

Appendix O

Coastal Management Program

Federal Consistency Assessment Form

**New York State Department of State
Coastal Management Program**

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT

1. **Name:** Upstate NY Power Corp
2. **Address:** 950-A Union Road, Ste. 20, West Seneca, New York 14224
3. **Telephone:** (716) 675-0751

B. PROPOSED ACTIVITY

1. **Brief description of activity:** Construct an 84-unit or less wind farm on Galloo Island, Town of Hounsfield, Jefferson County, New York that will produce up to 252 megawatts of electricity. Install a 9-mile armored electric sub-aquatic cable in a trench below the natural bottom of Lake Ontario from Galloo Island to the mainland near Stony Point in the Town of Henderson, Jefferson County, New York. Construct a 41.6 mile onshore transmission line and a substation in the Town of Mexico, Oswego County, New York to convey electricity generated by the wind farm to the New York State power grid. Additionally, construct a temporary and permanent offloading facility and install pipelines for a sewage outfall, water intake and geothermal system in Lake Ontario.
2. **Purpose of activity:** The purpose of the activity is generation, transmission and sale of electrical energy from a wind farm.
3. **Location of activity:** The activity is located on Galloo Island, Town of Hounsfield, and within the Towns of Henderson and Ellisburg, all within Jefferson County, New York, as well as the Towns of Sandy Creek, Richland and Mexico and the Village of Pulaski, all within Oswego County, New York.
4. **Type of federal permit/license required:** Department of the Army (DA) permits under both Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
5. **Federal application number, if known:** Application pending.
6. **If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application number if known:** NYSDEC permits under Articles 15/24 for stream disturbance/work in navigable waters and wetlands. Issuance of water quality certification by NYSDEC under Section 401 of the Clean Water Act for DA Section 404 permits. NYSDEC permits are required for the potable water intake system, a general permit for stormwater control and an SPDES permit for the discharge of treated sewage. Issuance of Certificate of Environmental Compatibility and Public Need by NYS Public Service Commission under Article VII of the NY Public Service Law and Certificate of Public Convenience and Necessity. Issuance of a Certificate of Public Convenience and Necessity pursuant to Section 68 of the Public Service Law by the Board on Electric Generation Siting and the Environment for the Windfarm. Applications pending. Authorization from NYS Office of General Services to occupy state owned underwater lands. Action pending.

C. COASTAL ASSESSMENT: Check either “YES” or “NO” for each of these questions. The numbers following each question refer to the policies described in the CMP document which may be affected by the proposed activity.

	<u>YES</u>	<u>NO</u>
1. Will the proposed activity <u>result</u> in any of the following:		
a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 41, 43)	<u>X</u>	___
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)	<u>X</u>	___
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1).....	___	<u>X</u>
d. Reduction of existing or potential public access to or along coastal waters? (9, 20).....	___	<u>X</u>
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10) ...	___	<u>X</u>
f. Siting of a facility essential to the exploration, development, and production of energy resources in coastal waters or on the Outer Continental Shelf? (29).....	___	<u>X</u>
g. Siting of a facility essential to the generation or transmission of energy? (27).....	<u>X</u>	___
h. Mining, excavation, or dredging activities or the placement of dredged or fill material in coastal waters? (15, 35).....	<u>X</u>	___
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)...	___	<u>X</u>
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33).....	<u>X</u>	___
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39).....	___	<u>X</u>
l. Adverse effect upon land or water uses within the State’s small harbors? (4).....	___	<u>X</u>
2. Will the proposed activity <u>affect</u> or be <u>located</u> in, on, or adjacent to any of the following:	<u>YES</u>	<u>NO</u>
a. State designated freshwater or tidal wetland? (44).....	<u>X</u>	___
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17).....	<u>X</u>	___
c. State designated significant fish and/or wildlife habitat? (7).....	<u>X</u>	___
d. State designated significant scenic resource or area? (24).....	___	<u>X</u>
e. State designated important agricultural lands? (26).....	___	<u>X</u>
f. Beach, dune, or barrier island? (12).....	___	<u>X</u>
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3).....	___	<u>X</u>
h. State, county, or local park? (19, 20).....	___	X

- i. Historic resource listed on the National or State Register of Historic Places? (23)..... X ___

- 3. Will the proposed activity require any of the following: YES NO

 - a. Waterfront site? (2, 21, 22)..... X ___
 - b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)..... ___ X
 - c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)..... ___ X
 - d. State water quality permit or certification? (30, 38, 40)..... X ___
 - e. State air quality permit or certification? (41, 43)..... ___ X

- 4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)..... ___ X

D. ADDITIONAL STEPS

- 1 .If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

- 2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

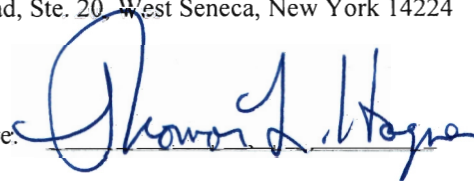
"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: **Upstate NY Power Corp**

Address: 950-A Union Road, Ste. 20 West Seneca, New York 14224

Telephone: (716) 675-0751

Applicant/Agent's Signature: _____



Date: 6/5/09

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Division of Coastal Resources, 41 State Street - 8th Floor, Albany, New York 12231.

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

1. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

2. If there are any questions regarding the submission of this form, contact the Department of State at

(518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of Environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

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**Hounsfield Wind Farm
and Upstate NY Power Transmission Line
Coastal Zone Assessment**

Coastal Zone Assessment

Background

The Hounsfield Wind Farm and Upstate NY Power Transmission Line (collectively the Project) that will bring the electric power from the wind farm to the New York regional electric grid are within the Coastal Area of Lake Ontario, and Upstate NY Power Corp (Upstate Power) certifies that the Project complies with New York State's approved Coastal Management Program, complies with the nearby local waterfront revitalization plan (LWRP) of the Village of Sackets Harbor, and will be conducted in a manner consistent with such program. This report briefly summarizes the Project and demonstrates the consistency of the Project with each applicable coastal policy. It also addresses the reasons that some policies are not applicable and includes a discussion of the Village of Sackets Harbor LWRP due to the Village's proximate location to the Project.

New York State has a very unique and diverse coastal zone area covering about 3,200 miles of coastline. Designated coastal zone areas include segments of the Atlantic Ocean and Long Island Sound, the Hudson River, Lakes Erie and Ontario, the Niagara and St. Lawrence Rivers, and numerous tributaries to these waterbodies and watercourses. Over the course of many years, the New York State coastline has been subjected to numerous stresses as a result of increased residential, recreational, tourist and commercial developments focused on coastal areas. Dramatic increases in coastal population associated with this development induced many of these stresses.

In order to better manage the coastal zone and improve land and water use planning, the New York State Legislature passed the Waterfront Revitalization and Coastal Resources Act in 1981 (Article 42 of the Executive Law), pursuant to the Federal Coastal Zone Management Act of 1972 (CZMA), as amended. The New York State Coastal Management Program was approved by the U.S. Department of Commerce in September of 1982, in accordance with the standards set forth in the CZMA. The state agency responsible for administration of the coastal management program is the New York State Department of State, Division of Coastal Resources (NYSDOS).

The principal function of the New York State Coastal Management Program is to provide a framework for government decision-making processes in the coastal zone. The Coastal Management Program is based on 44 policies which are grouped into 11 categories that address: 1) Development, 2) Fish and Wildlife, 3) Flooding and Erosion Hazards, 4) General Safeguards,

5) Public Access, 6) Recreation, 7) Historic and Scenic Resources, 8) Agricultural Lands, 9) Energy and Ice Management, 10) Air and Water Resources, and 11) Wetlands.

Under the Federal Consistency Provisions of the CZMA, applicants for federal licenses or permits, including certifications, approvals, leases and other forms of permission, must submit a certification that their proposal is consistent with all applicable state coastal policies. The NYSDOS is required to review the consistency statements provided by applicants and make a decision as to whether the activity is consistent with applicable policies and any approved LWRP.

Local Waterfront Revitalization Programs (LWRPs), once approved by the NYSDOS, allow local governments the opportunity to adopt and implement their own coastal policies. A LWRP is essentially a refinement of the State's coastal policies, developed jointly by the State and a municipality.

The Hounsfield Wind Farm, proposed for Galloo Island, is within the designated coastal area of Lake Ontario. The Upstate NY Power Transmission Line is comprised of a sub-aquatic transmission line and an onshore transmission line. The sub-aquatic transmission line would be located within a Right-of-Way along the bottom of Lake Ontario, and, thus, is within the designated coastal area of Lake Ontario. The onshore transmission line passes through the following Significant Coastal Fish & Wildlife Habitats (SCFWHs): Lakeview/Sandy Marsh SCFWH, Sandy Pond Tributaries SCFWH, and Salmon River SCFWH. Since this Project is located in the designated coastal zone area, and requires Federal permits, the Project will need to be reviewed for consistency with the State's Coastal Policies. None of the project components are physically located within any LWRPs. However, Sackets Harbor, located at least 6 miles east of the Project area, has an approved LWRP and, although not required to do so, the Coastal Assessment will also address Sackets Harbor LWRP Policies even though the work is not located within the LWRP boundaries.

Project Description

Upstate Power is proposing to construct and operate a wind farm of up to 84 wind turbines and related facilities on Galloo Island, in the Town of Hounsfield, Jefferson County, New York that will produce approximately 252 megawatts of clean, renewable electricity. To connect electricity output to the New York State power grid, the wind farm will require the construction and operation of an approximately 50.6-mile transmission line (9 miles under Lake Ontario, 41.6 miles across upland areas).

From landfall in the Town of Henderson, the transmission line will extend southward to the Town of Mexico in Oswego County, New York. It will pass through the Coastal Zone Boundary

at the north side of Stony Point at its landfall and re-enter the coastal zone for approximately 5,000 feet within the area of Whites Bay, also on Stony Point. Aside from two short underground segments, one that transitions the sub-aquatic portion of the line to above ground in Henderson and a second that transitions above ground to the substation in Mexico, the onshore transmission line will be above ground and will consist of a single-circuited, 230 kV line carried by steel monopole structures. Monopoles will be constructed on concrete caisson foundations. The onshore transmission line will be constructed within a 150 foot Right-Of-Way.

A detailed Project Description and analysis of Project impacts on the natural and socioeconomic environment are provided in the Draft and Final Environmental Impact Statements prepared under the State Environmental Quality Review Act (SEQRA) for the Hounsfield Wind Farm and in the Article VII application submitted to the Public Service Commission for the Upstate NY Power Transmission Line.

Analysis of Coastal Policies

The following discussion addresses the effects of the Project on the 44 Coastal Policies in chronological order. The discussion for each policy indicates whether or not the proposal is consistent with that particular policy or states when that particular policy is not applicable.

Development Policies

Policy 1: Restore, Revitalize, And Redevelop Deteriorated And Underutilized Waterfront Areas For Commercial, Industrial, Cultural, Recreational, And Other Compatible Uses.

To the extent it is applicable, the project is consistent with this policy. This policy relates to revitalization of once dynamic urban waterfronts and ensuring that proposals do not adversely affect any ongoing waterfront revitalization plans. The policy also favorably views proposals that contribute to economic improvements and development, placing greater weight on those proposals that depend on waterfront use.

The Lake Ontario basin where the Project is proposed does not contain a dynamic urban waterfront considered by this Policy. In addition, Galloo Island is not currently part of a local waterfront revitalization effort. In fact, Galloo Island is remote and sparsely used by the public. The Coast Guard station that was formerly used on the island has been abandoned. The only current commercial use of the island is leasing for private hunting parties.

The Project location on Galloo Island takes advantage of the unique and strong wind resource to produce clean renewable electricity to further New York State Energy policies. To the extent that the use of Galloo Island for the Project can be considered restoring this portion of Lake Ontario to a productive commercial use, the Project is

consistent with this Policy. In addition, the Project will spur temporary and permanent economic growth in the region by creating jobs, providing incentives to the local jurisdictions and in the form of PILOT payments to the County, Town and school districts.

The Project's use of Galloo Island will not adversely affect the Sackets Harbor Local Waterfront Revitalization Plan. As indicated above, and more fully discussed below, the Project is not located within the boundaries of the Sackets Harbor LWRP.

Policy 2: Facilitate the Siting of Water Dependent Uses and Facilities on or Adjacent to Coastal Waters

The Project is consistent with this policy. This policy states that water-dependent developments shall be given priority over non-water dependent actions and uses within and adjacent to coastal areas. Particularly, this policy encourages uses which depend on and utilize resources found in coastal waters. In addition to use, this policy encourages the development of water-enhanced uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront.

Work and structures within the coastal zone that are required for the wind farm and transmission line include the following:

- Geothermal system to provide heating/cooling to buildings on the island (will be upland and not within the waterway),
- Water intakes to provide water for fire protection and potable water,
- Sewage outfall pipeline and diffuser,
- A temporary and permanent offloading facility including a floating breakwater and mooring dolphins,
- An entrance channel to the offloading facility that will involve removal of lake bottom immediately offshore of the island, and
- Electric sub-aquatic and onshore cable to carry electrical energy generated by the wind farm to the New York State Power Grid.

Geothermal heating coils will be used to warm the maintenance building and residential units planned for the wind farm's onsite labor force. This system will be constructed on upland portions of the island and will not be located in the lake. Water intakes will transfer water from Lake Ontario for use in fire prevention and for use as potable water. A water treatment plant will be located on the island to provide water to the onsite labor

force. Similarly, a sewage outfall pipeline and diffuser will be constructed by Upstate Power for the onsite labor force. The temporary and permanent docking facilities and entrance channel will be used for delivery of materials to the island during construction and operation. It is anticipated that the temporary facility will be in use for a period of 18 to 24 months. After this facility is no longer required, it will be entirely removed.

The water intakes, sewer outfall pipeline and diffuser, docking facility and entrance channel are all activities that are considered water-dependent or water-related since they must be located within or below the water surface to fulfill their intended purposes. The offloading facilities are activities that involve sea/land transfer of goods and structures or activities related to navigation as specified in *CZM Policy 2*. There are no publicly available water supplies on the island or sufficient groundwater resources making it necessary to construct the water intake system which depends on a reliable water source.

The electric sub-aquatic cable will traverse about 9.0 miles of Lake Ontario within New York State's coastal zone and make landfall at Stony Point at the Town of Henderson about 4.5 miles north of the El Dorado Beach and Black Pond Wetlands Significant Coastal Fish and Wildlife Habitat (SCFWH) and about 1.3 miles west of the Lyme Barrel Shoals SCFWH. The transmission line will be buried in a shallow trench or bored at the immediate shoreline of the island and at the mainland. The offshore portions of the submerged cable will be installed using jet plow embedment techniques.

Approximately 6,500 feet of the onshore transmission line will be located within the coastal area at Stony Point where the sub-aquatic transmission line transitions to the onshore transmission line. Within the coastal zone, the onshore transmission line will be constructed underground for approximately 800 feet. Once the transmission line transitions to overhead, the line will travel for approximately 700 feet before it exits the coastal zone boundary. The onshore transmission line re-enters the coastal zone in the area of Whites Bay for approximately 5,000 feet. Further south, the onshore portion of the transmission line will cross through the following SCFWHs: Lakeview/Sandy Marsh SCFWH, Sandy Pond Tributaries SCFWH, and Salmon River SCFWH.

The wind turbine generators (WTG) and the onshore transmission line are non-water dependent structures. The WTG will be located within the coastal area which includes Galloo Island. Although the WTG are not technically water-dependent or water-related activities, their location enhances the ability of the Project to generate electricity due to frequent strong winds over the lake.

While the majority of the onshore transmission line is not located with the coastal zone, the route will make use of existing utility and road Rights-of-Way when it crosses Sandy

Pond Tributaries SCFWH and Salmon River SCFWH. To facilitate existing and future water uses at these crossings, each crossing will be accomplished in an overhead fashion, and avoidance and minimization of any potential impact to water quality of streams would occur through the placement of structures set back (minimum of approximately 100 feet) from the stream banks and through the implementation of stormwater pollution prevention plans as described in the Environmental Management and Construction Plan (EM&CP). A draft of the EM&CP was submitted with the Article VII application in Appendix D. Although the onshore transmission line is technically not a water-dependent use or water-related activity, operation of the line is necessary to convey electricity from the wind farm to the New York State power grid and presents the opportunity to realize renewable energy generation from an offshore wind project.

The only Project impact on other water-dependent uses is minor interference with recreational boating and fishing from construction barges/craft during the laying of the cable and deliveries of equipment and supplies to the island during operations. The proposed action does not require or place stress on any in-place facilities such as sewer lines, roadways, water lines, etc. The Project, once operational, will supplement the current in-place electrical transmission system in the regional area.

Policy 3: Further Develop The State's Major Ports Of Albany, Buffalo, New York, Ogdensburg, And Oswego As Centers Of Commerce And Industry, And Encourage The Siting, In These Port Areas, Including Those Under The Jurisdiction Of State Public Authorities, Of Land Use And Development Which Is Essential To, Or In Support Of, The Waterborne Transportation Of Cargo And People.

This project is consistent with this policy. The policy applies to activities within the major commercial navigation ports of New York, Albany, Buffalo, Ogdensburg and Oswego. The Hounsfield Wind Farm Project will utilize but will not adversely affect the Port of Oswego (31 miles south of Galloo Island) and Port of Ogdensburg (68 miles northeast of Galloo island). The wind farm will benefit the Port of Oswego since WTG components and materials will be off-loaded and temporarily stored at this port, which supports this port as a center of commerce.

Policy 4: Strengthen The Economic Base Of Smaller Harbor Areas By Encouraging The Development And Enhancement Of Those Traditional Uses And Activities Which Have Provided Such Areas With Their Unique Maritime Identity.

The Project is consistent with this policy. The Project is not located in a smaller harbor area. The nearest small harbor is Sackets Harbor. The Sackets Harbor port may be minimally involved in the transport of workers to Galloo Island. This is a minor activity and will not significantly support the use of the area as a harbor. However, the project

although it may be visible from Sackets Harbor will not adversely affect other amenities of the area such as fishing, recreational boating and other recreational and tourist related activities. Additionally, the Project will not prevent development of marinas or actions by others that may contribute to the unique maritime identity of Sackets Harbor nor will it lead to other development that would be out of character with existing development in the area. As a remote privately owned island, there is no reasonably anticipated demand for water based recreational activities from Galloo Island.

Moreover, as indicated in the FEIS (Section 2.7), as part of the Project, the applicant has offered to provide funding to restore/enhance historic structures and uses in Sackets Harbor. Consistent with the policy this funding will encourage and enhance traditional uses in Sackets Harbor.

Policy 5: Encourage The Location Of Development In Areas Where Public Services And Facilities Essential to Such Development Are Adequate.

The Project is consistent with this policy. Upstate Power will provide necessary septic systems/water supplies for the residence area and maintenance building on the island. These utilities will not adversely affect any public utilities on the mainland or encourage additional land development in areas where these services do not currently exist.

Policy 6: Expedite Permit Procedures In Order To Facilitate The Siting Of Development Activities At Suitable Locations.

This policy is applicable to local and state agencies that promulgate or administer programs and regulatory procedures. As a result, this policy does not apply. However, the Project is appropriately sited and takes advantage of frequent strong winds over Lake Ontario.

Fish and Wildlife

Policy 7: Significant Coastal Fish and Wildlife Habitats Will Be Protected, Preserved, And Where Practical, Restored So As To Maintain Their Viability As Habitats.

The Project is consistent with this policy. The Project protects and preserves the viability of Significant Coastal Fish and Wildlife Habitats (SCFWHs). For each SCFWH discussed below, a habitat impairment test was conducted to consider the potential for the proposed action to destroy the habitat or significantly impair the viability of the habitat. The NYSDOS provides site-specific information for each SCFWH in Rating Forms available at http://www.nyswaterfronts.com/waterfront_natural_narratives.asp. These

Rating Forms are narratives that include a description of the habitat, its fish and wildlife values and an impact assessment. The impact assessment of each narrative includes physical, biological and chemical parameters to be evaluated to carry out a habitat impairment test for a proposed action within or outside of a SCFWH.

The wind farm and sub-aquatic transmission line do not cross any SCFWHs. However, the SCFWHs in proximity to the wind farm and sub-aquatic transmission line include Stony Island, Calf Island, Little Galloo Island, Gull and Bass Islands, Stony Point-Lyme Barrel Shoals and El Dorado Beach and Black Pond Wetlands. While the wind turbines and the onshore transmission line may result in minor visual impacts to these nearby SCFWHs, the viability of these SCFWHs does not originate in the aesthetic nature of these resources. Instead, the viability of these SCFWHs is due to the ability to provide a lush ecosystem for fish and avian species. This Project will not impact this ecosystem. The onshore transmission line crosses three SCFWHs including Lakeview Marsh, Sandy Pond Tributaries, and Salmon River. However, mitigation measures will protect the viability of these SCFWHs. These mitigations include:

- Flexible spacing of structures allows Upstate to place the structures at points that will minimize water quality impacts
- Maintenance of vegetated buffers and “no-chemical treatment areas” along streams.
- A prohibition on refueling equipment near streams or wetlands
- No storage of hazardous wastes within 100 feet of a stream or wetland
- Requirement that construction equipment and personal vehicles shall be parked at least 100’ from a stream
- Use of water flow monitoring/stabilization techniques: culverts, diversion dams, sediment barriers
- Construction timing to limit work when water levels are highest (spring thaw)
- Use of water filtration methods: silt fences, hay bales and sediment traps
- Temporary guard crossings at stream crossings to ensure public safety

Visual impacts at Stony Island, Calf Island and Little Galloo Island SCFWHs from the wind farm will be relatively insignificant. Although these SCFWHs are within three miles of Galloo Island, visual impacts will be minor due to the relatively small recreational fishing population that travels 5 miles off of the Lake Ontario shoreline. The sub-aquatic and onshore transmission line will not visually impact these SCFWHs as the submerged line will not be visible, and the onshore line will be too far distant (at least three miles) to result in visual impacts. As indicated in Appendix O of the Article VII Application, the transmission line will not be visible from these SCFWHs.

Visual impacts closer to the shoreline at Gull and Bass Islands, Stony Point-Lyme Barrel Shoals and El Dorado Beach and Black Pond Wetlands SCFWHs from the wind farm will be minor because of the distance between these SCFWHs and the wind farm.

According to the Visual Resource Report included in the DEIS as Appendix Q, the turbines will likely appear smaller than the width of a pencil at arms length on the western horizon from the vantage points of Gull and Bass Islands and Stony Point-Lyme Barrel Shoals. The turbines would appear similarly on the northern horizon from the vantage point of El Dorado Beach and Black Pond Wetlands SCFWH, as depicted in Figure A8 of Appendix Q. The sub-aquatic transmission line will not result in visual impacts to these SCFWHs. According to the vegetated viewshed for the onshore transmission line presented in Appendix O of the Article VII Application, no structures will be visible from Gull and Bass Islands, Stony Point-Lyme Barrel Shoals or El Dorado Beach and Black Pond Wetlands SCFWHs.

Although the introduction of turbines may result in minor visual impacts to nearby SCFWHs, these impacts will not interfere with the viability or the significance of these habitats. The following table shows the types of activities that would result in significant disturbance to these SCFWHs according to habitat narratives provided by the NY Department of State.

SCFWH	Distance from the Project	Significance	Activities that would result in Significant Disturbance
<i>Gull and Bass Islands SCFWH</i>	10 miles east (wind farm); 4 miles northeast (sub-aquatic); 4 miles north (onshore)	Undisturbed habitat; bass fishery; bird watching	Degradation of water quality, disrupting avian use of islands; increased human use of land.
<i>Stony Point-Lyme Barrel Shoals SCFWH</i>	7.5 miles east (wind farm); 1.1 mile north (sub-aquatic); 1.2 miles north (onshore)	Fish spawning and feeding	Degradation of water quality
<i>El Dorado Beach and Black Pond Wetlands SCFWH</i>	10 miles southeast (wind farm); 4.6 miles north (sub-aquatic); 2.3 miles east (onshore)	Undeveloped coastal ecosystem, including fish, birds, reptiles and fur-bearing mammals	Uncontrolled recreational disturbance of habitat; degradation of water quality
<i>Calf Island SCFWH</i>	2.5 miles southeast (wind farm); 2.5 miles south (sub-aquatic); 5.2 miles west (onshore)	Refuge for birds; prime fish habitat	Degradation of water quality; decreasing nesting habitat for birds on island

<i>Stony Island SCFWH</i>	2.3 miles east (wind farm); 0.5 miles (sub-aquatic); 3.1 miles (onshore)	Migratory bird concentrations; spawning	fish	Degradation of water quality; decreasing nesting habitat for birds
<i>Little Galloo Island SCFWH</i>	1 mile southeast (wind farm); 2.2 miles south (sub-aquatic); 6.8 miles (onshore)	Nesting waterbirds; spawning	for fish	Decreasing nesting habitat for birds; degradation of water quality

The above table indicates that minor alteration of the aesthetic setting of these SCFWHs would not constitute an activity that would result in a significant disturbance for these SCFWHs.

However, the wind farm and sub-aquatic and onshore transmission line will not impact the resources of concern for these SCHWHs, i.e. the water quality and avian use of these nearby SCFWHs. The Project will not have a significant impact on the viability of avian species associated with nearby SCFWHs. While detailed results are addressed in the SEQRA DEIS Avian Risk Assessment, this assessment determines that the turbine locations on Galloo Island will not have a significant impact on the viability of the Little Galloo waterbird colony. Further, avian and bat radar studies indicate that mean seasonal target flight height, as well as mean seasonal targets below turbine height, observed at Galloo Island are within the range of other similar regionally based studies and tend to support indications of a lowered risk of collision at the site due to the fact that much of the seasonal migration occurs at heights well above the turbine heights. Given the lowered risk of collision at the site, it is not anticipated that the turbine locations on Galloo Island, or any of the other project components, would result in impacts to avian species associated with nearby SCFWHs.

Similarly, Exhibit 4 of the Article VII Application addresses avian impacts from the transmission line and concludes that impacts would occur where nesting habitat is lost and where woodland habitat is decreased. As these SCFWHs are at least 2.3 miles distant from the onshore transmission line, no nesting or woodland would be lost within an SCFWH. The operation of the transmission line may result in avian collisions with and electrocution from the transmission line. However, during final design the publication *Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006* produced by the Avian Power Line Interaction Committee will be consulted to incorporate practices that minimize avian mortality. The sub-aquatic transmission line will not impact avian species.

Moreover, the Project will not have a significant impact on the viability of fish species associated with nearby SCFWHs. In-water work for the wind farm will limit blasting work to avoid sensitive fish spawning dates, and no construction will occur in sensitive fish habitat.

The proposed sub-aquatic route was selected to avoid SCFWHs. The alternatives analysis conducted for the Article VII and contained in Exhibit 3 of that document explains the selection of the preferred route for the sub-aquatic cable. The preferred route was selected to avoid Stony Island and Calf Island SCFWHs. An alternate sub-aquatic route was identified that runs through Stony Island and Calf Island SCFWHs. This route would require the crossing of approximately 0.5 miles of the shoals between Stony Island and Calf Island SCFWHs. Such a crossing would be accomplished using horizontal directional drill (HDD) or possibly, open cut installation. Either method would result in localized, temporary impacts to shoal areas. It is likely that impacts to benthic organisms would be temporary in nature regardless of installation method. Impacts to fish would be avoided by scheduling installation activities outside of important fish spawning seasons.

The sub-aquatic portion of the proposed route is approximately 3.5 miles longer than the alternate sub-aquatic route, and, therefore, would result in more incremental impacts to benthic communities. However, despite the fact that the alternate sub-aquatic route would be shorter in length, selection of this alternate route would require some interference with the rare and irreplaceable characteristics inherent to the Stony Island and Calf Island SCFWHs, as well as the statewide significance of the Henderson Shores State Unique Area in Henderson, which would be crossed for a distance of two miles by the onshore portion of the transmission line associated with the alternate sub-aquatic route. Henderson Shores State Unique Area hosts representative examples of a unique natural community type referred to as calcareous pavement barrens. Of which the New York Natural Heritage Program indicates there are less than 50 examples statewide (www.acris.nynhp.org/communities.php). The area in general is characterized by limestone cliffs and soils that support a variety of plant life.

Because of these impacts associated with the alternate sub-aquatic transmission line to Calf and Stony Island SCFWHs and Henderson Shores Unique Area, the longer route is the preferred route in order to avoid these impacts to the designated SCFWHs and state-recognized unique habitats.

Within the preferred route, the sub-aquatic transmission cable will, whenever practicable, be buried using an environmentally sensitive, low impact jet plow embedment methodology which will help to limit the amount of sediment disturbance. Exposure to turbidity generated from the hydraulic jet plow equipment to aquatic organisms will be

limited and short-term. A more detailed discussion of this technique is provided in the NYS Article VII Application and indicates that turbidity and sediment suspension during installation is not expected to have an appreciable effect on aquatic organisms.

In addition, sub-aquatic cable installation will occur outside of important overwintering periods and spawning period restrictions for vulnerable fish species as suggested by the NYSDEC, NYSDOS CMP, USACE, USFWS and the National Marine Fisheries Service (NMFS). For a more detailed discussion of fish species and habitats, please refer to the aquatic resources section of the Article VII Application and Section 2.5.6 of the SEQRA Draft EIS.

The onshore transmission line crosses through three SCFWHs in an overhead configuration: Lakeview Marsh, Sandy Pond Tributaries, and Salmon River. Given the length and location of the crossings through these SCFWHs, it is not anticipated that the crossings will cause an impact to the habitat features giving rise to the SCFWH designation. The proposed route is north and east of the piping plover critical habitat barrier beach area and the NYSDEC Eastern Lake Ontario Marshes Bird Conservation Area which includes the Black Pond WMA, Lakeview Marsh WMA, Sand Pond Beach Natural Area and Deer Creek Marsh WMA. The following text describes each area, notes the significance of each habitat, and demonstrates that the Project will protect the viability of each SCFWH.

Lakeview Marsh/Sandy Creek SCFWH – Lakeview Marsh/Sandy Creek SCFWH is an approximately 3,400-acre area occurring mostly within the Southwick Beach State Park and the NYSDEC's Lakeview Marsh Wildlife Management Area. These areas are located in the Town of Ellisburg, Jefferson County. It consists of a 5-mile barrier beach, freshwater marshes and ponds, Sandy Creek, South Sandy Creek, and interspersed uplands.

The proposed route crosses this area just west of the hamlet of Belleville. At this location, the proposed transmission line would cross Sandy Creek in an area dominated by active agricultural uses. There is very little riparian buffer present at this location and a vegetation cover type comprised predominately of scrub/shrub with soils and geology representing the Galloo-Rock outcrop complex and Nellis Loam. The route crosses the designated area (Sandy Creek) for approximately 257 feet where slopes range from 0 to 7%, with the steepest area occurring immediate upon the streambank. According to NYSDOS, Sandy Creek supports a significant economically and recreationally valuable coldwater and freshwater fishery.

The proposed transmission route will cross Sandy Creek in an overhead configuration with conductors and static wire supported on pole structures. Placement of the structures

will be done to avoid potential direct physical, biological and chemical impacts to the stream and its banks. No structures are proposed to be placed within the stream. The land use on both sides of Sandy Creek at this particular location is agricultural (row crops) with streamside forests running between the cultivated fields and the stream. There is little to no tree canopy directly over the stream segment where the proposed route crosses. Avoidance and minimization of any potential impact to water quality of the stream would be accomplished through the placement of structures set back (minimum of approximately 100 feet) from the stream banks and through the implementation of stormwater pollution prevention plans as described in the EM&CP Outline submitted as part of the Article VII Application to the PSC. Upstate would also coordinate with NYSDEC and PSC to determine if any construction windows were necessary during spawning season. To the extent herbicides are used for ROW control, Upstate would also consult with NYSDEC regarding the use of approved herbicide on the ROW and would establish no spray zones to the extent required in proximity to streams. Selective trimming of vegetation at stream crossings would be utilized as necessary, and the maintenance of low growing vegetative buffers encouraged. The Proposed Route will not destroy the habit or significantly impair the viability of the habitat and, therefore, meets the habitat impairment test for the Lakeview Marsh/Sandy Creek SCFWH and is consistent with Policy 7.

Sandy Creek is also categorized by NYSDOS as a designated Inland Waterway, which highlights its significant potential for public, natural, commercial, and recreational water-dependent uses. This designation also serves as a qualifier for communities located along the stream to participate in the NYS DOS Local Waterfront Revitalization Program (LWRP). Communities may work with the NYS DOS to develop a local LWRP to serve as guide for future waterfront revitalization activities. Currently no communities along the Sandy Creek have a LWRP that would be affected by the proposed project.

Sandy Pond Tributaries – The Sandy Pond Tributaries SCFWH includes mainstream portions of Skinner Creek, Lindsey Creek, and Little Sandy Creek. These small, coldwater streams are located east of North Sandy Pond, in the Town of Sandy Creek, Oswego County, and the Town of Ellisburg, Jefferson County. They are considered important salmon spawning streams and support a substantial recreational salmon fishery. Historically, Lindsey and Little Sandy Creek were selected by the NYS DEC for Atlantic salmon restoration efforts.

The proposed Project crosses all three of the streams within the Sandy Pond Tributaries SCFWH. Skinner Creek is crossed by the proposed route just south of Station Number 19, east of Cobblestone Corners, in the Town of Ellisburg. Where the proposed route crosses Skinner Creek it is approximately 25 feet wide. The vegetation cover type is

primarily woody wetland with fluvaquent and udifluent soils. The slope of the land at the crossing is 0-2%.

Lindsey Creek is crossed by the proposed route just south of Station Number 20 in the Town of Ellisburg. Where the stream is crossed by the proposed route, it is approximately 28 feet wide. The vegetation cover type at the crossing is primarily deciduous forest with fluvaquent and udifluent soils. The slope of the land at the crossing is 0-7% with the steeper slopes upon the streambank. Little Sandy Creek is crossed by the proposed route just north of Station Number 23 due west of the Village of Sandy Creek. Where the proposed route crosses Little Sandy Creek it is approximately 30 feet wide. The vegetation cover type at the crossing is woody wetlands with fluvaquent and udifluent soils. The slope of the land at the crossing is 0-2%.

The proposed transmission route will cross Skinner Creek, Lindsey Creek, and Little Sandy Creek in an overhead configuration with conductors and static wire supported on pole structures. Placement of the structures will be done to avoid potential direct physical, biological and chemical impacts to the stream and its banks. No structures are proposed to be placed within the stream.

Avoidance and minimization of any potential water quality or thermal impacts to the stream would be accomplished through the placement of structures away the streambanks (minimum of approximately 100 feet) and maintenance of riparian buffers, where practical. To limit potential impacts to water quality streams will be crossed perpendicularly to minimize removal of overstory and other riparian buffers. Avoidance and minimization of any potential water quality impacts to the stream would also be accomplished through the implementation of stormwater pollution prevention plans and described in the EM&CP Outline submitted as part of the Article VII Application to the PSC. Upstate would also coordinate with NYSDEC and PSC to determine if any construction windows were necessary during spawning season. To the extent herbicides are used for ROW control, Upstate would also consult with NYSDEC regarding the use of approved herbicide on the ROW and would establish no spray zones to the extent required in proximity to streams. Selective trimming of vegetation at stream crossings would be utilized as necessary and the maintenance of low-growing vegetative buffers encouraged. The Proposed Route will not destroy the habit or significantly impair the viability of the habitat and therefore meets the habitat impairment test for the Sandy Pond Tributaries SCFWH and is consistent with Policy 7.

Salmon River SCFWH – The Salmon River SCFWH includes the entire river channel and associated islands for approximately 16 miles inland from the river's mouth. It also includes two principal tributaries of the river, Beaverdam Brook and Orwell Creek. The Salmon River watershed includes 270 square miles of forestland, agricultural land, and

rural residential development. The SCFWH is within the Towns of Richland, Albion and Orwell, Oswego County.

According to the NYSDOS Rating Form, the Salmon River is the largest coldwater tributary of Lake Ontario and supports spawning for large concentrations of salmon (Chinook and coho) and trout from late August through December. It is considered one of the most popular salmon fishing streams in all of New York State and the northeastern United States. In addition, the mouth of the Salmon River supports a substantial warmwater recreational fishery and several warmwater species are known to spawn in cooler waters upstream.

The proposed Project crosses the Salmon River at one location in close proximity to where Interstate 81 also crosses the stream southeast of the Village of Pulaski, Town of Richland, Oswego County. The route crosses the stream just north of Station Number 30. Land uses adjacent to the stream segment crossed by the proposed route include transportation (I-81 and railroad), agricultural, and mixed-use commercial. Some forested riparian buffer remains immediately adjacent to the stream. Vegetation cover type is sparse because of the development present. Soils and geology are represented by Worth Gravelly fine sandy loam and fluvaquents and udifluvents. Slopes at the river crossing range from 0-10% upland to 13-18% on the river bank.

The proposed transmission route will cross Salmon River in an overhead configuration with conductors and static wire supported on pole structures. Placement of the structures will be done to avoid potential direct physical, biological and chemical impacts to the stream and its banks. No structures are proposed to be placed within the stream. Avoidance and minimization of any potential water quality impacts to the stream would be accomplished through the placement of structures away the stream banks (minimum of approximately 100 feet) and through the implementation of stormwater pollution prevention plans as described in the EM&CP Outline submitted with the Article VII Application. Upstate would also coordinate with NYSDEC and PSC to determine if any construction windows were necessary during spawning season. To the extent herbicides are used for ROW control, Upstate would also consult with NYSDEC regarding the use of approved herbicide on the ROW and would establish no spray zones to the extent required in proximity to streams. Selective trimming of vegetation at stream crossings would be utilized as necessary and the maintenance of low growing vegetative buffers encouraged. The Proposed Route will not destroy the habit or significantly impair the viability of the habitat and therefore meets the habitat impairment test for the Salmon River SCFWH and is consistent with Policy 7. To limit potential impacts to water quality streams will be crossed perpendicularly to minimize removal of overstory and other riparian buffers.

Policy 8: Protect Fish and Wildlife Resources In The Coastal Area From The Introduction Of Hazardous Wastes And Other Pollutants Which Bioaccumulate In The Food Chain Or Which Cause Significant Sub-Lethal Or Lethal Effect On Those Resources.

The Project is consistent with this policy. This policy requires the protection of fish and wildlife resources from hazardous waste materials. The proposed Project consists of wind turbine generators, docking facilities, water intakes, geothermal heating coils and sub-aquatic, underground and overhead transmission lines. The construction and operation of the Project will not use chemical additives that contain constituents that would bioaccumulate in the food chain at levels which would cause mortality or create physiological and behavioral disorders. Normal operation of these facilities does not result in the generation of hazardous waste materials. The maintenance building and living quarters proposed for Galloo Island will be served by septic systems, privately built. A separate treatment system will be required for any solvents, etc. used in the maintenance building. A spill prevention, control and countermeasures plan (SPCC) will be developed to account for any WTG gear box oil storage and maintenance vehicle fuel storage associated with the wind farm. A SPCC plan will also be developed for the transmission line during the EM&CP phase following the issuance of an Order Granting a Certificate of Environmental Compatibility and Environmental Need.

For those operations and maintenance activities at the Project that require use of hazardous materials, appropriate storage, transport, treatment, and disposal will occur in accordance with Federal and state requirements. Discharges associated with the Project will comply with applicable laws and regulations and would not degrade water quality criteria.

Policy 9: Expand Recreational Use Of Fish And Wildlife Resources In Coastal Areas By Increasing Access To Existing Resources, Supplementing Existing Stocks, And Developing New Resources.

This policy is not applicable. This Project does not involve any activities that result in the consumptive use of fish and wildlife resources nor are there any plans to expand the use of recreational resources. Most of the locations of land control will be obtained by means of easements with landowners. Therefore, expansion of recreational resources is beyond the control of the project sponsor. Additionally, the Project will not adversely affect any non-consumptive recreational activities nor will it impede existing or future utilization of the State's recreational fish and wildlife resources.

Policy 10: Further Develop Commercial Finfish, Shellfish, And Crustacean Resources In The Coastal Area By Encouraging The Construction Of New, Or Improvement Of Existing On-Shore Commercial Fishing Facilities, Increasing Marketing Of The State's Seafood Products, Maintaining Adequate Stocks, And Expanding Aquaculture Facilities.

This policy is not applicable to the construction and operation of the Project. The Project would not develop or impact existing commercial fisheries or facilities, nor would the Project adversely affect finfish, shellfish, or crustacean resources.

Flooding and Erosion Hazards

Policy 11: Buildings And Other Structures Will Be Sited In The Coastal Area So As To Minimize Damage to Property And The Endangering Of Human Lives Caused By Flooding And Erosion.

The Project is consistent with this policy. The activities proposed within Lake Ontario and the Coastal Management Area will not have any adverse impact on flooding and erosion. Most of the sub-aquatic cable will be jet-plowed and buried beneath the lake bottom. The docking facility is designed to ensure that it does not impede nearshore water circulation patterns or otherwise impede flow. Any work conducted at the shoreline or near streams and wetlands to accommodate the transmission line and docking facilities will meet the requirements of the NYSDEC General Permit for Stormwater Runoff from Construction and will use approved erosion and sediment control systems to ensure that erodible materials do not reach the Lake or other waterways. Use of silt fences and hay bales between the work areas and the Lake will avoid or minimize sedimentation. All disturbed areas will be stabilized by seeding and mulching. No buildings, poles for overhead transmission lines or wind turbine generators will be placed in floodplains. Galloo Island is not designated a Coastal Erosion Hazard Area.

Policy 12: Activities Or Development In The Coastal Area Will Be Undertaken So As to Minimize Damage To Natural Resources And Property From Flooding And Erosion By Protecting Features Including Beaches, Dunes, Barrier Island And Bluffs.

The Project is consistent with this policy. Natural protective features such as beaches, dunes, and barrier islands that help safeguard coastal lands and property will not be adversely affected by the proposed work in the Coastal Management Area. The offloading facility will be constructed by creating an inland slip at a rocky shoreline. The slip will be protected by bulkheads. No additional shore protection beyond the inside of the slip is necessary as the work will not destabilize adjacent shorelines. As indicated in the *Policy 11* discussion, any excavation at the shoreline of the island or mainland for cable installation will be designed in a manner that will not result in permanent changes in the bottom contour of the lake. Structures for docking have been designed in a manner that will not cause shoreline erosion. There is very little sediment at the site of the offloading facility entrance channel. Poles for the onshore transmission line will not be

placed in waterways that are part of the Coastal Management Area. The Project will not result in the loss of littoral drift material either at the mainland or the island.

Policy 13: The Construction Or Reconstruction Of Erosion Protection Structures Shall Be Undertaken Only If They Have A Reasonable Probability Of Controlling Erosion For At Least Thirty Years As Demonstrated In Design And Construction Standards And/Or Assured Maintenance Or Replacement Programs.

This policy is not applicable. Construction or reconstruction of erosion protection structures as contemplated by this policy is not proposed as part of the Project.

Policy 14: Activities and Development, Including The Construction Or Reconstruction Of Erosion Protection Structures Shall Be Undertaken So That There Will Be No Measurable Increase In Erosion Or Flooding At The Site Of Such Activities Or Development, Or At Other Locations.

As indicated in Policy 13, there are no plans to construct or reconstruct erosion control structures. The Project will not involve the construction of any structures in floodways. The draft Stormwater Pollution Prevention Plan (SWPPP) for the wind farm calls for collection of stormwater runoff from impervious structures such as the staging areas, including the one adjacent to the offloading facility. The draft SWPPP is designed to manage erosion and pollution from runoff to meet state standards. The draft SWPPP may be found in the Appendices of the SEQRA Draft EIS.

An SWPPP for the transmission line will be drafted as part of the Environmental Management and Construction Plan (EM&CP) that will be completed following the issuance of an Order Granting a Certificate of Environmental Compatibility and Environmental Need.

Policy 15: Mining, Excavation Or Dredging In Coastal Waters Shall Not Significantly Interfere With The Natural Coastal Processes Which Supply Beach Materials To Land Adjacent To Such Waters And Shall Be Undertaken In A Manner Which Will Not Cause An Increase In Erosion Of Such Land.

The Project is consistent with the policy on dredging and excavation. This policy addresses the potential impacts that dredging activities can have on the natural coastal processes that supply beach materials to the land adjacent to such waters.

This Project, with the exception of a temporary offloading facility, does not include construction of any solid structures that extend out from shore into the lake such as solid docks or groins which could trap littoral drift and starve adjacent shoreline areas. The temporary offloading facility includes a small stone groin about 90 feet in length that will

be in place for about 18 to 24 months. It is located in an area relatively devoid of sediment. Secondly, there does not appear to be large movement of any littoral drift materials along either the Galloo Island shoreline or the Stony Point shoreline. Most of the shoreline is cobble, gravel and large stones. Thus, the excavated entrance channel is not expected to have any measurable effects on the natural shoreline processes. Most, if not all, of the channel will be blasted, and the material (stone and rock) will be removed by clamshell directly to a barge and offloaded at the temporary offloading facility. No actual dredging is anticipated. Refer to the discussion of surface water in section 2.4.1 of the SEQRA Draft EIS for more detail on the channel construction procedures.

The water intake structure that will be located in 30 to 35 feet of water (depth) has a small diameter pipe (12-inches) that will be bored or encased within the first 10 vertical feet (near the shoreline) to protect the pipe from ice damage. This structure will not affect natural shoreline processes. The sub-aquatic to upland cable transition will be accomplished by a horizontal directional drill (HDD) or by open cut excavation which would include backfilling to preconstruction contours to avoid impacts to shoreline processes or increase erosion. Refer to Exhibit E-3 of the Article VII application for more details of the sub-aquatic cable construction process.

Policy 16: Public Funds Shall Only Be Used For Erosion Protective Structures Where Necessary To Protect Human Life, And New Development Which Requires A Location Within Or Adjacent To An Erosion Hazard Area To Be Able To Function, Or Existing Development; And Only Where The Public Benefits Outweigh The Long Term Monetary And Other Costs Including The Potential For Increasing Erosion And Adverse Effects On Natural Protective Features.

This policy is not applicable as the Project will not use public funds to construct shore protection devices.

Policy 17: Non-Structural Measures To Minimize Damage To Natural Resources And Property From Flooding And Erosion Shall Be Used Whenever Possible.

The Project is consistent with this policy. The shorelines at the island and mainland landfall areas are naturally hardened with limestone, cobble and rock. Since the cables will be buried in a trench and then backfilled, there is no need to construct any structural shore protection for this Project. If it becomes necessary to disturb any vegetated shoreline areas to lay the transmission line, the areas will be seeded and mulched to prevent post construction erosion.

General Safeguards

Policy 18: To Safeguard The Vital Economic, Social And Environmental Interests Of The State and Of Its Citizens, Proposed Major Actions In The Coastal Area Must Give Full Consideration To Those Interests, And To The Safeguards Which The State Has Established To Protect Valuable Coastal Resource Areas.

The Project is consistent with this policy. This policy requires consideration of vital economic, social and environmental effects of major actions situated in the Coastal Zone. The Project will not adversely affect coastal natural resources, water levels and flows, shoreline damage, hydroelectric power generating facilities and recreation nor will it adversely affect the social, economic or environmental interests of the State and its citizens. It will provide beneficial economic impacts and increase renewable energy availability in the State. The Project is a wind energy project that furthers the State's goals of reaching 25 percent renewable sources by 2015. It will result in displacement of 300,000 tons per year of carbon dioxide and in the conservation of approximately 1.9 million gallons of freshwater per day from a 252 megawatt combined cycle electric generating facility operating at 35 percent capacity.

Public Access

Policy 19: Protect, Maintain, And Increase The Level And Types Of Access To Public Water-Related Recreation Resources And Facilities.

The Project is consistent with this policy. The Hounsfield Wind Farm and Upstate NY Power Transmission Line will not interfere with any public water-related recreational resources or facilities nor will it have effects on the capacities or access to such facilities. Galloo Island is remote and mostly privately owned, and there are no public beaches, parks or marinas. Although there may be temporary impacts associated with installation of the submerged electric cable, the submerged electric cable and aerial transmission lines on the mainland will not adversely affect any recreational facilities or activities. A notice to mariners will be issued and the installation operation will comply with reporting requirements of the Vessel Traffic Service (VTS). Please refer to the Article VII application for more detail. The transmission facilities will not reduce public parking at recreational resources or affect any public transportation to the resources and facilities. Also see *Policy 20* discussion.

Policy 20: Access To The Publicly-Owned Foreshore And To Lands Immediately Adjacent To The Foreshore Or The Water's Edge That Are Publicly-Owned Shall Be Provided In A Manner Compatible With Adjoining Uses.

The Project is consistent with this policy. The proposed Project will maintain existing public access ways and will not interfere with the public's use of existing resources. The work is designed to avoid Robert G. Wehle State Park on Stony Point and all other

publicly owned lands. A lease, grant or easement to use underwater lands to construct the geothermal coils and to lay the water intake pipeline and cable will be obtained from the New York State Office of General Services (NYSOGS). The Project will not interfere with existing public uses of the lake nearshore such as recreation or navigation. The siting of the Project and its design will be protective of coastal resources such as water quality, fisheries, wetlands, and significant coastal fish and wildlife habitats as described under various policies above, in the Article VII application and the Draft EIS for this Project. There may also be need to obtain clearance from the NYSOGS for WTG blades that overhang the waterway. Existing access to the publicly owned underwater lands in the vicinity of the Project will not be reduced as the underwater cable will be buried, and there will be no change in property ownership at the landfall.

Recreation

Policy 21: Water-Dependent And Water-Enhanced Recreation And Water-Enhanced Recreation Will Be Encouraged And Facilitated, And Will Be Give Priority Over Non-Water Related Uses Along the Coast.

The Project is consistent with this policy. This policy places emphasis on the use of coastal areas for water dependent and water enhanced recreational uses as a priority over non-water dependent activities. Although the proposed work associated with the wind farm that will occur within the waters and shorelines of the coastal area is not recreational in nature, the docking facility/entrance channel, water intakes, and the sub-aquatic cable crossing are water-dependent activities. The WTG while not water-dependent or water-related are enhanced by proximity to the water due to frequent strong winds along the lake. These structures and the channel will not restrict the use of the waters for recreational activities such as boating, fishing and water skiing. There will be some temporary restrictions on recreational activities, but only during the time that in-water work is being performed. Because the cable will be buried under the lake bed, fishing lines and small craft anchors would not become snagged on the sub-aquatic cable. Sub-aquatic cables to islands in this end of the Great Lakes system are very common and provide electrical and telephone services to island residents. Numerous cables have been placed on the natural lake bottom by Niagara Grid (formerly Niagara Mohawk Power Corp) and by various telephone service providers.

The cable will be installed utilizing HDD techniques or possibly buried in a trench then backfilled in nearshore areas and will not adversely affect pedestrian use of the shoreline for recreational activities. The overhead configuration of the onshore transmission line will not impact use of the streams associated with the SCFWHs crossed by the proposed route.

Policy 22: Development, When Located Adjacent To The Shore, Will Provide For Water-Related Recreation, Whenever Such Use Is Compatible With Reasonably Anticipated Demand For such Activities, And Is Compatible With The Primary Purpose Of The Development.

The Project is consistent with this policy. As stated above, the Project is a renewable (wind) energy generation and transmission project and not one that is recreational in nature. The ancillary in-water work associated with the wind farm project does not present practicable opportunities for providing recreational facilities as an additional use of the site. The dock and access channel are strictly for use in delivery of materials and personnel to the island for construction and maintenance of the wind farm.

Historic and Scenic Resources

Policy 23: Protect, Enhance, And Restore Structures, Districts, Areas Or Sites That Are Of Significance In The History, Architecture, Archeology Or Culture Of The State, Its Communities, Or The Nation.

The Project is consistent with this policy. Studies of cultural and archeological resources have been conducted, and the results are included in the SEQRA DEIS and FEIS and the Article VII application. Upstate Power will comply with requirements of the State Historic Preservation Office, Tribal Historic Preservation Officer and those of the Advisory Council on Historic Preservation. On Galloo Island four potentially archeologically significant areas were identified. A turbine and the temporary dock were relocated to avoid these locations. One potentially significant area will be impacted by construction of the dock. This location will be further investigated (Phase II Archeological Investigation) to determine if this is an area of archeological significance.

Given the location of the work associated with the Project and the distance from historic, archeological and architectural resources of Sackets Harbor, minimal impacts on these resources are anticipated. The distances (7.0 miles from cable landfall, 14.0 miles from Galloo Island) will attenuate any visual and noise impacts, so the wind farm will not diminish the significance of these cultural resources. Visual impact analyses of the Project were completed as part of the Draft and Final Environmental Impact Statements and the Article VII application. This analysis is included in Appendix Q of the DEIS and Appendix O of the Article VII application.

A visual simulation of the wind farm from Sackets Harbor State Historic Site (Battlefield) was completed as part of the Draft Environmental Impact Statement and is included in Appendix Q of that document. The visual simulation indicates that the

Battlefield will have distant views of the wind farm on the horizon. Based on the distance of the views it is not anticipated that the visibility of the wind farm will detract from historic significance of the Battlefield any more than the other modern-day objects already visible from the Battlefield, including a subdivision adjacent to the Battlefield. The mere visibility of the wind farm at a distance of more than 10 miles will not have a significant negative impact on the Battlefield.

As part of the Project, the Project Sponsor has proposed a number of projects in the Town of Hounsfield and Village of Sackets Harbor relating to restoring and enhancing historic properties. Potential mitigation options that have been discussed are:

- Stabilization of the former Coast Guard Station on Galloo Island
- Rehabilitation of the Galloo Island Lighthouse
- Renovation and restoration of Nation Register Listed (NRL) District Schoolhouse #19 located in the Sulphur Springs Cemetery, Hounsfield, NY
- Repair and restoration of the NRL Sulphur Springs Cemetery, Hounsfield, NY
- Repair and restoration of Military Cemetery, Village of Sackets Harbor, NY
- Upgrades to historic exhibits at the East Hounsfield Library, Hounsfield, NY
- Production and installation of historic markers at historic locations in the Village of Sackets Harbor and Town of Hounsfield, NY
- Renovation and preservation of the Pickering Brach Cottage Museum, Hounsfield NY
- Restoration and preservation of historically significant exhibits for the Pickering Beach Cottage Museum, Hounsfield, NY
- Repair of the Sackets Harbor Bank Building, Sackets Harbor, NY
- Rehabilitation and restoration of Stone Hospital, Sackets Harbor, NY

As indicated in the Article VII application, the onshore transmission line will not be visible from the Battlefield or from any other location within Sackets Harbor.

Policy 24: Prevent Impairment Of Scenic Resource of Statewide Significance.

This policy is not applicable. There are currently no known listed or proposed Scenic Resources of Statewide Importance along this section eastern Lake Ontario.

Policy 25: Protect, Restore Or Enhance Natural And Man-Made Resources Which Are Not Identified As Being Of Statewide Significance, But Which Contribute To The Overall Scenic Quality Of The Coastal Area.

The Project is consistent with this Policy. The proposed work within the Coastal Area is not expected to have any adverse effects on the scenic quality of the area. The wind farm on Galloo Island is at a minimum 5.6 miles away from the New York mainland. Given the significant distance of the wind farm from virtually all publicly accessible vantage points on the mainland, and as set forth in the visual resource assessment included in the DEIS, the wind farm will not cause the diminishment of public enjoyment and appreciation of the Lake Ontario shoreline. The visual impact analysis provided within Appendix Q of the DEIS contains visual simulations of the wind farm from Robert G. Wehle State Park, located within the coastal zone on Stony Point in the Town of Henderson; Southwick Beach State Park, located within the coastal zone in the Town of Ellisburg; and Black Pond Wildlife Management Area, located in the Town of Ellisburg. Visitors to these locations will have distant, background views of the turbines. However, the visibility of the distant turbines will not adversely affect the enjoyment of those visiting the parks to observe wildlife, hike or obtain some peace and quiet.

Recreational boaters will have the opportunity to venture closer to the wind farm than those on the mainland and, as a result, the wind farm will be more visible to these viewers. However, boaters traveling five miles off the shore of the New York mainland represent a relatively small percentage of the general public. Further, boating use in Lake Ontario is limited by inclement weather prevalent in the region, especially during the winter months. As part of the Project, the applicant has proposed a selection of enhancements which would contribute to the quality and character of the Coastal Area. These projects are identified in the discussion of Policy 23. In addition, the Project Sponsor has proposed additional projects for Robert Wehle State Park due to the potential visibility from the two scenic overlook locations within the Park. These proposed projects could include:

- improving access to scenic locations in the Park
- trail improvements to the scenic locations
- improvements to picnic areas along the scenic bluff, and directional and interpretive signage.

The applicant will work with the Town, OPRHP and DEC to determine which of these options will best effectuate the goal of contributing to the quality and character of the Coastal Area.

The sub-aquatic cable, water intakes and the entrance channel leading to the docking facility will be below the surface of the water. Consequently, none of these activities will be visible. Construction will have only temporary aesthetic effects on scenic quality of the area. Docks and docking facilities are located throughout the eastern Lake Ontario

region and the proposed docking facilities will not detract from the scenic resources of the island or the mainland.

The onshore transmission line crosses three SCFWHs in an overhead configuration: Lakeview Marsh, Sandy Pond Tributaries, and Salmon River. The proposed route crosses the Lakeview Marsh SCFWH just west of the hamlet of Belleville within the Town of Ellisburg, and very narrow riparian areas buffer the stream. The proposed Project crosses all three of the streams within the Sandy Pond Tributaries SCFWH. Skinner Creek is crossed by the proposed route just south of Station Number 19, east of Cobblestone Corners, in the Town of Ellisburg. Where the proposed route crosses Skinner Creek it is approximately 25 feet wide. The vegetation cover type is primarily woody wetland. Lindsey Creek is crossed by the proposed route just south of Station Number 20 in the Town of Ellisburg. Where the stream is crossed by the proposed route, it is approximately 28 feet wide. The vegetation cover type at the crossing is primarily deciduous forest. Little Sandy Creek is crossed by the proposed route just north of Station Number 23 due west of the Village of Sandy Creek. Where the proposed route crosses Little Sandy Creek it is approximately 30 feet wide. The vegetation cover type at the crossing is woody wetlands. The proposed Project crosses the Salmon River SCFWH at one location in close proximity to where Interstate 81 also crosses the stream southeast of the Village of Pulaski, Town of Richland, Oswego County. The route crosses the stream just north of Station Number 30. Land uses adjacent to the stream segment crossed by the proposed route include transportation (I-81 and railroad), agricultural, and mixed-use commercial. Some forested riparian buffer remains immediately adjacent to the stream. Vegetation cover type is sparse because of the development present.

To minimize visual impacts to these SCFWHs, no structures are proposed to be placed within the stream. Avoidance and minimization of any potential water quality or thermal impacts to the stream would be accomplished through the placement of structures away from the streambanks (minimum of approximately 100 feet) and maintenance of riparian buffers, where practical. The SEQRA Draft EIS and Article VII application include a review of the impacts from the Project on scenic resources

Agriculture

Policy 26: Conserve And Protect Agricultural Lands In The State's Coastal Area.

The Project is consistent with this policy. This policy protects prime and unique farmlands along with farmland of statewide importance in the Coastal Zone area. Prime farmlands are based on soil associations, unique farmlands are all fruit and vegetable farms, farmlands of statewide importance are based on soil associations. Galloo Island itself does not represent prime and unique farmland. The overland portion of the

transmission line has been sited to avoid, as much as practicable, agricultural lands, and will traverse primarily over shared rights-of-way. The SEQRA Draft EIS and Article VII application detail further any potential impacts to agricultural lands.

Energy and Ice Management

Policy 27: Decisions On The Siting And Construction Of Major Energy Facilities In The Coastal Area Will Be Based On Public Energy Needs, Compatibility Of Such Facilities With The Environment, And The Facility's Need For A Shorefront Location.

The Project is consistent with this policy. The proposed Hounsfield Wind Farm will generate approximately 252 megawatts of clean renewable energy and will connect to the existing power grid system on the mainland. Public Service Law 68 and the Article VII proceedings conducted by the NYS Public Service Department will assess the need for and environmental effects of the wind farm and the transmission system. Article VII policy is entirely consistent with the general coastal zone policies. The proposal is considered an alternative technology to the traditional systems involving nuclear and fossil fuels. The state expects energy needs to be met through a mix of conservation measures and both traditional and alternative technologies including renewable-based energy. Siting of the windfarm on an island in Lake Ontario takes advantage of the strong frequent winds over the lake enhancing the generation of renewable electrical energy. There are also a number of state energy policies that support renewable energy, including the Draft 2009 State Energy Plan and the New York Public Service Commission, Mid-Course Report on the Renewable Portfolio Standard program. Additional details may be found in the Project description section of the SEQRA Draft EIS and FEIS and the Article VII application.

Policy 28: Ice Management Practices Shall Not Interfere With The Production Of Hydroelectric Power, Damage Significant Fish And Wildlife Habitats, Or Increase Shoreline Erosion Or Flooding.

This policy is not applicable. This Project does not involve any ice management practices such as ice-booms or ice-breaking. The sub-aquatic cable will be buried in shallow near shore areas to protect it from ice scour. Impacts on coastal resources from trench excavation will be minor in nature and temporary. The water intake pipeline is a low profile structures and will not affect ice movement in the nearshore area.

Policy 29: Encourage The Development Of Energy Resources On The Outer Continental Shelf, In Lake Erie And In Other Water Bodies, And Ensure The Environmental Safety Of Such Activities.

This policy is not applicable. This policy applies primarily to the development of oil and gas energy resources of the Outer Continental Shelf, Lake Erie and in other bodies and requires environmentally safe development. The proposed Project is not a gas or oil resource development action. However, the Project is an energy project in the Coastal Area taking advantage of high and relative consistent winds over the lake and is being designed and conducted in an environmentally safe manner.

Water And Air Resources

Policy 30: Municipal, Industrial, and Commercial Discharge Of Pollutants, Including But Not Limited To, Toxic And Hazardous Substances, Into Coastal Waters Will Conform To State And National Water Quality Standards.

The Project is consistent with this policy. Discharges of dredged or fill material associated with this Project include any support structures for docking facilities that have the effect of changing the bottom elevation of any portion of a water of the United States. Typical discharges are stone and gravel for the temporary offloading facility and precast or poured concrete and rock used for dolphins and support structures. In addition, any side-cast excavated rock material and/or backfill over trenches will require Department of the Army permits under Section 404 of the Clean Water Act. Most of the in-water work will require blasting and direct removal of stone to barges and/or boring at the shoreline.

The Corps of Engineers will request water quality certifications from the NYSDEC and NYSPSC for these discharges. Most of these discharges will either be contained (such as poured concrete into steel sheet pile forms) or will be relatively inert such as precast concrete, steel piles and clean gravel and stone from a quarry. Material excavated from the entrance channel and for the nearshore burial of the cable will consist mostly of bedrock and some cobble. Entrance channel excavate will be immediately brought to shore for disposal or reuse. Side-cast material from the cable trench will be used as backfill and will also consist of mostly inert bedrock and cobble. Material used for roadway construction in freshwater wetlands will consist of a clean stone and gravel base. These discharges will not have adverse impacts on water quality. Issuance of water quality certifications by the NYSDEC and NYSPSC is considered by the Corps of Engineers to be a conclusive determination that the discharges will not violate state water quality standards.

A Stormwater Pollution Prevention Plan (SWPPP) for construction and operation of the wind farm, including a concrete batch plant, will be designed and implemented. A Draft SWPPP may be found in the Draft EIS. The SWPPP includes Erosion and Sediment Control Plans. Additionally, a spill prevention, control and countermeasures plan (SPCC) will also be developed to account for WTG gear box oil storage and maintenance vehicle

fuel storage associated with the Project. These plans will be in conformance with Federal and New York State regulations. The plans will be coordinated with and must be approved by the New York State Department of Environmental Conservation (NYSDEC). The concrete batch plant and measures relating to any oil storage will require separate SPCC and SWPPP from that developed for construction activities.

In developing preliminary pole placements along the onshore transmission line, streams were avoided. Further, an SWPPP for the transmission line will be drafted as part of the Environmental Management and Construction Plan (EM&CP) that will be completed following the issuance of an Order Granting a Certificate of Environmental Compatibility and Environmental Need.

Overall, the Project is not expected to have any significant effects on the quality of coastal waters or to violate any water quality standards. Upstate Power will comply with all state and national requirements and standards.

Policy 31: State Coastal Area Policies And Management Objectives Of Approved Local Waterfront Revitalization Programs Will Be Considered While Reviewing Coastal Water Classifications and While Modifying Water Quality Standards; However, Those Waters Already Overburdened With Contaminants Will Be Recognized As Being A Development Constraint.

This policy does not apply the Project. The Project does not affect the classifications given to waterbodies by State agencies or as influenced by Local Waterfront Revitalization Plans. Implementation of this Project would not change the water quality standards applicable to Lake Ontario including its “best usage” designation. The Project would have no bearing on whether or not a waterway is classified as “water quality limiting” or “effluent limiting.” The Project will not impact the water quality of streams crossed by the onshore transmission line.

Policy 32: Encourage The Use Of Alternative Or Innovative Sanitary Waste Systems In Small Communities Where The Costs of Conventional Facilities Are Unreasonably High, Given the Size Of The Existing Tax Base Of These Communities.

The Project is consistent with this policy. Sewage treatment facilities associated with the maintenance building and the living quarters will be designed to meet State and local laws and ordinances. These will both be served by septic systems for sanitary sewage. A separate treatment systems will be required for any solvents, etc. that are used in the maintenance building.

Upstate Power will comply with all effluent limitations specified in the SPDES permit when issued by NYSDEC. The treatment systems will be entirely funded by Upstate

Power and will therefore have no effect on costs to local governments and there will be no adverse effects on the Town of Hounsfield tax base.

Policy 33: Best Management Practices Will Be Used To Ensure The Control Of Stormwater Runoff And Combined Sewer Overflows Draining Into Coastal Waters.

The Project is consistent with this policy. A Stormwater Pollution Prevention Plan (SWPPP) for both construction and operation will be designed and implemented to ensure that the Project does not result in the release of contaminants to the coastal waters from runoff. A draft SWPPP for the wind farm is contained in the Draft EIS. In regard to the wind farm, septic systems will be constructed to accommodate sanitary wastes from the living quarters and maintenance building.

In regard to the overhead transmission line, water quality impacts will be avoided or minimized by placing pole structures at least 100 feet away from stream crossings associated with SCFWHs: Lakeview Marsh/Sandy Creek SCFWH, Sandy Pond Tributaries SCFWH and Salmon River SCFWH. An SWPPP for the transmission line will be drafted as part of the Environmental Management and Construction Plan (EM&CP) that will be completed following the issuance of an Order Granting a Certificate of Environmental Compatibility and Environmental Need.

Upstate Power will comply with all effluent limitations and any other discharge criteria specified by the NYSDEC.

Policy 34: Discharge Of Wastes Materials Into Coastal Waters From Vessels Subject To State Jurisdiction Will Be Limited So As To Protect Significant Fish And Wildlife Habitats, Recreational Areas and Water Supply Areas.

The Project is consistent with this policy. Watercraft used in this Project will consist of vessels (tugs, cable laying ship) and barges to lay the submerged electric cable and to construct a docking facility and entrance channel. Tugs and barges or self propelled barges will be used to deliver materials to the island to construct the wind farm. These vessels will not discharge sewage, rubbish, and other solid and liquid wastes into State regulated waters. All vessels must be in compliance with New York State and U.S Coast Guard regulatory requirements. These vessels are also subject to the rules of the Saint Lawrence Seaway Development Corporation (U.S.) and the Saint Lawrence Seaway Management Corporation (Canada). These agencies have joint regulations that govern the vessels and people using the seaway and include pollution prevention from garbage and sewage. Additional details may be found in the surface water section (2.4.1) of the SEQRA Draft EIS.

Policy 35: Dredging and Filling In Coastal Waters and Disposal Of Dredged Material Will Be Undertaken In A Manner That Meets Existing State Permit Requirements, and Protects Significant Fish And Wildlife Habitats, Scenic Resources, Natural Protective Features, Important Agricultural Lands, And Wetlands.

The Project is consistent with this policy. HDD techniques will be utilized for construction in the nearshore area of the lake bottom to minimize impacts and to place the sub-aquatic cable deep enough to prevent ice damage as described in the Article VII Application. Any excess material resulting from the cable installation will be removed and deposited upland well away from the lake and/or wetland areas. Offshore installation of the cable will be accomplished using jet plow embedment technique.

The water intake structure and sewage outfall will be either buried and encased in concrete or bored at the shoreline up to about the 10 foot water depth. The remainder would be placed on the lake bottom to reach a distance of about 400 to 500 feet offshore in about 30 feet of water depth. This construction technique involves minimal amounts of excavation.

Similarly, excavation to a depth of 14 feet below ordinary low water (243.3 feet IGLD, 1985) will be needed to provide an entrance channel for barges to deliver material to the island. Most of the excavated material from the channel will also consist of limestone and some cobble and will need to be blasted. The excavated material will be transported directly to shore by barge and will be used for concrete and/or road repairs. The area of excavation for the entrance channel is approximately 36,000 square feet. Excavation will take place from the shore to about 175 feet offshore.

Blasting will be performed by a State licensed blaster. Normally, holes are drilled into the limestone, charges are placed into the holes and stemming material is placed over the charge to help reduce the shock wave to the waterway. Blasting will be timed to avoid fish spawning periods in the spring (generally March 31st to July 15th) and the fall lake trout spawning period (generally second week in October to second week in November). The most sensitive areas for spawning are at the eastern and western ends of the island where shallow shoal areas exist. The offloading facilities and pipelines are not located in these shoal areas.

There is no reason to believe that any small pockets of sediment in the nearshore area would be contaminated. The excavation areas are not near any known industrial or municipal outfall structures or other known point sources of pollution that could contaminate the sediment. Because the lake bottom consists mainly of limestone and cobble, there will be very little turbidity or sedimentation that would affect benthic

invertebrates and fish. Preliminary geotechnical surveys show that the work areas do not contain any measurable amounts of sediment.

No dredging or filling in streams is anticipated for the overland transmission line. Poles will be placed at a minimum of 100 feet away from streams associated with the Coastal Zone.

No dredging or filling associated with the wind farm or the transmission line will occur in SCFWHs. As already described in Section 4.0 of the DEIS, dredging and filling for the wind farm will occur in coastal waters during construction of the docking facility, the water intake pipe and a wastewater discharge pipe.

The construction and operation of the transmission facilities will also require work in coastal waters as indicated in Appendix V of the DEIS, the Coastal Management Program – Federal Consistency Assessment Form. HDD or open cut will be used to install the subaquatic cable within the transition between onshore and subaquatic cabling. Any excess material will be removed and deposited upland. The process for selecting a method to install cable in transition areas will consider environmental impacts, subsurface conditions and cost consideration. Jet plow technology will be used in locations where the sediment depth is greater than 6 feet. Jet plow embedment places the cable in a trench simultaneously with the plowing operation.

The revised Coastal Zone Assessment appended to the Final EIS as Appendix indicates that the overland transmission line will not require dredging or filling in streams as poles will be placed at a minimum of 100 feet from streams associated with the Coastal Zone.

Policy 36: Activities Related To The Shipment And Storage Of Petroleum And Other Hazardous Materials Will Be Conducted In A Manner That Will Prevent Or At Least Minimize Spills Into Coastal Waters; All Practicable Efforts Will Be Undertaken To Expedite Cleanup Of Such Discharges; And Restitution For Damages Will Be Required When These Spills Occur.

The Project is consistent with this policy. For the most part shipment or storage of petroleum products will occur only during the construction phase of the proposed Project. Petroleum products will be used to fuel construction equipment. Vessels transporting fuels must be certified by the U.S. Coast Guard. Additionally, Upstate Power will prepare a Spill Prevention, Control, and Countermeasures Plan to account for oil and fuel storage on the island.

During the operational phase, significantly less fuel will be required as compared to the construction phase.

Policy 37: Best Management Practices Will Be Utilized To Minimize The Non-Point Source Discharge Of Excess Nutrients, Organics and Eroded Soils Into Coastal Waters.

The Project is consistent with this policy. See discussion in response to *Policy 30 (Pollutant Discharges)* concerning the use of best management practices to reduce soil erosion and properly direct site drainage during construction of the Project. More details may be found in the draft SWPPP found in the SEQRA Draft EIS. An SWPPP for the transmission line will be drafted as part of the Environmental Management and Construction Plan (EM&CP) that will be completed following the issuance of an Order Granting a Certificate of Environmental Compatibility and Environmental Need.

Policy 38: The Quality And Quantity Of Surface Water And Groundwater Supplies Will Be Conserved And Protected, Particularly Where Such Waters Constitute The Primary Or Sole Source of Water Supply.

The Project is consistent with this policy. As indicated in *Policy 30* above, the work is not expected to cause water quality problems. In addition the work will not affect any primary source aquifers or municipal water supplies. Additional information is contained in the surface water section (2.4.1) and groundwater section (2.4.4) of the SEQRA Draft EIS. Preservation of water quality in streams is addressed in Exhibit 4 of the Article VII application. The transmission line does traverse or run adjacent to some small, non-primary aquifers. Subsurface construction activities necessary to install structure foundations will occur at a depth well above the aquifers, and, therefore, no impacts are anticipated.

Policy 39: The Transport, Storage, Treatment And Disposal Of Solid Wastes, Particularly Hazardous Wastes, Within Coastal Areas, Will Be Conducted In Such A Manner So As To Protect Groundwater And Surface Water Supplies, Significant Fish And Wildlife Habitats, Recreation Areas, Important Agricultural Land, and Scenic Resources.

The Project will not result in generation of solid or hazardous wastes such as sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes. Any soils moved during construction and any vegetation removed will not be placed in freshwater wetlands or otherwise be stored in a manner that would adversely affect surface (including littoral zones) or groundwater resources in the Coastal Area. Standard household sanitary waste will be stored on the island and then be transported to shore and brought to a certified landfill or transfer station. Also, please refer to the discussion in *Policy 8*.

Policy 40: Effluent Discharged From Major Steam Electric Generating And Industrial Facilities Into Coastal Waters Will Not Be Unduly Injurious To Fish And Wildlife And Shall Conform To State Water Quality Standards.

This policy is not applicable to the Project. There are no requirements for a major point source SPDES permit relative to this Project. Major point source dischargers include various industrial activities and steam electric generating stations. Area source discharges are covered under the SWPPP and an SPDES permit is required for the sewage outfall system.

Policy 41: Land Use Or Development In The Coastal Area Will Not Cause National Or State Air Quality Standards To Be Violated.

This policy does not apply directly to the Project. The Project does not involve any major point source emissions to the atmosphere that would affect National Ambient Air Quality Standards or State Implementation Plans. The only air quality impacts associated with the Project will be from construction equipment. Emissions from diesel and gasoline engines will be temporary and minor in nature. Mitigation measures such as covering trucks when hauling earth or other materials that can become airborne, immediately stabilizing exposed areas, and watering of any dirt roads will be incorporated into the Project design to minimize generation of fugitive dust. Overall, the Project will help to reduce the use of fossil fuels in New York State for the generation of electrical power and will have a positive impact on air quality. (See policy 18)

Policy 42: Coastal Management Policies Will Be Considered If The State Reclassifies Land Areas Pursuant To The Prevention Of Significant Deterioration Regulations Of The Federal Clean Air Act.

This policy is not applicable. The Project will not affect or be affected by any potential changes in classification of land areas under the PSD regulation of the Clean Air Act. The PSD regulations apply to major new sources and major modifications at existing sources. There are no significant air pollutant emissions from this work and no emission that would meet the USEPA definition of major source (emission of over 100 tons per year).

Policy 43: Land Use Or Development In The Coastal Area Must Not Cause The Generation Of Significant Amounts Of Acid Rain Precursors: Nitrates and Sulfates.

The Project is consistent with this policy. This Project will not contribute any measurable amount of acid rain precursors to the atmosphere. The emission levels of nitrogen oxides from construction equipment will be de minimus.

The global community's increased and urgent focus on clean and renewable sources of energy is largely due to the negative environmental effects of burning fossil fuels. The growing consensus among scientists is that the burning of fossil fuels and the associated release of carbon dioxide and other greenhouse gases stoke global climate change,

intensify droughts in some parts of the world, floods and storms in others, and add to the deterioration of air quality, among other negative health and environmental consequences. One of these other negative consequences from burning of fossil fuels is the generation of acid rain precursors. Automobile emissions and emissions from the use of fossil fuels in stream electric generating stations (as well as other industries) are major sources of acid rain precursors. As indicated in *Policies 18 and 41*, the wind farm will help reduce emissions to the atmosphere, such as acid rain precursors, by reducing or offsetting the need to use fossil fuels in the generation of electrical power.

Wetlands

Policy 44: Preserve And Protect Tidal And Freshwater Wetlands And Preserve The Benefits Derived From These Areas.

The Project is consistent with this policy. WTGs, maintenance facilities, residential structures and other Project features have been designed to avoid freshwater wetlands regulated by the Department of the Army under Section 404 of the Clean Water Act and by the NYSDEC under Article 24 ECL to the greatest extent practicable. The only potential involvement with freshwater wetlands on Galloo Island will be during placement of the electrical collection system and construction of permanent roads. Impacts from ECS in non-forested wetlands will be temporary as the cable system would be buried, and the areas will be restored to preconstruction condition after installation. Permanent losses of wetland habitat on Galloo Island are anticipated where clearing occurs in forested wetlands for overhead lines since there will be a long-term change in cover type from forested to open successional field or scrub-shrub wetland. Permanent losses of wetlands also occur where fill is placed in wetlands to construct permanent roads. The losses from this Project include 0.06 acres of temporary impacts to wetlands and permanent impacts to about 0.13 acres of wooded and non-wooded wetlands. Impacts to NYSDEC wetland buffer zones from cut and fill on Galloo Island from access roads, electric poles, and underground lines is a total of 0.777 acres.

Upstate Power will provide mitigation on Galloo Island to account for the unavoidable losses of freshwater wetlands. A draft mitigation plan that shows the only potential area on the island that is suitable for wetland creation may be found in the SEQRA FEIS. The USACE typically requires a 2:1 or greater ratio (wetland creation: wetland impacts) for impacts to wetlands. Currently to proposal is to create 0.558 acres of wetlands on Galloo Island to offset the loss of wetlands.

Procedures for identification of wetlands for the overland transmission line are found in the Article VII application. Precise information on wetlands and wetland impacts in the

Transmission Corridor will not be available until a corridor is certified pursuant to PSL Article VII and the applicant obtains access to the private properties over which the corridor would be located. According to publicly available data and a review of orthoimagery, riparian areas adjacent to streams within the following SCFWHs crossed by the transmission line may be categorized as wetlands: Lakeview/Sandy Marsh SCFWH, Sandy Pond Tributaries SCFWH, and Salmon River. Avoidance and minimization of impacts to these wetlands would be accomplished through the placement of structures away the streambanks (minimum of approximately 100 feet) and maintenance of riparian buffers, where practical. Consistent with NYSDEC and USACE requirements, mitigation for all wetland impacts which cannot be avoided or further minimized, will also be provided by Upstate Power, for any unavoidable losses of wetland habitat associated with construction, operation and maintenance of the transmission line.

Permits from USACE and NYSDEC are required for roads and ECS since construction involves filling and clearing of freshwater wetland areas. Permits are also required from NYSDEC for any work in the 100 foot wetland buffer zone. For additional detail, please refer to section 2.4.3 of the SEQRA Draft EIS and the Article VII application for the overland transmission line impacts on wetlands.

Village of Sackets Harbor Local Waterfront Revitalization Program

In addition to the assessment of the State Coastal Policies, the Project Sponsor has agreed to review the local coastal policies in the area of the Project. The only LWRP in the Project area is at the Village of Sackets Harbor. The Village of Sackets Harbor has a Local Waterfront Revitalization Program that was approved by the New York State Department of State in October 1986. The LWRP is currently being revised, and where appropriate, the Project Sponsor has reviewed consistency with the draft policies being considered by the Village.

The LWRP boundary is generally within the corporate boundary of the Village and the Village Historic District. It is bounded by Lake Ontario, Adams Road, Broad Street, Monroe Street, Dodge Street, Old Military Road, and Mill Creek but also includes the Historic District boundaries.

The Project is not located within the LWRP boundaries. The electric sub-aquatic cable will make landfall at Stony Point in the Town of Henderson which is about 7.0 statute miles (11.3 kilometers) across Henderson Bay in a west southwest direction from the LWRP. The WTG will be on Galloo Island almost 14 statute miles (22.5 kilometers) from Sackets Harbor LWRP. The sub-aquatic cable bends to the north and will be located under water at least six miles west of Sackets Harbor.

[Note: As used in several LWRP policies, the term “core area” means the area located on the harbor and centered around the Main Street business district. It includes the commercial business center and most of the historic residential areas in the Village.]

Since the Project is not located within the LWRP boundaries, the relevant policies involve preservation, enhancement and restoration of the scenic and historic environment in the Village. Policies that would be applicable to the construction of the Project within the LWRP are not reviewed here but are discussed above under the State Coastal Policies.

Policy 18- Proposed Major Actions

LWRP Policy 18 A- To enhance and protect the cultural resources and shoreline environment of the Village of Sackets Harbor which contribute to social, environmental, and economic interests, proposed major actions in the local waterfront area must give full consideration to the area’s valuable coastal resources and the local safeguards established to protect such resources

This policy requires consideration of vital economic, social and environmental effects of major actions situated in the Coastal Zone. The Project will not adversely affect coastal natural resources, water levels and flows, shoreline damage, hydroelectric power generating facilities and recreation nor will it adversely affect the social, economic or environmental interests of the State and its citizens. Specifically, cultural resources, public access to the shoreline and recreational water uses are recognized as highly important to the economy of Sackets Harbor, and this Project will not adversely affect the attributes of these valuable resources. The Project will provide beneficial economic impacts and increase electrical power availability in the State. Moreover the projects proposed by the applicant including those articulated in response to Policy 23 above would implement this policy articulated in the LWRP.

Policy 22- Providing Water-Related Recreation as a Multiple Use

LWRP Policy 22A- Redevelopment and new development in the village core and Madison Barracks will provide for water-related recreation and both active and passive public access to the shoreline as a multiple use when such multiple use is compatible with the purposes of the development or redevelopment

The ancillary in-water work associated with the wind farm project does not present practicable opportunities for providing recreational facilities as an additional use of the site. The dock and access channel are strictly for use in delivery of materials and personnel to the island for construction and maintenance of the wind farm. As indicated in previous sections, the work is

well outside the LWRP boundaries. Moreover the projects proposed by the applicant including those articulated in response to Policy 23 would implement this policy articulated in the LWRP.

Policy 23- Historic Resources

The current LWRP has no specific sub-policies regarding historic resources and the analysis above under State policies applies here. However, the recent draft LWRP being considered by the Village includes the following policies:

- Foster development patterns to enhance community character
- Preserve historic and archeological resources
- Enhance and protect visual quality/scenic resources

A study of cultural and archeological resources will be conducted and the results included in the SEQRA DEIS. Impacts on the Galloo Island Lighthouse (listed on the National Register of Historic Places) are included in the cultural resource study. Upstate Power will comply with requirements of the State Historic Preservation Office, Tribal Historic Preservation Officer and those of the Advisory Council on Historic Preservation.

There are three historic districts and individual properties in Sackets Harbor listed on the National Register of Historic Places while Sackets Harbor is a State Heritage Area. Given the location of the work associated with the Project and the distance from historic, archeological and architectural resources of Sackets Harbor, minimal impacts on these resources are anticipated. The distances (7.0 miles from cable landfall, 14.0 miles from Galloo Island) will attenuate any visual and noise impacts, so the wind farm will not diminish the significance of these cultural resources. Visual impact analyses of the Project were completed as part of the Draft Environmental Impact Statement and the Article VII application. This analysis is included in Appendix Q of the DEIS and Appendix O of the Article VII application.

A visual simulation of the wind farm from Sackets Harbor State Historic Site (Battlefield) was completed as part of the Draft Environmental Impact Statement and is included in Appendix Q of that document. The visual simulation indicates that the wind farm will be visible from the Battlefield; however, the visibility of the wind farm will not detract from the enjoyment of those seeking a truly historic experience upon visiting the Battlefield any more than the other modern-day objects already visible from the Battlefield, including a subdivision adjacent to the Battlefield. The mere visibility of the wind farm at a distance of more than 10 miles will not have a significant negative impact on the Battlefield. Moreover the projects proposed by the applicant as part of the application, including those articulated in response to Policy 23 above would implement this policy articulated in the LWRP. In fact, the historic restoration projects proposed by the Project Sponsor are specifically referred to in the LWRP and their implementation by the Project Sponsor will further the goals and policies of the LWRP.

As indicated in the Article VII application, the onshore transmission line will not be visible from the Battlefield or from any other location within Sackets Harbor.

Policy 25- Scenic Resources

LWRP Policy 25A- Protect and enhance locally significant vistas to and from the harbor area and the bluffs at Battlefield State Park and Madison Barracks

LWRP Policy 25B- Improve and protect visual quality in the village core area and Madison Barrack, particularly with regard to the 19th century character, military heritage and coastal ambiance

The proposed work within the Coastal Area will not have any adverse effects on the scenic quality of the area. The sub-aquatic cable, geothermal coils and water intakes will be below the surface of the water as will the entrance channel leading to the docking facility. None of these activities will be visible, and construction will have only temporary aesthetic effects on scenic quality of the area. Docks and docking facilities are located throughout the eastern Lake Ontario region and the proposed docking facility will not detract from the scenic resources of the island or mainland.

All of the proposed work is well outside of the Sackets Harbor area. The SEQRA Draft EIS includes a review of the WTG impacts on scenic resources through an assessment of aesthetic effects and visual impact analyses. The visual effect of the wind turbine generators on the harbor area is minimal and will not affect revitalization efforts. A visual simulation of the wind farm from Sackets Harbor State Historic Site (Battlefield) was completed as part of the Draft Environmental Impact Statement and is included in Appendix Q of that document. The onshore transmission line will not be visible from Sackets Harbor. This finding is supported by the Visual Resource Assessment completed as part of the Article VII application.

The revised Coastal Zone Assessment states that the visual simulation of the wind farm from Sackets Harbor State Historic Site, Figure A12-b included in Appendix Q of the Draft EIS, indicates the wind farm will be visible from the Battlefield; however, the visibility of the wind farm will not detract from the enjoyment of those seeking a truly historic experience upon visiting the Battlefield any more than the other modern-day objects already visible from the Battlefield. Within the visual simulation produced, modern-day objects, including a guard rail, a paved road and motorboats, are visible from the Battlefield. Since modern-day elements are currently visible from the Battlefield, the introduction of wind turbines at a distance of 14 miles from this location will not detract from the experiences of visitors to the site. The revised Coastal Zone Assessment is appended to the Final EIS. Moreover the projects proposed by the

applicant including those articulated in response to Policy 23 above would implement this policy articulated in the LWRP.

Policy 26- Conservation of Agricultural Lands

LWRP has no specific sub-policies

This policy protects prime and unique farmlands along with farmland of statewide importance in the Coastal Zone area. Prime farmlands are based on soil associations, unique farmlands are all fruit and vegetable farms, farmlands of statewide importance are based on soil associations. None of the work is within proximity to the LWRP area or within Jefferson County Agricultural District No. 11 (Plate VI of LWRP) or Sackets Harbor Agricultural Resource Zone.

Village of Sackets Harbor: March 2007 Draft Local Waterfront Revitalization Program, Heritage Management Program and Harbor Management Plan.

The village is currently guided by the 1985 LWRP approved by the NYSDOS and by a Harbor Management Plan adopted in 1983. However, the village government recognized that the plans were becoming outdated and that many items contained in policies had already been implemented. The draft plan revises the LWRP boundaries to include the entire Sackets Harbor village. The subject 2007 plan will also constitute the Village Comprehensive Plan. The draft 2007 LWRP includes thirteen policies contained in four categories: Developed Coast Policies (3), Natural Coast Policies (5), Public Coast Policies (1) and Working Coast Policies (4). The policies are summarized as follows:

Developed Coast Policies

- Foster development patterns to enhance community character
- Preserve historic and archeological resources
- Enhance and protect visual quality/scenic resources

Natural Coast Policies

- Minimize damages from flooding and erosion
- Protect and improve water resources
- Protect and restore ecological resources
- Protect and improve air quality
- Minimize environmental degradation from solid and hazardous wastes

Public Coast Policies

- Improve public access and recreational uses

Working Coast Policies

- Protect water dependent uses
- Promote sustainable use of fish and wildlife resources
- Protect agricultural lands, and
- Promote appropriate use and development of energy and mineral resources

The 2007 draft policies have been reviewed. This review shows that the Project will not contravene or violate any of the above thirteen policies. The analysis of the 44 policies listed in the general coastal assessment and the 44 policies listed in the 1985 LWRP supports this determination. The draft policy does stress that development of large scale energy production and mineral resources in the Village is considered an incompatible land use. The Project is not located in the Village and is in fact at least 6 miles away from the LWRP. Although the draft LWRP encourages use of renewable energy sources including wind power, the Project is a large wind farm, and the intention of the policy is geared towards renewable sources by individuals at private homes, municipal buildings etc rather than a commercial facility.