

### 3.0 UNAVOIDABLE ADVERSE IMPACTS

The discussion provided in Section 3.0 of the DEIS with respect to the purpose and need for the Project remains relevant, with the exception that the Project is anticipated to generate up to 77.7 MW of electric power, rather than 87.45 MW.

#### 3.1 GENERAL MITIGATION MEASURES

The discussion provided in Section 3.1 of the DEIS with respect to the agency review and approval process remains relevant. The Project will be developed in accordance with the State Environmental Quality Review Act (SEQRA), as well as other laws and ordinances established by various federal, state, and local agencies, including NYSDOT, Franklin County Highway Department, NYSDEC, OSHA, NYSDAM, FAA, and USACE. Compliance with these regulations will minimize adverse environmental impacts of the Project.

As a supplement to the DEIS, this SEIS will provide the primary means by which Project costs and benefits are described and can be evaluated in a public forum. As part of the SEQRA process, public and agency comments to both the DEIS and this SEIS will be solicited and addressed. Responses to these comments and preparation of a FEIS will provide the information necessary for the lead agency and other reviewing agencies to draw conclusions regarding the Project's environmental impacts.

#### 3.2 PROPOSED MITIGATIONS MEASURES FOR LONG-TERM UNAVOIDABLE ENVIRONMENTAL IMPACTS

The discussion provided in Section 3.2 regarding mitigation measures for unavoidable adverse environmental impacts remains generally relevant. The Project will have an overall positive impact on the environment and local economy, and these positive impacts offset the adverse impacts associated with the Project. With the exception of visual impacts, most adverse Project impacts are related to the disturbance caused during the period of construction, which is anticipated to last approximately nine months. Table 3.2-1 of the DEIS, which lists long-term unavoidable adverse impacts, remains generally relevant, with the exception that turbines proposed for the Project are 492 feet tall, rather than 400 feet. The Applicant is seeking a waiver for height restriction in the local laws. These taller turbines have a generation potential of 2.1 MW each, rather than 1.65 MW, allowing the Project to construct fewer total turbines (53 turbines were proposed in the DEIS, while 37 are proposed in this SEIS). Construction of fewer turbines will reduce the visual impact of the Project as well as reducing impacts associated with soil disturbance, such as loss of agricultural lands and wetland impacts.

At release of the DEIS, wetland delineations for the Project had not yet taken place. However, a routine wetland delineation was conducted in 2015. Results of the wetland delineation were used to inform the placement of Project components so as to minimize wetland disturbance. Turbine locations, access roads, and interconnect lines have been shifted in order to avoid wetlands entirely or cross at narrow points. A Joint Wetland Permit is being sought through the NYSDEC and the USACE; conditions of this permit may require the Applicant to improve on-site wetlands or construct new wetlands in the vicinity of the Project site to mitigate for any unavoidable adverse impacts to wetlands.

As discussed in Section 3.2 of the DEIS, the Applicant conducted extensive studies to inventory the wildlife and plant resources found within the vicinity of the Project site. Several of these were updated in 2015, including a breeding bird survey, eagle observation surveys, acoustic and mist-netting bat surveys, and a rare plant survey. The results of these surveys showed that no threatened or endangered species will be harmed by development and operation of the Project. However, during its operation the Project will cause some mortality to bird and bat species through turbine and blade collision. Use by birds and bats in the Project site is similar to use at other wind farms throughout New York and the Northeastern United States. In order to determine the effect of the Project on avian and bat species, the Applicant will conduct post-construction bird and bat mortality monitoring in accordance with the *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects* (NYSDEC, 2009). The results of the mortality monitoring will be reviewed by USFWS and NYSDEC. Based upon the results of consultations with these agencies, the need for additional mitigation measures, such as development of an adaptive management plan, will be determined.

As discussed in Section 3.2 of the DEIS and Section 2.7 of this SEIS, residual noise impacts have been conservatively estimated and are in compliance with limits established under local law. Average noise increase as calculated by methods recommended in the NYSDEC guidelines (NYSDEC, 2001) indicated that no significant adverse noise impacts will be expected under average operating conditions, although some adverse noise impact is possible from time to time. Following setbacks established in the local ordinances has minimized these noise impacts. Shadow flicker impacts have also been conservatively estimated, and most receptors of shadow flicker fall under the 30 hour per year impact threshold. For those residences that exceed this threshold, the applicant will evaluate mitigation measures with concerned landowners. Mitigation measures could include screen plantings, installation of blinds or curtains at the affected windows, or, in extreme cases, scheduled curtailment of turbines at sensitive times of day during the summer months to reduce the exposure to below 30 hours.

As discussed in Section 3.2 of the DEIS, the Applicant will develop and offer a neighbor agreement to adjacent, non-participating property owners within 2,500 feet of a turbine.

It is anticipated that impacts to archaeological resources during construction will be avoided through relatively minor modifications to the Project layout. In the event that a potentially significant archaeological resource is located within the potential area of effect, and Project facilities cannot be relocated to avoid impacts to the resource, then a Phase 2 archaeological site investigation (in consultation with NYSOPRHP) will be conducted. The mapped locations of identified archeological sites will be included on Project construction maps surrounded by a 100-foot (minimum) buffer, identified as “Environmentally Sensitive Areas” or similar, and marked in the field by construction fencing with signs that restrict access.

Mitigation during operation for potential visual impacts on architectural resources is limited, due to the nature of the Project and its siting criteria. However, mitigation measures that benefit historic properties or the public’s appreciation of historic resources could be employed in the event that cultural resources mitigation is determined to be necessary. To mitigate the Project’s potential adverse effect on historic resources, the Applicant intends to enter into agreements with the Towns of Belmont and Chateaugay to fund historic preservation projects that will benefit historic resources within their communities.

As discussed in Section 3.2 of the DEIS, a Complaint Resolution Procedure, provided as Appendix P, will be established that will allow residents to document and seek solutions to problems that may arise during construction or operation of the Project.

### **3.3 ENVIRONMENTAL COMPLIANCE AND MONITORING PROGRAM**

As discussed in Section 3.3 of the DEIS, a formal environmental compliance and monitoring program will be developed and an environmental inspector will be employed to ensure compliance with the program. Program components including planning, training, preconstruction coordination, construction and restoration inspection, ecological resource monitoring, agricultural resource monitoring, and restoration of public roads are as described in Section 3.3 of the DEIS.