site or potentially occurring in the Facility; source of information indicating potential or documented presence of species; discussion of the type of impact (direct and/or indirect) that may occur to each species; estimated take of each listed species, and; evaluation of all impact avoidance measures considered and, if full avoidance is not feasible, a discussion of why such actions are not practicable.
- A Threatened and Endangered Species Avoidance, Minimization and Mitigation Plan that meets the requirements of Part 182 and demonstrates net conservation benefit to the affected listed species.
- The Incidental Take Permit application components pursuant to 6 NYCRR Part 182.

Response: The requested information will be included in the Application. See also the revised text in Section 2.22.2(o) of the RSS.

87. 16 NYCRR § 1001.22(p):

This portion of Exhibit 22 should include:

- A list of all non-native invasive plant, vertebrate, invertebrate, fungal, algal and cyanobacteria species observed during site-specific field investigations, incidentally while on site for other purposes, and known to occur within the Facility.
- GIS files of any concentrations of non-native invasive plant species.
- An Invasive Species Prevention and Management Plan (ISPMP) that addresses all of the species listed in 6 NYCRR Part 575 and includes:

- A summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (that is, a baseline survey), including the transmission line corridor.
- An action plan for pre-construction management of non-native invasive species, including threshold for action.
- Specific methods to be used to ensure that packing material, imported fill and fill leaving the Facility site should be free of non-native invasive species material, seeds, and parts to the extent practicable.
- Specification on how fill materials to be placed within the Facility site will be free of non-native invasive species material, seeds, and parts, by source inspection or other method, or only used within areas already containing those specific non-native invasive plant and invertebrate species infestation.
- A detailed description of specific Facility site grading, erosion and sediment control methods that will be used to prevent the introduction, spread, or proliferation of all non-native invasive species to the extent practicable.
- Details of procedures for preventing the spread of invasive invertebrates and diseases, and a discussion of how the Applicant will comply with the State quarantine and protective zones, where applicable.
- Implementation plans for ensuring that equipment and personnel arrive at and depart from the Facility site clean and free of all non-native invasive species material, seeds, and parts. The protocol for inspection of equipment arriving at the Facility Site should be provided in the Application.
- A detailed description of cleaning procedures for removing non-native invasive species material, seeds, and parts from equipment and personnel, and properly disposing of materials known to be or suspected of being infested.
- The detailed description of the Best Management Practices or procedures that will be implemented, and the education measures that will be used to educate workers.
- The detailed description of a post-construction monitoring and corrective action plan (covering at least a five-year period), to achieve the ISPMP's goals of no new invasive species in the Facility area and no new locations of existing invasive species in the Facility area. This post-construction and corrective action plan should contain survey measures and procedures for revising the ISPMP in the event that the goals of the ISPMP are not met within a specified timeframe.
- The anticipated methods and procedures used to treat invasive species that have been introduced or spread as a result of the construction, operation or maintenance of the facility (based on comparisons against the baseline survey).
- Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate.

Response: As detailed in Section 2.22.2(b)(3) of the PSS, the Application will include an Invasive Species Control Plan that will provide the information requested.

88. PSS § 2.23.1 Water Resources and Aquatic Ecology - Discussion

1. NYSDEC confirms the Applicant's statement at page 151 of the PSS that there is one protected stream (Class C(T)) (Kent Brook) that runs generally north-south through the center of the Facility site. NYSDEC notes that there are additional Class C streams in the study area that will need to be considered by the Applicant.

Response: Comment noted.

NEW YORK STATE DEPARTMENT OF HEALTH

89. Section 2.19 – Noise and Vibration

The Preliminary Scoping Statement (PSS) indicates that it will include annual, seasonal and L_{night} 8-hour noise modeling. Department of Health (DOH) staff requests the applicant model the annual logarithmic average day-evening-night weighted sound pressure (L_{den}) levels as defined in section 3.6.4 of ISO 1996-1:2016 for participating and non-participating (including seasonal residences) receptors in addition to the highest Leq 1-hour (a surrogate for maximum $Leq_{8 \text{ hour, night}}$ and maximum $Leq_{16 \text{ hour, day}}$) and $L_{\text{night, outside}}$. The L_{den} noise descriptor should also be added to the tabular noise modeling results inclusive of annual maximum daytime ($Leq_{16 \text{ hour, day}}$), annual maximum night ($Leq_{8 \text{ hour, night}}$) and annual logarithmic average nighttime ($L_{\text{night, outside}}$) noise levels that can be directly compared to WHO (1999, 2009, 2018) guidelines for both participating and non-participating receptors (including seasonal residences) to evaluate potential sleep disturbance and annoyance. The PSS should refer to exhibit 15 for the evaluation of health impacts. Please modify the PSS accordingly.

Response: See response to comment 29.

90. Exhibit 23 – Water Resources and Aquatic Ecology

The PSS indicates that the applicant will consult the NYSDEC and Chenango County Department of Health for water well locations and Chenango County Department of Health for surface water intake locations. DOH should be the primary agency contact regarding the presence of public drinking water supplies (wells and surface water intakes).

Response: Comment noted. The NYSDOH will be the primary agency contacted by the Applicant in determining the presence of public drinking water supplies. The Applicant has already been in contact with DOH's Albany Offices on this matter and will continue to coordinate to obtain that information.

91. Exhibit 24 – Visual Impacts

DOH staff requests that the applicant reference NARUC (2012) "Wind Energy & Wind Park Siting and Zoning Best Practices and Guidance for States" as it includes both short- and long- term flicker guidelines. This section of the PSS should also refer to Exhibit 15 for the evaluation of potential short-term and long-term health impacts, including annoyance and photosensitive epilepsy potential, associated with shadow flicker. Please update the PSS accordingly.

Response: See the Applicant's response to Comment 54. The Applicant is agreeing to a design goal of 30 hours/year for shadow flicker. According to the Epilepsy Foundation, "Generally, flashing lights most likely to trigger seizures are between the frequency of 5 to 30 flashes per second (Hertz)." The type of wind turbines proposed for this Project have a maximum rotational speed of less than 16 rpm which corresponds to a frequency of 0.8 Hz. This frequency is well below the frequency identified by the Epilepsy Foundation; therefore, the triggering of epileptic seizures is not a concern with this Facility.

ONEIDA INDIAN NATION

92. The Nation requests that High Bridge Wind, LLC continue to discuss with the Nation the Project's APE, level of effort to identify historic properties, presence or absence of historic properties, National Register of Historic Places eligibility, findings of no effect or adverse effect and measures to address or resolve adverse effects. The Nation also request that High Bridge Wind, LLC notify the Nation if any federal agencies become involved in the permitting process for the Project,

Response: Comment noted. The Applicant will continue to coordinate with the Oneida Nation and will document this outreach process in the Application. The Nation should have recently received a letter regarding visual outreach, seeking input on visually sensitive sites within the Visual Study Area.

CHENANGO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

93. The Lt. Warren E. Eaton Airport (KOIC), located in the Town of North Norwich, is a valuable economic asset to Chenango County. The FAA and Calpine Corporation should do their due diligence in assuring this economic asset is not disturbed by interrupting the flight path in and out of Lt. Warren E. Eaton Airport. It would be advisable for a representative from the FAA and/or Calpine to not only talk with the Airport Manager as indicated in the scoping statement, but also to attend a meeting of the Chenango County Airport Steering Committee to discuss potential impacts this project could have on current or future plans at Lt. Warren E. Eaton Airport (KOIC). The Chenango County Airport Steering Committee meets monthly on the 2nd Monday of Every month at the Airport.

Response: As noted in the PSS Section 2.25.2 the Applicant will evaluate potential impacts to airports, airspace and related radar resources through a formal consultation process with the FAA that is required by Title 49 of the United States Code, Section 44718, and through direct consultations with airport managers, including the manager of the Lt. Warren Eaton Memorial Airport, which was identified as a stakeholder in the Applicant's Public Involvement Program (PIP) Plan. See PSS pages 176-77. The Applicant will describe in detail these consultations, and modifications to the Facility made as a result of the consultations, in Exhibit 24(f). Following submission of the PSS, the Applicant circulated outreach letters to the Lt. Warren E. Eaton Airport and the Sidney Airport to initiate this consultation process.

94. Additionally, the Village of Sidney Municipal Airport in Sidney, NY is home to LifeNet of New York (7-8 Sidney), where a medivac helicopter is stationed. For the safety of residents in Chenango County and other adjacent communities, the FAA and Calpine Corporation should do their due diligence in assuring this resource is not compromised by meeting with representatives from LifeNet of New York (7-8 Sidney). In most cases, timely arrival at accidents or medical emergencies is crucial and should not be delayed due to the physical locations of the proposed turbines. Volunteer emergency squads in Chenango County continue to struggle with recruitment and LifeNet's ability to arrive is a comfort to many of our residents should an emergency occur at their homes or as they travel within the proposed area.

Response: As noted in the response to Comment 92, the PSS outlines the process for evaluating potential impacts to air transportation and airports and identifies the Sidney Municipal Airport as a stakeholder with whom the Applicant will consult in connection with this project. See PSS page 177. Following submission of the PSS, the Applicant circulated outreach letters to the Lt. Warren E. Eaton Airport and the Sidney Airport to initiate this consultation process.

95. On page 175 of the scoping statement, it would be my request that LifeNet of New York (7-8 Sidney) be included in the list of "Local Emergency Service Providers". As stated above in comment #2, LifeNet of New York (7-8 Sidney) provides a very valuable emergency service to our community.

Response: The Applicant will add LifeNet of New York to the Stakeholder List and to the list of local emergency providers and will include this entity in its consultations. See also the revised text in Section 2.25.1 of the RSS.

96. As stated in the letter by the Wahlberg's at 804 Wahlberg Road submitted electronically on February 12, 2019, the view shed at the corner of Wahlberg Road and County Road 36 facing west should be considered a visually sensitive resource. As a former resident of the Town of Guilford, I would commonly stop at this location in the late evenings on my way home from work to admire the sunsets which were present on nice days. A visual impact

study should be done on this location to make sure this resource is not impacted by the proposed wind turbines, overhead transmission and collection lines, proposed clearing limits, proposed FAA warning lights, shadow flicker, and any other forms of visual impact brought on by this proposed project. Consultation with the Chenango Land Trust should be requested and encouraged. Assisting the community with designation of this site as a visually sensitive resource could be considered a good faith effort by Calpine Corporation to the community.

Response: Formal visual outreach letters were recently sent to various municipal planning representatives, including the Chenango Land Trust. The Applicant will continue to consult with these planning representatives to identify potential locally sensitive visual receptors and viewpoint used on the VIA.

97. As stated on page 108 of the scoping document, there are many sites of cultural and historical importance in the Town of Guilford and surrounding communities. While it is said this project will not cause any physical changes to these sites, there could be the potential for visual impact. I would request consultation by Calpine Corporation with the Chenango County Historical Society, Chenango County Historian, Town of Guilford Historian Tom Gray and Town Historian's from other municipalities whose historical properties fall within the 5-mile radius.

Response: Towns within 5 miles of the Facility, as well as the Town of Guilford and Chenango County, are identified as stakeholders with whom the Applicant has consulted and will continue to consult on topics such as potential visual impacts. This consultation has included outreach specific to potential visual impacts, which requested that recipients identify any potential historic properties or other significant sensitive sites (not already identified in the outreach materials) for potential inclusion in the Applicant's visual impact assessment. Many of the entities identified by the commentator have been included in the outreach conducted to date. The Applicant will ensure that ongoing outreach efforts include all the individuals and entities identified by the commenter.

ROBERT DAVIS, RESIDENT IN THE TOWN OF GUILFORD AND CHAIRMAN OF THE GUILFORD TOWN PLANNING BOARD

98. I believe that the comment period on the Preliminary Scoping Statement should be extended. The notice of the opportunity to comment was received locally on Monday, February 11th with a deadline of three days later, February 14th. More time should allow more members of the public to participate in the process.

Response: In November 2018 and again in December 2018/January 2019, the Applicant published ads in local newspapers and circulated notices which informed members of the public and project stakeholders that it would soon file its PSS, which would start the clock on the regulatory 21-day public comment period. See Applicant's proof of service and publication filed February 4, 2019. The PSS was then filed on January 24, 2019, and notices were issued by the Siting Board on January 31 setting the comment deadline for February 14. On February 4, 2019, the Examiners contacted the Applicant requesting that an additional notices be issued regarding the PSS comment deadline and intervenor funding. Those notices were published and mailed as requested on February 8. See Applicant's proof of service and publication filed February 15, 2019. However, after learning that many stakeholders and members of the public did not receive this second round of notices until February 11, the Applicant submitted a request to extend the PSS Comment deadline through February 28. The Examiners granted that extension, and comments were accepted for an additional two weeks.

99. Our understanding is that few previous wind projects have built turbines at this height (600 feet) in a settled rural landscape. I believe that the Siting Board should consider carefully whether the minimum distances from residences being used in planning the location of turbines is adequate. The company has stated in its proposal that it intends to respect the Comprehensive Plan adopted by the Town of Guilford. In the survey of residents

that began that planning process, a large majority of respondents cited the town's scenic beauty as one of the reasons they most valued living in the town. One method of evaluating the desirability of this project should be to determine to what extent its visual impact damages what the town's residents cite as one its primary attractions as a place to live.

Response: As described in the PSS Section 2.24, and per the Article 10 Regulation 1001.24, a Visual Impact Analysis will be prepared and included in the Application. Other topics identified, such as setbacks, will be addressed in the Application.

100. Some of our residents are concerned about the project's impact on the value of their property. They have received assurances from NYSERDA representatives that any decrease would be temporary based on data from past projects. The question here is how pertinent that data is given the much larger size of these towers. This should be an area of analysis by the Siting Board.

Response: As described in Section 2.27, the Applicant will prepare a project-specific Socioeconomic Report that will be appended to the Application.

DAVID DIBBELL

101. As a designated contact for the Airport Steering Committee for the Lt. Warren E. Eaton Chenango County Airport at Norwich, NY, this comment is to request direct engagement to review the impact on instrument approach and departure procedures. This relates to the requirement to review the potential hazards to air navigation with the FAA (pages 176-177 of the PSS.) The three instrument procedure documents published for the Lt. Warren E. Eaton Airport are attached to illustrate the concerns. For the RNAV (GPS) RWY 1 approach (06148r1.pdf), the final approach course from GINNS to FENUB to OLGAE passes just west of the project near North Pond, at altitudes that raise concern about obstacles higher than now exist in this area. For the RNAV (GPS) RWY 19 approach (06148r19.pdf), the missed approach procedure from as low as 1,700 ft MSL at HOKVA first directs a course toward and through the project area generally northeast of North Pond, then turning toward GINNS. For the RWY 19 instrument takeoff procedure (ne2to.pdf at page L20), a departure would presently allow turning on a course to the southeast after first reaching 2,100 ft MSL. This would include flight paths directly through or over the project area at altitudes which could be a concern.

The Airport Steering Committee wishes to preserve the instrument approaches and departures presently available at the Lt. Warren E. Eaton airport, without requiring higher minimum altitudes than presently published. It is acknowledged that modifications to the existing procedures by the FAA could mitigate the issues and meet this intent.

Response: The Applicant will continue to coordinate with representatives for the Lt. Warren E. Eaton Chenango County Airport.

V. R. WESTGATE

102. Bird Migration Impact: Does Calpine do any evaluations/studies on bird migration in the migratory area to be impacted BEFORE they construct the turbines? If not, why not? What value would studies be after the turbines are built?

Response: As described in Section 2.22 of the PSS and in Appendix H, the Applicant will perform a variety of pre-construction avian studies (i.e., Breeding Bird Surveys, Eagle Use Surveys, and Raptor Migration Studies).

103. Does Calpine have on record and have they shared with necessary parties the results of any/all studies they have done with established wind farms in the United States and are these studies completed on turbines the same size as the ones proposed for Guilford?

Response: Studies performed for the High Bridge Wind project are project-specific and will be included with the Application.

104. Based on the results of these studies, how does NYS make a determination as to how much collateral damage ie bird deaths is allowed vs too much?

Response: The Applicant cannot speak to New York State's policymaking process or its process for evaluation of potential impacts from land development, including wind energy. As described in Section 2.22 of the PSS, the Application will address the anticipated impact of the Facility on avian resources, and the avoidance, minimization, and mitigation measures proposed by the Applicant to address those impacts.

105. What state agencies are asked for input on establishing a wind turbine farm and how do the citizens in Guilford gain access to their agency recommendations?

Response: The Article 10 Certification process for major electric generating facilities, which New York State requires for all large projects such as the High Bridge Project, requires the involvement of dozens of stakeholders at all levels of government, and is overseen by a 7-member body called the New York State Board on Electric Generation Siting and the Environment (the "Siting Board"). The permanent Siting Board is made up of representatives from the New York State Departments of Health, Environmental Conservation, Public Service, Economic Development and the New York State Energy Research and Development Authority (NYSERDA). For each project, two project-specific, locally nominated "ad hoc" members are selected to sit on the Siting Board. In addition to the state agencies with permanent seats on the Siting Board, the Article 10 law explicitly grants Party Status to the New York State Department of Agriculture and Markets, the Department of State, the State Office of Parks, Recreation and Historic Preservation, and host municipalities. See New York Public Service Law 166. Further, the Applicant is required to provide its Application and related information to the New York State Department of Transportation and the Attorney General's Office. NYPSL 164. The New York State Department of Homeland Security must be consulted specifically regarding certain emergency planning related to power generation projects. State Senators and Assemblymembers for impacted communities must also be kept informed. Finally, where a project implicates other State or Federal agencies, nonprofit organizations, Indian Tribes, or other potential stakeholders, Applicants like Calpine include those agencies in a Master Stakeholder List and provide notifications and project information to those agencies throughout the Article 10 Process.

Comments, recommendations, testimony and documents submitted by State agencies participating in the Article 10 process are available to members of the public through the Siting Board's website. Transcripts of official proceedings are prepared and posted to that website as well. To the extent that individual agencies have guidance or other information on wind energy, those agencies generally make that available on their own websites.

106. The Town of Guilford did at one time pay for a study to be completed that would assess or evaluate town roads in order to somehow "protect" them from any excess or severe road damage from any potential companies and their use of our roads which could result in severe damage and find taxpayers in Guilford having to "pay the bill" in dollars that would far exceed any monetary gain to the town of such road use; was this Road Use Law ever finalized and put in place? If not why not? If not and if Calpine or any other company damaged our fragile town

roads transporting turbine blades in lengths that make making road turns difficult, who pays the bill? If the laws are not in place today has the time to do so passed in terms of potential impact of road damage and making the user, responsible?

Response: The Applicant cannot speak to the portion of this question addressed to the Town of Guilford, however as noted in the PSS Section 2.12 (Construction), 2.25 (Transportation) and 2.31 (Local Laws and Ordinances), the Application will address the potential impacts on local roads during construction, as well as any plans or agreements between Calpine and the Town of Guilford for assessing the pre-construction condition of local roadways, the potential impacts from construction on local roadways, and plans for restoration and repair of roadways damaged by construction activities. Generally, the Applicant would propose a Road Use Agreement or similar agreement with the Town, and potentially with Chenango County, to address these issues to the satisfaction of the municipalities, and in conjunction with any applicable local laws or ordinances, as identified in Section 2.31 of the PSS.

107. Regarding the entire project, High Bridge Wind Turbine Project, what control of the project is under the auspices of the Town? County? State?

Response: In enacting Article 10 of the New York Public Service Law in 2011, the State Legislature granted the Siting Board sole authority over the siting, construction and operation of all major electric generating facilities, of which the High Bridge Wind Project is one. Therefore, the State Siting Board maintains jurisdiction over the permitting process currently under way. A number of State agencies, as well as the Town of Guilford and Chenango County, are statutory parties to that permitting process, and will play an important role in this Article 10 proceeding. If the project is approved by the Siting Board, the permitting process would result in a Certificate which would outline the Applicant's obligations, among other things, and identify which government entities would enforce various aspects of the Certificate, such as the issuance of Building Permits. Initial outlines of these obligations and roles will be presented in the Article 10 Application, to the extent that information is known at the time.

108. What practical responsibilities does the state of New York take responsibility for in regard to Guilford and its taxpayers if the project costs more than the revenue it creates?

Response: As discussed in the Preliminary Scoping Statement sections 2.14 and 2.31, and as will be addressed in greater detail in the Application, the Facility is not anticipated to result in direct costs to the Town of Guilford, such as for road repairs or fire protection services. Many of those costs would be borne by the Applicant through mechanisms such as a Road Use Agreement, special district taxes, and other local tax or community benefit agreements. Moreover, this Facility is proposed by a private company and would generate electricity to be sold in the competitive wholesale energy market. As with any business, the Applicant must draw on its experience and resources to design a project that can compete in those markets and generate a profit; the risks associated with potential unprofitability are borne by the Applicant, as they would be for any other business. As will be shown in Exhibit 29 of the Article 10 Application, High Bridge Wind will need to submit a detailed Decommissioning Plan and a reliable financial security mechanism, such as a bond or letter of credit, to ensure that the Facility can be removed and the lands restored at the end of the project's useful life, even in the event that the Facility's owner went bankrupt or no longer exists. High Bridge Wind will be required to address those issues to the satisfaction of the Siting Board before the Facility can be permitted or constructed, ensuring that even in the most unlikely and extreme cases, provision is made to ensure the community is not responsible for those costs.

109. With regard to revenue, what has been the actual practice or outcome for local-county and state governments in other parts of the country where Calpine has set up turbine farms?

Response: The Application will include a discussion of Calpine's background and experience in the energy sector. Calpine Corporation is America's largest generator of electricity from natural gas and geothermal resources with operations in competitive power markets. Our fleet of 79 power plants in operation or under construction represents approximately 26,000 megawatts of generation capacity. Through wholesale power operations and our retail businesses Calpine Energy Solutions and Champion Energy, we serve customers in 24 states, Canada and Mexico. Our clean, efficient, modern and flexible fleet uses advanced technologies to generate power in a low-carbon and environmentally responsible manner. We are uniquely positioned to benefit from the secular trends affecting our industry, including the abundant and affordable supply of clean natural gas, environmental regulation, aging power generation infrastructure and the increasing need for dispatchable power plants to successfully integrate intermittent renewables into the grid. Please visit www.calpine.com to learn more about how Calpine is creating power for a sustainable future.

110. How many years have most of these farms lasted in other states and are there any potential costs to the communities they are built in when/if they are de-commissioned?

Response: Please see the response to Comment 107 above regarding Decommissioning. Generally, the expected life of a wind farm is approximately 25-30 years.

111. If the town of Guilford is stepped over by the state with all necessary approvals for these turbine farms, can taxpayers in Guilford be potentially impacted in a negative way with our property taxes? Does the landowner approved for turbines generally find his property taxes go up or down? If their taxes go down, aren't other residents expected to make up the lost tax revenue by seeing their property taxes go up in order to in effect make up the difference?

Response: As noted in the PSS Section 2.27, the Article 10 Application will include information on potential socioeconomic impacts from the Facility and will address the issue of potential property value impacts. Generally, numerous studies have shown that wind farms do not cause a significant long-term decrease in property values. Rather, wind projects such as the High Bridge project contribute significant annual revenues to local tax bases, while using very few of the municipal services which other types of land development rely on, such as school bussing.

112. Given the costs of such a proposed project, what estimates have NYS and the Town of Guilford projected they will see in increased revenue and if they do not know why not?

Response: As noted in the PSS Section 2.27, the Article 10 Application will include information on potential socioeconomic impacts from the Facility. Issues such as payment in lieu of tax agreements or other host community benefits will need to be negotiated with the Town in the coming months.

113. In practice, have other communities where these farms are built seen a net increase in town revenue?

Response: The Applicant cannot speak to this for wind farms developed by other companies or developed in other Towns. However, as stated in response to comment 107, agreements such as the Host Community Agreement, PILOT Agreement, and Road Use Agreement are designed to provide a direct benefit to the local community at no direct cost to the local community. The benefits generated by these Agreements are incremental and only materialize when the Project is constructed and operated. Therefore, the Town may see an increase in revenue due to the construction and operation of the Project.

HOLLY AND WENDY WAHLBERG

114. As part of the Visual Impact Assessment (VIA), we hereby request that the open meadow parcel owned by Holly and Wendy Wahlberg at the corner of Wahlberg Road and County Road 36 be identified as a visually sensitive resource requiring a visual impact analysis and photo-realistic simulation to assess the visibility and visual impact of all proposed wind turbines, overhead transmission and collection lines, proposed clearing limits, proposed FAA warning lights, shadow flicker, and all other forms of visual impact on this sensitive scenic resource.

Response: As described in the PSS, the Applicant will perform a range of visual outreach efforts. This information will be added to any response received from the visual outreach efforts and considered during the preparation of the VIA.

115. The view from the corner of Wahlberg Road and County Road 36 has long been considered one of the most important scenic views in Chenango County; local residents routinely pause here to enjoy the outstanding visual panorama at this location and often taking photos (including wedding and graduation photos). The exceptional merit of this view and the Wahlberg family's diligent protection of this scenic resource since 1935 was recognized by the Chenango Land Trusts Land Stewardship Award in 2007.

Response: See response to Comment 113.

116. Additionally, we request that outreach be done to the Guilford Historian, Guilford Historical Society, the Chenango County Historian, the Chenango County Historical Society, and the Chenango Land Trust in order to compile a complete list of additional potential sensitive locations of historic, archaeological, cultural, and/or scenic importance within the 5 and 10 mile zones. Two sites within the 5 mile Facility footprint (the N. Guilford Church and the N. Guilford Cemetery) clearly have historical importance and we hereby request that they be included in the VIA process.

Response: The Guilford Historian, Guilford Historical Society, Chenango County Historian, Chenango County Historical Society, and Chenango County Land Trust, among others, have been included in visual outreach efforts. The North Guilford Church and the North Guilford Cemetery have been added to the list of visually sensitive resources and will be included in the VIA process.

CHRISTINA AND DAL UTTER

117. We have archaeological concerns regarding several sites found on Fred Utter Road, Town of Guilford. Not far from High Bridge Road are rock overhangs and behind them are approximately a dozen stone piles. One field, not far from Fred Utter Road, has produced many Indian artifacts that date back 3,000 years. Fred Utter Road, at one time, continued all the way back and came out on High Bridge Road. Along this section, that is no longer utilized, can be found foundations, a hand dug well, fence stone pilings, and some unique sections of a stone wall. This place pre-dates 1855. We would ask that the wind energy project avoid this historic area.

Response: As described in the PSS Section 2.20, cultural resources, including archeological resources, will be evaluated and potential effects will be described in the Application. The entire APE for Direct Effects (i.e., the area containing all proposed soil disturbance potentially associated with Facility construction and operation) will be subjected to pedestrian reconnaissance (in addition to any pedestrian surface survey or shovel testing). Therefore, any stone piles or rock overhangs within or adjacent to the APE for Direct Effects will be documented and evaluated during the Phase IB archaeological survey. Additionally, if impacts are proposed in fields in the vicinity of Fred Utter Road, those

areas will be subjected to shovel testing and/or pedestrian survey in order to identify and map the pre-contact Native American materials referenced.

Regarding the foundations and other historic features along the former route of Fred Utter Road, areas where proposed Facility components are located in proximity to structures that are depicted on historic maps of the area will be prioritized during the selection of areas for shovel testing. The former route of Fred Utter Road and the former structure locations are depicted on the 1855 Fagan Map of Chenango County, New York as well as the 1915 USGS Unadilla, NY 15-minute 1:62,500 Topographic Quadrangle, both of which have been reviewed for the Phase IA Archaeological Resource Survey. If any of these former structure locations occur within or adjacent to the APE for Direct Effects, they will be documented and evaluated (by shovel testing and/or pedestrian survey or reconnaissance) during the Phase IB archaeological survey.

DANIEL HARRINGTON

118. The enormous size (600 ft. plus) of the proposed turbines should be a concern to all. These are much bigger than most people realize - see the attached size graphic.

Response: As described in the PSS Section 2.24, potential visual impacts from the proposed Facility will be thoroughly addressed in the Article 10 Application.

119. I am very concerned about several things: the visual impacts that 600' Turbines will have on our picturesque rural area, property values (especially those who will be forced to live in close proximity, a local realtor confirmed that some of our residents' property values will be permanently impacted), impacts to the health of those people effected by the steady infrasound that is continually putout for miles (infrasound being the low frequency sound that travels for many miles and is heard by our pets, wildlife and also effects some people) and Shadow flicker on or around homes. These concerns are not overblown.

Response: As described in the PSS Section 2.24, potential visual impacts from the proposed Facility will be thoroughly addressed in the Article 10 Application.

120. I understand why and don't blame our residents who are leasing, it's a lot of money, but our area should not be dominated by 600' Turbines in order to benefit a few residents and a large company from another state.

Response: Comment noted.

PRISCILLA WELDEN

121. It is insulting for myself and my neighbors to receive a notice in the mail of the filing of the PSS on Monday the 11th and be expected to file comment by Thursday the 14th. I am not surprised as this seems to be among the many tactics allowed by NY State in this process.

Response: In November 2018 and again in December 2018/January 2019, the Applicant published ads in local newspapers and circulated notices which informed members of the public and project stakeholders that it would soon file its PSS, which would start the clock on the regulatory 21-day public comment period. See Applicant's proof of service and publication filed February 4, 2019. The PSS was then filed on January 24, 2019, and notices were issued by the Siting Board on January 31 setting the comment deadline for February 14. On February 4, 2019, the Examiners

contacted the Applicant requesting that an additional notices be issued regarding the PSS comment deadline and intervenor funding. Those notices were published and mailed as requested on February 8. See Applicant's proof of service and publication filed February 15, 2019. However, after learning that many stakeholders and members of the public did not receive this second round of notices until February 11, the Applicant submitted a request to extend the PSS Comment deadline through February 28. The Examiners granted that extension, and comments were accepted for an additional two weeks.

122. After reading through many of the projects, filings, responses and stipulations of projects in the article 10 process, I have come to the unfortunate conclusion that as well meaning as it may seem to those in Albany, the state and the article 10 process actually has no interest in the safety or well being of those people who would be forced to live within close proximity of the worlds largest turbines. It is clear that information, research and testimonials are carefully picked and presented to the siting board and blindly accepted, while those representing the opposing view are ignored and others are left out.

I strongly believe that Calpine and the State of NY are well aware of the many risks that this imposes on a small rural community and they see us as an unfortunate casualty in the race for clean energy, the green deal and the vote.

Much of the research on these issues had been done outside of this country, where most of the technology has progressed as well. It is foolhardy to say that american science doesn't exist and forgo the facts and research done in other countries.

While the state and Calpine admits that the technology is new and ever changing, they are referencing old studies and omitting facts. They should know better. We may be a small community of farmers and we may not be rich or have fancy educations. We do have resilience, adaptability and natural resources. I fully intend to encourage my community to use the home rule law to eliminate this intrusion upon our community. There is much research to be done on this topic, I do not think that our community is where we should have that science experiment.

I am confident that there is a better approach to facing the fears of global warming. If some people think introducing the green new deal is brave, let us be braver. Admit that this solution may be detrimental to human and animal health BEFORE we subject millions of people to it. Lets be honest, and humble in our work. Lets not promise to fix yesterdays problems on the backs of tomorrow.

I hope that any employee of the state that reads this finds themselves questioning their morals and can further find a way to use their education and position to move forward in this ever changing world without compromising the health and well being of those people that live with them. It is easy to forget about those of us who do the hard and thankless work. We are the stewards of the land.

Do you know who your farmer is?

Response: Comment noted.

JESSICA GOMBACH AND KELLER WILLIAMS

123. As a homeowner as well as a concerned community member, I would like to point out the huge impact this project will have on our property values, health, daily living, and general aesthetics of what Guilford really looks like now

to what it will look like after this is built. As a professional realtor, and much research alone from communities hit by turbines property values can decrease anywhere from 22-50% in value based on research. Is anyone going to give us landowners a property value guarantee? If not what will be in our favor for our losses? I think the public needs to be aware of this when being told nothing will happen.

Response: As noted in the PSS Section 2.27, the Article 10 Application will include information on potential socioeconomic impacts from the Facility and will address the issue of potential property value impacts. Generally, numerous studies have shown that wind farms do not cause a significant long-term decrease in property values. In adopting the Article 10 regulations, the Siting Board expressly declined to require property value guarantees, finding that such a requirement was likely unconstitutional. The Article 10 Application will include numerous studies, such as a visual impact assessment, discussions of public health and safety, and other matters, which will address the topics raised by this comment.

NEAL CALVIN

124. I support the 100 MW wind turbine project proposed by the applicant. I believe that any project that a developer wants to build to compete and provide power into the NYISO's wholesale energy market is a good project. The project will provide revenue streams for local land owners that lease their land to the facility. The project should appease environmental groups concerned with CO2 emissions. The project is being privately financed for the most part (although name a large project in New York that isn't financed by some development agency). I believe the wildlife and health concerns are overblown in rural Chenango County. Further, I appreciate the "expert" liaising between department staff and the petitioner in regards to Exhibit 8 of the application, not that the impact of the proposed project on the energy output of local nuclear, hydro, or wind projects should be an issue under the purview of the Siting Board for a project that will be competitively bidding into the NYISO's wholesale market.

Response: Comment noted.

RONALD AND PAULETTE GURAL

125. As a resident of Guilford for many years. I have a deep concern of the impact from the High Bridge Wind Project. Attached are just two photos that will impact the view from the HBWP if this goes through. Many people come from not just Guilford but the surrounding areas take in this beautiful view . We do not want this here!

Response: Comment noted.

MICHELE C. HARTWELL

126. As a resident of the Town of Guilford, NY in the proposed site of the High Bridge Wind Project site I would like to express my concerns. My home lies directly across from the junction of Fred Utter Road and High Bridge Road. Because this is at the bottom of the ridge were the towers are proposed to be constructed I feel the water table that feeds my well from the many springs on the hillside will be disrupted. Also because this is a proven high Radon area, I feel the great amount of disruption of the land that would be needed for this project would put us at risk for this becoming a bigger issue. Our Valley is one of the few areas of NYS that is still very limited in cell phone reception and airwave television reception. I feel because this project can potentially negatively affect these services it would put our area further behind in this technological world. My concerns also include the use

and disruption of road frontage in your use of our public roads for your necessary accesses and easements. I certainly would like to see very specific and detailed maps of your intended routes and needs of changes to be made to make them acceptable for your use. I thank you for your time and consideration of my concerns.

Response: As noted in the PSS, potential Facility impacts on water resources will be addressed at Exhibit 23 of the Application; potential impacts on communications, such as cell phone and television reception, will be addressed at Exhibit 26 of the Application; traffic and construction routes would be addressed in Exhibit 25 of the Application, and detailed maps and site plans would be provided in conjunction with Exhibit 3 of the Application. Further, as a private company, the Applicant cannot install facility components on public or private lands, including within a public right-of-way without an easement or lease agreement with the landowner. The Applicant anticipates working with the Town of Guilford to develop a Road Use Agreement which will ensure that damage to local roadways caused by large vehicles during construction is repaired at the Applicant's expense, and to the specification required by the Town. Those matters would also be discussed in the Application.

MEMBER OF ASSEMBLY 122ND DISTRICT, CLIFFORD W. CROUCH

127. Please accept this correspondence as my Letter of Support for two wind projects currently under development within my district, the Bluestone Wind Farm located in Broome County, New York and the High Bridge Wind Farm located in Chenango County, New York. These projects will foster much needed economic development in our region through increased tax revenues, the creation of additional high-quality jobs, and an increased demand for local goods and services .

Representing a rural district, we are in need of this economic boost to help support our education, aid county and local services, and generally help our communities thrive for future generations.

These projects are a good source of clean, locally generated power that will promote economic prosperity and environmental stewardship and will support the New York State Energy Plan. The Bluestone Wind Farm and High Bridge Wind Farm will not only enable economic growth in the towns of Sanford, Windsor, and Guilford, they will also help facilitate the State of New York's energy future. I believe it is important that we are behind the initiatives of individuals and organizations dedicated to improving the lives of all who reside in the community. Therefore, I lend my full support to the development of the Bluestone Wind Farm and the High Bridge Wind Farm to help bring more opportunities to the Southern Tier.

Response: Comment noted.