



Baron Winds Project

Case No. 15-F-0122

1001.2 Exhibit 2

Overview and Public Involvement Summary

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EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT SUMMARY

(a) Brief Description of the Proposed Facility

The proposed Facility is a utility-scale wind project located in Steuben County, New York. Project facilities will be located in the Towns of Cohocton, Dansville, Fremont, and Wayland (see Figure 2-1). The Facility will consist of up to 76 utility-scale wind turbines (25 in the Town of Cohocton, three in the Town of Dansville, 38 in the Town of Fremont and 10 in the Town of Wayland) each with a nameplate capacity rating of 2.625 to 3.9 megawatt (MW), depending on the final turbine model selected, and a maximum facility size of 300 MW (see Exhibit 6 for information on possible turbine models). The turbines, access roads, electrical collection system, point of interconnection (POI) and collection substations, permanent meteorological towers, operation and maintenance (O&M) building, and temporary staging (i.e., laydown) areas are collectively referred to as the "Facility" (see Figure 2-2 for locations and Exhibits 3 and 11 for additional detail on the Facility).

The Facility will be located on privately leased rural land that can continue to be used for farming, forestry and other compatible purposes once the Facility is constructed. The private parcels proposed to host the Facility components will be referred to as the "Facility Site" and are depicted in Figure 2-2. The "Facility Area" includes the general area of interest identified by the Applicant and is depicted in Figure 2-1. Off-site ancillary features for the Facility are limited to temporary public road improvements. Key Facility components are identified below:

- Access roads: The Facility access roads will be approximately 22 miles long. Temporary access roads will be gravel surfaced and typically 60 feet wide, based on temporary road disturbance impact assumptions, to accommodate construction vehicles/component delivery. Following construction, the roads will be restored for use as permanent access roads, which will be gravel-surfaced and typically 16 feet wide.
- Collection lines: The Facility includes approximately 36 miles of combined overhead and underground collection lines that deliver power from the turbines to the collection substation. Underground cables will be used to the maximum extent practicable; overhead cables will be used where underground installation is not practicable due to environmental considerations and cost.
- Collection and POI substations: The collection substation is located at the terminus of the Facility's 34.5 kilovolt (kV) electrical collection system and will occupy approximately 3 acres in the Town of Cohocton, immediately adjacent to NYSEG's existing 230 kV Canandaigua Switching Station, which will be the POI substation for the Facility.
- Meteorological towers: Four permanent approximately 100-meter tall wind measurement towers will be installed in the Towns of Cohocton, Fremont and Wayland to collect wind data and support performance testing of the Facility.

- O&M building: This 4,000 to 6,000 square foot building will house the permanent O&M staff offices and will be used to store maintenance equipment and supplies. The Applicant will either construct a new O&M building or refurbish an existing building. If a new O&M building is constructed, it will be located in the Town of Fremont next to the planned laydown yard. If an existing building is refurbished, it may be located in any of the four towns in which the Facility is located—Cohocton, Dansville, Fremont or Wayland.
- Temporary laydown yards/staging areas: Two temporary construction laydown yards (5.4 acres and 9.4 acres) will be established to accommodate construction trailers, storage containers, large project components, and parking for construction workers. These are proposed to be located in the Towns of Fremont and Wayland.

(b) Brief Summary of the Application Contents

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

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

The initial draft of the PIP was submitted to the Siting Board on February 26, 2015. The New York State Department of Public Service (DPS) submitted comments on the PIP by letter dated March 30, 2015, and the PIP was updated, finalized and filed by the Applicant on May 1, 2015. The PIP can be accessed, viewed and downloaded from the online case record maintained by the Siting Board via Document Matter Master (DMM) at: documents.dps.ny.gov/public/Common/AdvanceSearch.aspx (case number 15-F-0122) or from the Facility-specific website maintained by the Applicant (see below).

Since final submission of the PIP, the master stakeholder list has been updated based on the Applicant's consultations and meetings with stakeholders (see Appendix B). An identification of adjacent landowners based on identification of specific component locations within the Facility Site is also included in Appendix B. The Applicant has completed the consultations identified in the PIP, and has had additional stakeholder meetings and communications. These meetings are summarized in the Meeting Log (see Appendix C), which is filed approximately every two months with the Secretary and appears in the case record on the DMM website. The Meeting Log includes details on all the public meetings in the host towns that have been attended by the Applicant. The Meeting Log will be updated and filed on the Siting Board website throughout the Application completeness process.

Some of the specific components of the PIP conducted to date include the following:

Notifications

- In November 2017, the Applicant provided stakeholders, including all landowners who have property within one mile of proposed turbines, with an update on the project and notice of the filing of the Application.
- On June 30, 2017, the Applicant distributed stakeholder mailings to all landowners who have property within one mile of proposed turbines. The mailing included a map and general description of the proposed Facility as well as information on the Article 10 application process.
- Notices of the filing of the Preliminary Scoping Statement (PSS) and Application were published in accordance with the Article 10 regulations in the local newspapers (The Leader and the Hornell Evening Tribune) in addition to being published on the Applicant's project website at least three days prior to filing.
- All open houses were noticed by publishing in the local newspapers and on the project website.

Consultation with stakeholders

- The Applicant has consulted extensively with affected agencies and government entities, including attending town board meetings in the Towns of Fremont, Hartsville, Howard, Avoca, Cohocton, Wayland and Dansville to answer questions about the proposed Facility.
- The Applicant also attended workshop meetings with the Town of Fremont on the Host Community and Road Use Agreements and worked with each affected town to develop draft Host Community Agreements.
- The Applicant held a meeting on September 18, 2017 regarding the Host Community and Road Use Agreements, at which all four affected towns had representation.
- The Applicant held two online webinar sessions with the host towns on April 26, 2017 to receive feedback regarding viewpoint selection for visual analysis for the Facility. The results of that session are documented in Exhibit 24 of the Application.
- On February 27, 2017, the Applicant mailed landowners within a 2,000-foot radius of the proposed Facility a well water survey, which provided information regarding the Facility, project timelines and requested information regarding nearby water supply wells.

Community engagement and education activities

- The Applicant held three open houses to provide information about the proposed Facility, including a company fact sheet, an overview of the Article 10 process, and copies of an Article 10 Consumer Presentation. All open houses were well attended, and members of the public asked questions in both a group setting and on a one-on-one basis, all of which were answered by one (or more) of the Applicant's representatives. The Applicant will also be holding an additional open house meeting on this Application and will provide notice in the newspaper and on the Applicant's website when a date and location is determined.

- The Applicant has a Facility-specific website (<https://everpower.com/baron-winds-wind-project-steuben-county-ny>), which includes extensive information about the Facility, including a Facility overview, maps and figures, and key project documents. Individuals can reach the Applicant through the email link provided on the Contact page of the website.
- The Applicant has established a toll-free phone number (844-624-9463) for public questions and comments. The Applicant also has established a Facility Facebook page through which stakeholders and the public can obtain project updates and information and submit comments and questions.
- The Applicant has provided paper copies of all documents presented at the open houses at the following repositories:
 - Cohocton Public Library, 8 Maple Avenue, Cohocton, NY 14826
 - Howard Public Library, 3607 County Route 70A, Hornell, NY 14843
 - Hornell Public Library, 64 Genesee Street, Hornell, NY 14843.

These document repositories will be updated as the Application progresses.

The Application will also be available at the upcoming open house. The Applicant also employs a local representative near the proposed Facility. The Applicant endeavors to respond to all comments received through communication portals within 48 hours.

As required by 16 NYCRR § 1000.5, the Applicant submitted a Preliminary Scoping Statement to the Secretary on or about August 16, 2016. At the close of the public comment period, the Applicant prepared a chart summarizing the comments received on the PSS and the Applicant's response, which was filed with the Secretary. All of the 174 comments received were from the New York State Department of Health (NYSDOH), DPS and the New York State Department of Environmental Conservation (NYSDEC), with the vast majority (86%) from DPS. Approximately 40% of the DPS comments raised concerns regarding noise and vibration (Exhibit 19). A significant number of comments also were received from DPS and NYSDEC concerning terrestrial ecology and wetlands, while DPS also provided a significant number of comments concerning visual impacts. The Applicant worked with staff from these agencies to address the issues raised during the PSS review, and many of the key demands of the agencies were incorporated into the executed Stipulations submitted to the New York State Public Service Commission by letter dated November 6, 2017.

The Applicant also received comments from the Town of Naples during the Stipulations process on topics such as the Facility website, alternatives, aerial photography, the system reliability impact study, setbacks, potential health impacts, shadow flicker, and visual resources, including concern over Facility visibility from the Village of Naples and cultural resources within the village. These topics are all addressed in the Stipulations and this Application. With respect to visibility from the Village of Naples, please note that a significant portion of the village is included in the 10-mile visual

study area (and associated cultural resources) and visual assessment analyses indicate that there will be no Facility visibility the identified cultural resources, and very limited visibility from a small portion of the village. Please see Exhibit 24 and Appendix GGG for additional information.

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

The Applicant will continue to engage stakeholders following submission of the Application by attending town board meetings when the Facility is specifically on the agenda or when the Applicant is asked to participate by the town and by conducting an open house session. In addition, the Applicant will continue to meet with other local public stakeholders, such as the town and County road departments, as needed, and will be available to meet with other public stakeholders, if requested.

The Applicant will also continue to communicate with non-public entities as identified in the PIP and through outreach activities. Among other things, the Applicant will engage with equestrian and snowmobile groups active within the Facility Site regarding their trail network and use to minimize potential conflicts between use of the trails and the Facility. More generally, the Applicant will meet with non-public stakeholder groups as necessary to address their concerns about the Facility. In addition, the Applicant will track PIP activities and record responses to suggestions and comments in the monthly tracking report. The PIP and other submissions under Article 10 will remain available on the Facility-specific website throughout the application review process.

As previously noted, an updated stakeholders list that includes host and adjacent landowners, among others, is included as Appendix B. The stakeholders were identified for inclusion on the list based on information provided in open houses, landowner communications, town communications and an identification of adjacent landowners within one mile of Facility components. The list was used for mailing notices and will continue to be used to distribute notices regarding project milestones, including submission of this Application, updates for condition compliance mailings and other mailings. In addition to the notifications required under 16 NYCRR §§ 1000.6 and 1000.7, the Applicant mailed notice of the Application submittal to a project mailing list comprised of the updated stakeholders list, including host and adjacent landowners, and additional addresses received through public outreach. The notice included information on the Facility generally and the Article 10 Application specifically. A copy of the mailing list and documentation indicating the dates and mailings that were made will be provided to the Secretary of the Commission with the filing of the Application.

(e) Brief Overall Analysis

This section assembles and presents the relevant and material facts from the Application and supporting studies necessary for the Siting Board to (1) make the required findings regarding the nature of the probable environmental impacts of the construction and operation of the Facility on (a) ecology, air, ground and surface water, wildlife and

habitat, (b) public health and safety, (c) cultural, historic and recreational resources, and (d) transportation, communications, utilities and other infrastructure, as required by Article 10; (2) decide whether to grant the necessary certificate under PSL § 168; and (3) make the determinations required by PSL § 168(3).

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

(i) Ecology

Forestland is the dominant community type in the Facility Site, followed by active agriculture. Ecological communities on the Facility Site include forestland (3,537 acres), active agriculture (4,245 acres), successional shrubland (461 acres), successional old field (176 acres), and developed or disturbed land (89 acres) (see Exhibit 22). Impacts to plant communities from construction and operation of the Facility include vegetation clearing and disturbance from construction and permanent loss of vegetated habitats by conversion to built facilities. However, these impacts have been significantly reduced when compared to the original proposal to install 120 turbines. Under the current proposal, a total of up to 573.9 acres of vegetation will be disturbed by Facility construction (less than 7% of the Facility Site). Of this area, 447.0 acres will be disturbed only temporarily, including areas where collection line is buried underground, construction staging areas, and the margins of access roads and turbine construction workspaces. Approximately 126.9 acres of vegetation will be permanently converted to built facilities, which represents 1.5% of the Facility Site. The landowners can continue to use areas of the Facility Site other than built areas for agricultural and forestry uses once construction is complete. No plant community will be extirpated or significantly reduced as a result of the Facility.

Moreover, the Applicant has designed the Facility Site to avoid sensitive resources such as wetlands and forested land to the maximum extent practicable. Construction of the Facility will temporarily disturb only 0.32 acre of wetlands and permanently disturb only 0.10 acre of wetlands; by comparison, a total of 22.2 acres of wetlands have been identified on the Facility Site. Temporary impacts to NYSDEC-regulated 100 foot wetland adjacent areas will be limited to 0.02 acre. For unavoidable impacts to wetlands and the regulated adjacent area, the Applicant is proposing mitigation measures (i.e., the use of timber maps, seeding bare soils with native seed mix, installation of wood duck boxes, and potential habitat improvements determined in consultation with the NYSDEC) to offset the lost functions of these resources (see Exhibit 22).

No threatened or endangered candidate rare plant species or significant ecological communities were identified on the Facility Site. Therefore, Facility construction and operation are not expected to result in adverse impacts to protected plants or to significant ecological communities (see Exhibit 22).

(ii) Air

The Facility will have a positive impact on air quality by producing electricity without emissions. Minor, short-term air emissions typical of construction projects generally are expected during the construction phase. To minimize localized

air impacts (including fugitive dust and emissions from generator(s) and a concrete batch plant), the Applicant will require the contractor to adhere to best management practices, including prohibiting unnecessary idling of equipment and adherence to New York State guidance on fugitive dust emissions. Operating wind turbines emit no air emissions and so will have a positive impact on air quality, particularly if they displace fossil fuel power plants (see Exhibit 17).

(iii) Ground Water

Although the northern portion of the Facility Area overlays part of one primary aquifer, the nearest sole-source aquifer is located over 44 miles from the Facility Area. The Applicant reached out to NYSDEC for information about groundwater wells in the Facility Area; the Applicant also surveyed residences/businesses located within a 2,000-foot radius of the Facility to obtain information about existing groundwater wells. Based on the available data and the planned setback distances from residential structures, it is unlikely that construction of the proposed Facility will impact residential water well quality. To ensure against such impacts, the Applicant will conduct pre-and post-construction baseline testing to identify potential impacts to groundwater wells; any impacts identified will be mitigated (see Exhibit 23(b)(5)).

During construction, there is potential for short-term, minor impacts to groundwater from accidental discharge of petroleum or chemicals; construction of impervious surfaces, turbine foundations and the installation of buried interconnect lines; disruption of groundwater flows down-gradient of proposed turbine foundations; minor modifications to surface runoff or stream-flow potentially affecting groundwater recharge characteristics; minor degradation of groundwater quality relating to installation of concrete foundations; impacts to groundwater recharge areas (wetlands); and groundwater migration along collection line trenches. However, these impacts will remain insignificant and/or will be avoided altogether through adherence to the Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasures (SPCC) Plan prepared for the Facility (see Exhibit 23).

Facility operation is not expected to affect groundwater quality or quantity. Petroleum/chemical spills will be prevented via the Facility's SPCC Plan.

(iv) Surface Water

Facility components have been sited to avoid or minimize both temporary and permanent impacts to surface waters to the maximum extent practicable. In particular, the Applicant has attempted to site turbine components to minimize stream crossings and to cross at narrow points when streams cannot be avoided. Certain direct impacts to surface waters may occur during construction of Facility components, including: an increase in water temperature and conversion of cover type due to clearing of vegetation; siltation and sedimentation due to earthwork, such as excavating and grading activities; disturbance of stream banks and/or substrates resulting from buried cable installation; and the direct placement of fill in surface waters to accommodate road crossings. The Applicant has committed to implementing

measures to protect surface water resources from these direct impacts (e.g., establishing no equipment access areas and restricted activity areas, implementing sediment and siltation control, and restricting work periods consistent with NYSDEC guidance). Where necessary for overhead collection, poles have been spaced to the extent possible to avoid wetlands. The Applicant also is implementing engineering techniques such as horizontal directional drilling (HDD) that are designed to minimize environmental impacts.

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

(v) Wildlife and Habitat

General Impacts

The various plant communities that occur within the Facility Site each provide habitat for different wildlife species. A comprehensive wildlife inventory suggests that approximately 310 wildlife species could use the Facility Site at some time during the year. Mammals known to occur in the Facility Site include bats, porcupine, striped skunk, weasels, mink, coyote, black bear, bobcat, beaver, and eastern cottontail. In addition, a variety of mice, voles, shrews, and moles are expected to use the Facility Site. Bat surveys confirmed that big brown bat, silver-haired bat, eastern red bat, hoary bat, and at least one species within the genus *Myotis* occur within the Facility Site. Twenty-two unique fish species were identified in the Facility Site, including brown trout, brook trout, and largemouth bass. It is estimated that 30 species of amphibians and reptiles could occur within the Facility Site. These include common species such as painted turtle, common snapping turtle, common garter snake, smooth green snake, northern dusky salamander, northern red-backed salamander, red-spotted newt, American toad, spring peeper, bull frog, green frog, and wood frog. A variety of bird species were identified in the Facility Site. Bird surveys observed different native and migratory bird species, including Canada goose, American crow, ovenbird, red-winged blackbird, European starling and American robin. Overall, eagle use of the Facility Area was relatively low, and the majority of behaviors observed were not behaviors that are thought to be associated with greater collision risk at wind projects (courtship, territorial displays, or foraging).

Construction-related impacts to wildlife are anticipated to be limited to incidental injury and mortality due to construction activity and vehicular movement, construction-related silt and sedimentation impacts on aquatic organisms, habitat disturbance/loss associated with clearing and earth-moving activities, and displacement of wildlife due to increased noise and human activities. However, none of the construction-related impacts described in the Application will be significant enough to affect local populations of any resident or migratory wildlife species. Tree clearing will take place

between November 1 and April 1, which is outside of the breeding period for birds and bats, in order to avoid impacts to the eggs and/or young offspring of nesting birds, as well as immature mammalian species that are not yet fully mobile.

Operation-related impacts to wildlife include direct habitat loss, habitat degradation through forest fragmentation, disturbance/displacement due to the presence of wind turbines, and avian and bat mortality as a result of collisions with operating turbines. A total of 125.8 acres of wildlife habitat will be permanently lost from the Facility Site (i.e., converted to built facilities). This habitat loss represents only approximately 1.5% of the 8,533-acre Facility Site. Approximately 67% of this loss (approximately 84.6 acres) will occur in row and field crops, which have limited wildlife habitat value. In addition, approximately 115.7 acres of forest are expected to be converted to a successional community (old field, shrubland, or saplings) for the life of the Facility. Given the relatively small area of lost or converted natural communities, habitat loss/conversion resulting from Facility development is not considered significant.

Birds and Bats

The Facility has been designed to minimize bird and bat collision mortality. In an effort to reduce avian and bat impacts, electrical collection lines between the turbines will generally be buried to the maximum extent practicable. Lighting of the turbines will be minimized to the extent allowed by the Federal Aviation Administration (FAA), and will follow specific design guidelines to reduce collision risk (e.g., using blinking lights with the longest permissible off cycle). Guy wires, which have been shown to increase collision mortality, will not be used on turbines. Operational bird and bat protection measures will also reduce avian and bat collision mortality. Assuming the fatality rate for the Facility will be equal to the average calculated from wind energy projects within 50 miles, the Facility could result in approximately 332 bird fatalities per year. There is no evidence suggesting that a wind energy facility has caused significant population-level impact to any one species of bird. The cumulative operation of current and future wind energy facilities in New York State are not expected to cause population-level effects to avian resources, even those species of conservation concern.

The statewide bat mortality rate, based on 19 studies conducted at 12 wind facilities, is 12.36 bat fatalities/turbine/year (see Exhibit 22 Cumulative Effects Analysis). Few if any of the New York studies for which bat mortality estimates were available were implementing curtailment or any other measures to reduce or minimize bat mortality. The minimization plan proposed for the Facility is expected to reduce bat mortality rates by 50%, such that the Facility-specific mortality estimate is 6.18 bats/turbine/year based on the available data from wind farms in New York. Applying this rate to the 76 Facility turbines yields a total mortality estimate of approximately 470 bats per year. In addition, the Applicant is proposing a net conservation benefit plan in accordance with NYSDEC incidental take permit standards to mitigate for potential incidental northern long-eared bat (NLEB) take that could occur as a result of operation of the Facility. The Applicant will also conduct post-construction bat and bird fatality monitoring to quantify fatalities caused by the Facility.

(2) Public Health and Safety

Wind generated power is safer and healthier than other forms of electricity generation. Unlike conventional fossil fuel-fired power plants, wind farms produce energy without emitting pollutants that degrade air quality or contribute to climate change. Unlike fossil fuel-fired and nuclear power plants, wind farms produce energy: without using and discharging significant quantities of water; without hazardous fuels such as natural gas, oil, coal or uranium; and without generating residuals such as coal ash or spent nuclear fuel.

While wind farms present few of the public health and safety impacts posed by conventional power plants, they potentially pose certain unique impacts, including blade throw and tower collapse, ice shedding and ice throw, and shadow flicker. However, to the best of the Applicant's knowledge, there are no known instances of the general public being injured at an operating wind farm in the United States. See Exhibit 15 for details.

Adverse shadow flicker impacts are not anticipated. The Applicant is committed to limiting shadow flicker to a maximum of 30 hours annually at any nonparticipating residential receptor. See Exhibit 15 and Exhibit 24 for additional information about shadow flicker.

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

Based on the detailed analyses described in Exhibit 19 of this Application, the Facility has been designed to minimize adverse reaction and prevent sleep disturbance due to sound. The Facility has been designed so that no Sensitive Sound Receptors will exceed 45 dBA $L_{8 \text{ hr}}$, and no participating receptors will exceed 55 dBA $L_{8 \text{ hr}}$. These proposed regulatory limits minimize and mitigate any adverse impacts associated with the sound produced by the construction and operation of the Facility, and are consistent with World Health Organization (WHO) and WHO Europe guidelines to address sleep disturbance and health effects, respectively. Based on the results of the Facility noise assessment showing adherence of the Facility to appropriate noise guidelines and Town noise ordinances, potential adverse impacts due to sound from the construction and operation of the proposed Facility have been minimized to the greatest extent practicable.

(3) Cultural, Historic and Recreational Resources

The Applicant identified 22 archaeological resources in the Facility's Area of Potential Effect (APE) for Direct Effects. All archaeological resources that meet the criteria for listing on the State/National Register of Historic Places (S/NRHP) have been avoided by Facility design. Two additional archaeological sites were identified in or near the archaeological

study area. Mapped locations of all potentially significant archaeological sites within 100 feet of proposed Facility-related impacts will be identified as significant in construction drawings and marked in the field by construction fencing and signs that restrict access. Any unanticipated archaeological resources encountered during construction will be addressed consistent with the Facility's Unanticipated Discovery Plan (see Exhibit 20).

Construction and operation of the Facility will not require the demolition or physical alteration of any historic architectural resources, i.e., no historic structures will be damaged or removed (see Exhibit 20). The Facility's impact to cultural, historic, and recreational resources is limited to its potential visual impacts. With respect to these visual impacts, nine properties listed on the S/NRHP are located in the 5-mile APE established for the Facility, while an additional 79 properties in the APE were previously determined to be S/NRHP-eligible. Based on the viewshed analysis, of the 105 properties within the APE determined by the New York State Office of Parks, Recreation and Historic Preservation to be S/NRHP eligible, a total of 32 will have no views of the Facility; most of these are located within the NRHP-eligible Hornell Historic District. At the other end of the spectrum, three properties will have views of between 46 and 60 proposed turbines while four properties will have views of between 61 and 71 proposed turbines. However, actual Facility visibility is likely to be more limited due to limitations in the viewshed mapping process

Evaluation by a panel of three registered landscape architects indicates that the Facility's overall contrast with the visual/aesthetic character of the area will generally be moderate. Based on experience with currently operating wind power projects elsewhere, public reaction to the Facility is likely to be highly variable based on proximity to the turbines, the affected landscape, and the personal attitude of the viewer regarding wind power. Not all viewers consider wind turbines to be aesthetic liability.

Mitigation options are limited given the nature of the Facility and its siting criteria. Consistent with NYSDEC policy, the Applicant has proposed to mitigate impacts to historic properties by proposing to fund projects that will benefit historic properties and/or the public's appreciation of historic resources. In particular, the Applicant reached out to local history experts in the four towns that comprise the Facility Site to identify realistic projects to undertake in the towns. Based on the results of that survey, the Applicant develop a Preliminary Cultural Resources Mitigation Plan to be implemented using funds from the Applicant.

With respect to sound, only three S/NRHP-eligible properties are located within 0.5 miles of the nearest turbine. These properties are anticipated to experience noise levels of between 43 and 44 dBA during Facility operation. Noise at these levels will not interfere with indoor speech and is consistent with sound levels suggested by various noise guidelines (i.e., WHO, NYSDEC, etc.). Moreover, extrapolated infrasound levels from the Facility are below the established perception thresholds. As a result, potential noise and/or vibrations caused by the operation of the proposed Facility are not expected to alter the character or setting of S/NRHP-listed and eligible historic properties

within the five-mile Study Area. Elevated noise and vibration levels related to Facility construction will be temporary in nature.

(4) Transportation, Communications, Utilities and Other Infrastructure

(i) Transportation

Virtually all of the traffic-related impacts associated with the Facility will occur during construction (see Exhibit 25). In particular, there will be a temporary increase in truck traffic on area roadways serving the Facility Site, including conventional construction trucks, crane transporters, concrete trucks, and oversized semi-trailers to transport the turbine components. The construction of each wind turbine will require the use of approximately 11 oversized/overweight (OS/OW) vehicles. While OS/OW vehicles are traveling within the project area and delivery route roadways, the existing traffic may experience minor delays associated with ensuring the safe passage of the OS/OW vehicles. Because the existing traffic volumes are low, local traffic flow should not be significantly impacted during construction. Moreover, the Applicant has identified preventative measures that can be implemented to facilitate transportation and maintain the safety of all road users.

As part of its assessment of the traffic impacts of the Facility, the Applicant's consultant reviewed available traffic information, corresponded with local traffic supervisors, and drove around the Facility Area to identify possible access routes, assess the physical condition of existing roadways, and identify and eliminate routes that posed safety concerns (sharp curves, steep grades, restricted site distance). As a result of this assessment, the Applicant determined that: there are no load-restricted bridges or culverts and no interstate bridges along the proposed potential haul routes; there are numerous culverts along the haul routes, some of which may require improvements; and certain roadways have other physical restrictions (width, deficient intersection radii, low utility wires, etc.) that must be remedied prior to use by OS/OW vehicles. The Applicant has preliminarily identified the improvements that must be made to address these deficiencies and ensure safe use. Any damage to local, County, or State roads caused by the construction of the Facility will be repaired at the Applicant's expense in accordance with agreements with the local communities concerning the use and restoration of roadways related to the Facility. In addition, the Applicant will obtain all local, County and State permits and approvals (highway work permits, utility work permits etc.) required to complete construction of the Facility.

Normal operation and maintenance of the Facility will not impact local traffic or road conditions. As discussed in Exhibit 5, operation of the Facility requires periodic trips to each turbine location for inspections and repairs/maintenance using a non-OS/OW vehicle. In the rare case a major component of the turbines requires removal/replacement, the Applicant will assume the costs of any road improvements/restoration required to transport the components consistent with the above-referenced agreements.

The Facility is not expected to have any impact on nearby airports and heliports, and has received Determinations of No Hazard to Air Navigation (DNH) for all 76 turbine locations from the FAA. In addition, no concerns were identified by nearby airports/heliports following outreach by the Applicant.

(ii) Communication

The Facility is not expected to have an impact on AM radio broadcast coverage, cable or satellite television, cellular phone service (i.e., wireless networks), emergency services, municipal/school district services, or public utility services. Three turbines (T22, T26 and T34) have a blade sweep inside the near field of FM radio station WCIK. The Applicant will therefore conduct a study to determine the actual impact of the wind turbines on the signal. If significant signal attenuation is observed after construction, the Applicant will implement measures to mitigate the impact (see Exhibit 26(a)(2)). The Facility also has the potential to degrade reception of various full-power and low-power television stations, primarily in an area within 10 kilometers (km) of the Facility that have clear line of site to the turbines but not to the station. Any resident that experiences degraded off-air television service after installation of the Facility can file a complaint with the Applicant, which may ultimately provide cable and/or direct satellite television service (see Exhibit 26(a)(3)). Finally, a study conducted in conjunction with the Application identified one microwave path that intersects the Facility Site. The applicant shifted several proposed turbine locations slightly to eliminate any obstruction of the microwave path in the area (see Exhibit 26(a)(5)).

The Facility is not anticipated to result in any impacts on federal systems, including NEXRAD (next-generation radar), Doppler weather radar, or Global Positioning System (GPS). The Applicant sent a written notification of the proposed Facility to the NTIA on July 20, 2016. The NTIA provided plans for the proposed Facility to the federal agencies represented in the Interdepartment Radio Advisory Committee (IRAC), which include the National Oceanic and Atmospheric Administration, FAA, and U.S. Air Force, among other agencies. The NTIA reviewed the proposed Facility and identified no concerns with air traffic control or other federal communication systems, including, but not limited to, military or other federal communication systems and GPS, and issued DNHs for all 76 turbine locations on November 3, 2016.

(iii) Utilities and Other Infrastructure

There are no anticipated impacts to existing utilities or other infrastructure. Although two existing transmission lines cross the Facility Site (one of which is associated with the POI substation), the Facility will not impact these lines. The only Facility component that will cross existing underground cable and fiber optic lines will be overhead collection lines (see Exhibit 26(a)(8) and (b)).

(5) Determinations Pursuant to PSL Section 168

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

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

The Facility is a beneficial addition and substitution for the electric generation capacity of the State as it helps the State achieve the goals of the 2015 State Energy Plan and related State energy policies to increase renewable energy generation and reduce carbon emissions. Based on the results of the System Reliability Impact Study, the Facility is not anticipated to have any adverse effects on the New York power grid. The Facility also will improve fuel diversity within the State by increasing the electric capacity from renewable wind power. In so doing, it will reduce overall demand for fuel and ease fuel delivery constraints. Electricity generated from zero-emission wind energy facilities like the proposed Facility can displace the electricity generated from conventional power plants, thereby reducing emissions of: conventional air pollutants, such as sulfur and nitrogen oxides which are precursors to acid rain and/or ozone; mercury, lead, and other air toxics; and carbon dioxide, which is linked to global climate change. On a long-term basis, increasing the production of wind generated power will reduce the need to construct and operate new fossil fueled power plants.

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

The Facility will have a positive impact on socioeconomics (e.g., increased construction and permanent employment, increased revenues to local municipalities, and purchases of products and services in the local community), air quality (through reduction of emissions from fossil-fuel-burning power plants), and climate (reduction of greenhouse gases that contribute to climate change). By eliminating pollutants and greenhouse gases, the Facility will also benefit ecological and water resources and human health. The Facility also will help the State meet its renewable energy goals.

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

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

- Siting the Facility to largely avoid impacts to wetlands and reduce to the maximum extent practicable impacts to wetland adjacent areas and forestlands.
- Where possible, crossing streams at the narrowest points to minimize impacts.
- Utilizing cable installation techniques, such as HDD, to minimize impacts of stream crossings.

- Conducting tree clearing activities between November 1 and April 1, outside of the breeding season for birds and bats.
- Implementing a Net Conservation Benefit Plan to mitigate potential NLEB takes that could result from operation of the Facility.
- Configuring the Facility to avoid any direct impacts to prehistoric or historic archeological resources and agreeing to implement mitigation measures to compensate for impacts to historic views.

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

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

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

As discussed in Exhibit 28, there are no environmental justice communities potentially affected by the Facility.

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

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