

Jericho Rise Wind Project FEIS Appendix E: Responses to Comments Received on the DEIS

No.	Commenter	Date	Comment	Item No/Stat.	Response	Section
WRITTEN COMMENTS						
LEAD AGENCIES						
CRA MEMORANDUM DATED FEBRUARY 12, 2008						
1	CRA	2/15/08	The final decommissioning bond amount will be provided at the completion of the SEQRA Process: the final value of the substation cost is not available at this time, including the cost of the transformer. These values are used for development of the decommissioning bond estimate.	1	A decommissioning plan was updated in October 2015. The total cost of decommissioning the Project in 2015 dollars is \$3,779,057.90, although this cost will be offset by the salvage value of the towers and turbine components.	FEIS Appendix F
2	CRA	2/15/08	The Architectural Survey required under the Cultural Resources component of an EIS has not been completed for the DEIS. Jericho Rise has indicated that this will be provided, including related State Historic Preservation Office (SHPO) comments, in the FEIS. Additional visual simulations should be included in the visual resource, based on the results of this survey.	2	<p>Comment noted. Consultation with the SHPO has resulted in the preparation of cultural resources studies, including a Phase 1A and 1B archaeological survey and a historic architectural survey. These results of these reports are summarized in Section 2.6 of the SEIS. The reports have been provided to the SHPO. No impacts to archaeological resources are anticipated.</p> <p>As stated in Section 2.6.2.2.2, the Project will have adverse impacts on the visual setting of historic architectural resources. The Applicant, in cooperation with SHPO and lead agencies will develop a mitigation strategy. See Section 2.6.3.2.2 of the SEIS.</p> <p>Also refer to the FEIS (Section 2.3) for the latest information pertaining to SHPO consultation.</p>	SEIS Section 2.6 FEIS Section 2.3
3	CRA	2/15/08	The Phase 1b archaeological survey should be provided. It is noted that the deferral of this item is consistent with the Final Scoping Document	3	<p>A Phase 1B study was conducted and provided to the SHPO. SHPO concurred with the conclusions of the study, which stated that no impacts to archaeological resources would occur as a result of the Project (FEIS Appendix H). See Section 2.3 of the FEIS.</p> <p>As noted in the SEIS, the Phase IB archaeological study was completed, and minor modifications to the Project layout were made to avoid impacts to archaeological resources.</p>	SEIS Section 2.6 FEIS Section 2.3 FEIS Appendix H
4	CRA	2/15/08	Specific information regarding the transformer type and size should be provided in the FEIS. This information is important for the Road Use Agreement.	4	Potential road use impacts resulting from the transformer delivery will be evaluated as part of the pre-construction road survey. Repair of any construction-related road damage will be conducted in accordance with the Host Community Agreement.	
5	CRA	2/15/08	Jericho Rise should provide a final traffic routing plan at the completion of the SEQRA Process, and prior to finalizing the final Road Use Agreement. The final route identified in the Road Use Agreement will be limited to only those proposed in the DEIS.	5	A traffic routing plan was included in the SEIS (Appendix S). The route shows that deliveries will arrive on-site from the west on Route 11. Once on-site, the main north-south travel routes will be county Route 22 and Mahoney/Jericho/Titus Roads. The major east-west travel corridors will be Jerdon Road, Toohill/Hartnet Roads, Town Line/Ponderosa Roads, and County Route 24.	SEIS Section 2.8 SEIS Appendix S
6	CRA	2/15/08	The final location of overhead poles should be provided following the completion of the formal Wetland Delineation effort.	6	Final layout of overhead poles is indicated in the revised Project layout included in the FEIS, as well as in the Joint Application for Permit submitted to the US Army Corps of Engineers (USACE) and NYSDEC in December, 2015.	FEIS Appendix A
7	CRA	2/15/08	The formal Wetland Delineation should be completed following receipt of public and agency comments on the DEIS. The final Wetland Delineation report should be provided in the FEIS.	7	<p>A Wetland Delineation Report was completed in September 2015. The report is included in the SEIS.</p> <p>As described in Section 2.2.1 of the FEIS, in December 2015, Jericho Rise submitted a Joint Application for Permit to the USACE and NYSDEC in accordance with state and federal wetlands laws and regulations. The Joint Application is included with the FEIS.</p>	SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
8	CRA	2/15/08	The final location of the lay down area and substation should be provided at the completion of the SEQRA process. It should be noted that such location(s) might be reviewed by the Joint Lead Agencies through a supplemental application, depending on the extent of impacts.	8	The site adjacent to the existing Willis Substation was selected for the substation.	SEIS Section 1.5.6 FEIS Figure 2
9	CRA	2/15/08	Additional information related to the Avian/Bat studies, including median values and the range of values (used to determine the mean values) should be provided in the FEIS. WEST will provide this information.	9	Updated avian and bat studies were completed in 2015 to incorporate revised project plans, updated study data available, and current field surveys. These studies are included in Appendices J and K to the SEIS. Please see	SEIS Section 2.3.1.3 SEIS Appendix J SEIS Appendix K

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					response to Comment 18, below.	
10	CRA	2/15/08	Additional visual simulations of the proposed Project should be provided in the FEIS.	10	Visual simulations illustrating the revised project layout were completed in 2015 and included in the SEIS. These simulations have been revised to illustrate the final layout addressed in the FEIS. An additional simulation from the Town of Bellmont is also included in the FEIS.	SEIS Section 2.5 SEIS Figures 10, 11, 12 FEIS Section 2.2.3 FEIS Figures 10, 11, 12
11	CRA	2/15/08	The no-obstacle (non-vegetation) shadow flicker analysis should be provided in the FEIS. Though this will not accurately depict the actual impacts of shadow flicker as a result of the proposed Project in the Towns, this information is useful for comparative purposes.	11	An updated shadow flicker impact analysis was prepared for the SEIS incorporating the revised turbine specifications, the reduced number of proposed turbines (37 proposed and 6 alternates), and the revised Project layout. A list of 364 potential receptors (residences) was identified and the receptors were evaluated for the updated analysis. A further revised shadow flicker analysis reflecting the final Project layout (37 turbines and no alternates) is included in the FEIS. 322 potential receptors were evaluated in the revised analysis.	SEIS Section 2.5.2.4 SEIS Appendix N FEIS Section 2.2.4 FEIS Figure 13
12	CRA	2/15/08	A final emergency response plan should be provided prior to permitting the Project. This will include scenarios analyzing the impacts of ice shed, blade throw, tower collapse, and nacelle fire.	12	A Draft Emergency Response Plan has been developed and is included as Appendix I to the FEIS. Mitigation of risk with regard to fire, ice shedding, tower collapse/blade failure and fire are discussed in Section 2.10.2.2 of the SEIS.	DEIS Section 2.11.1.3 SEIS Section 2.10.2.2 FEIS Appendix I
13	CRA	2/15/08	It is understood that some parcels presently proposed for development are not currently under lease agreement with Jericho Rise. Based on this and comments 178, 179, 182, 183, 18, 185 and 186, the Project layout could change from that being proposed in this DEIS. Such changes should be incorporated into the FEIS; otherwise a supplemental review process may be necessary.	13	All layout changes have been addressed in the FEIS.	FEIS Figure 1
14	CRA	2/15/08	The DEIS considered the maximum impacts associated with the proposed Jericho Rise Project, including 19 wind turbines in the Town of Bellmont (despite the subsequent removal of the WTG 36). The applicant states that either a Vestas V 82 1.65 MW wind turbine or a GE 1.5 sle 1.5 MW wind turbine would be used and considers impacts from the worst-case proposed wind turbine (e.g., visual impacts are considered by modeling the wider-spanning 1.65 MW wind turbine). However, section 3.9 (socioeconomics) of the DEIS considers payments to the Town's based on a 1.65 MW capacity, thereby presenting the best-case payment scenario, since Host Community payments are based on \$/MW. The FEIS should revise this section based on the final number of wind turbines permitted in the Town of Bellmont and Chateaugay with individual capacities of 1.5 MW each.	14	Subsequent to the DEIS, an updated socioeconomic analysis was conducted in Summer 2008 by Camoin Associates. Additional socioeconomic analysis was conducted in 2015 and is summarized in Section 2.9 of the SEIS. The revised analysis incorporates the updated Project layout and wind turbine model, as well as current socioeconomic data.	SEIS Section 2.9
15	CRA	2/15/08	Additional visual simulations of the proposed overhead electrical collection system should be included in the FEIS. In addition, depending on the results of the Architectural Survey, and agency and public comments, additional simulations of other significant viewsheds may be required.	15	A Supplemental Visual Impact Analysis (SVIA) and a Shadow Flicker Report were prepared for the SEIS to incorporate the slightly different layout and different turbine model. Further updated Visual Impact Analyses and a Shadow Flicker Assessment are included in Sections 2.2.3 and 2.2.4 of the FEIS, respectively.	SEIS Section 2.5 SEIS Appendix M FEIS Appendix N FEIS Section 2.2.3 FEIS Section 2.2.4 FEIS Figures 10 through 13
16	CRA	2/15/08	Further, the lead agencies have requested the applicant to include in the FEIS a noise analysis of an actual built wind farm with like kind or similar turbines measured to reflect compliance with each of the local laws requirements.	16	A noise impact analysis was conducted in 2007 and an updated noise impact analysis was conducted in 2015 to incorporate the revised project plans. The revised study is included in the SEIS as Appendix R. A summary of the noise study is included in the SEIS Section 2.7. A further updated noise impact analysis incorporating the final layout is included within the FEIS.	SEIS Section 2.7 SEIS Appendix R FEIS Section 2.2.5 FEIS Appendix C
CRA ORIGINAL COMMENT LOG						
17	CRA	CRA Original Comment Log	[...] An analysis of whether site development features will make the habitat more or less attractive to prey would be useful [...]	1	The above-ground Project features, such as wind turbines and interconnection facilities, will be less attractive as habitat for wildlife. New access roads and collection line corridors in areas that were previously forested may provide new travel corridors for species that prefer early successional habitat, and will also provide better visibility for foraging raptors. Given the mixed landscape features of pastures, cultivated fields, forests and rural residences that currently exist within the Project area, the presence of the Jericho Rise Project development features should not have a significant impact on wildlife habitat and foraging opportunities.	SEIS Section 2.3.1.3
18	CRA	CRA Original Comment	If available for all tables where a mean value is used, it would be useful to supply the range of values associated with the calculated mean and the median.	2	Correspondence with the Applicant's avian consultant indicates that range and median values are not readily available. All data necessary to evaluate Project impacts are provided in the DEIS and SEIS.	N/A

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		Log				
19	CRA	CRA Original Comment Log	[...] In addition to the panoramic simulation, individual sections of the panoramic be blown up and presented for closer evaluation.	3	A Supplemental Visual Impact Analysis (SVIA) was prepared for the SEIS which includes revised panoramic simulations. The simulations are included on a CD and can be viewed at any magnification on a computer monitor. Note that a further updated Visual Impact Assessment is included in the FEIS.	SEIS Section 2.5 SEIS Appendix M FEIS Section 2.2.3 FEIS Figure 12
20	CRA	CRA Original Comment Log	[...] Preparation of additional photographs representing the existing and proposed future conditions as seen from within the nearby villages and hamlets should be provided	4	A Supplemental Visual Impact Analysis (SVIA) was prepared for the SEIS. As requested by the Co-Lead Agencies, the same viewpoints used in the DEIS were used for simulations of the revised project. Note that updated visual analyses are included in the FEIS that reflect the final Project layout. An additional simulation from the Town of Bellmont is included.	SEIS Section 2.5 SEIS Appendix M FEIS Section 2.2.3 FEIS Figure 12
21	CRA	CRA Original Comment Log	[...] Underlying assumptions used to develop the tree line obstructions should be presented and explained, including the average height used for obstructions.		A Supplemental Visual Impact Analysis (SVIA), including a viewshed analysis, was prepared for the SEIS. Assumptions of the viewshed analysis are provided in Section 2.5.1.5.1 of the SEIS. Assumed obstruction height and the screening effect of obstructions are addressed in the SVIA and Shadow Flicker Reports. Note that a further updated Visual Impact Assessment and updated Shadow Flicker Assessment are included in the FEIS.	SEIS Section 2.5 SEIS Appendix M SEIS Appendix N FEIS Section 2.2.3 FEIS Section 2.2.4 FEIS Figures 10 through 13
22	CRA	CRA Original Comment Log	There should be information added to this section, which addresses the hauling of construction machinery, the substation components (e.g., transformer), and the larger cranes to be utilized on the Project.		Impacts to traffic and transportation, including a proposed transportation route for the hauling of construction machinery is discussed in Section 2.8 of the SEIS. Section 2.8.2.1 (Table 33) of the SEIS identifies temporary intersection improvements that are planned in order to handle large construction machinery. See also response to Comment S-63 in Section 4 of the FEIS. Jericho Rise will obtain all necessary permits related to road improvements and delivery of large components to the Project site.	SEIS Section 2.8 SEIS Appendix S
23	CRA	CRA Original Comment Log	No project specific issues, e.g., ice shed, tower collapse, blade throw, and nacelle fires. Etc., was discussed in the Emergency Plan.		Please see response to Comment 12.	DEIS Section 2.11.1.3 SEIS Section 2.10.2.2 FEIS Appendix I
NEW YORK STATE AGENCIES						
24	NYSDEC, Tomasik, Stephen	5/9/08	Co-Lead Agencies for coordinated SEQR review, and provided comments on the Draft Scoping Document, on September 10, 2007. The Lead Agencies issued a Positive Declaration on September 18, 2007. A Notice of Acceptance of the Draft EIS and Public Hearing was published in the DEC Environmental Notice Bulletin on March 5, 2008. The following comments represent DEC's concerns for the Jericho Rise Wind Farm specifically and for cumulative impacts on the region from this and other proposed wind power projects in the general area. DEIS Section 1.12, SEQRA Process, includes an anticipated step to "revise" the DEIS as necessary following the public comment period to address relevant comments received (DEIS page 1-47). SEQR regulations at 617.9(a)(7) provide an existing process for the lead agency to prepare a supplemental EIS (SDEIS), should one be required, subject to the full set of procedural requirements for the DEIS. Please note that SEQR milestones such as determining DEIS, SDEIS or FEIS completeness, scheduling public hearings, and establishing deadlines for comments are subject to preparation, filing, publication and distribution requirements of SEQR regulations at 6 NYCRR 617.12.1	1	Comment noted. The SEQRA process is described in Section 1.12 of the SEIS and Section 1.1 of the FEIS.	SEIS Section 1.12 FEIS Section 1.1
25	NYSDEC, Tomasik, Stephen	5/9/08	Projects that propose to disturb regulated wetland areas, buffer areas and protected streams require permits from DEC and the U.S. Army Corps of Engineers (USACE). DEC wetland permit regulations at 6 NYCRR 663.2(z) define a "regulated activity" as any form of draining, dredging, excavation, or mining, either directly or indirectly; any form of dumping or filling, either directly or indirectly; erecting any structures, constructing roads, driving pilings, or placing any other obstructions whether or not changing the ebb and flow of the water; any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquefied wastes into or so as to drain into a wetland; or any other activity which substantially impairs any of	2	A wetland delineation was completed in the spring and summer of 2015. The Wetland and Stream Delineation Report is attached as Appendix G of the SEIS. Anticipated wetland impacts are discussed in Section 2.2.2 of the SEIS and mitigation measures are discussed in Section 2.2.3 of the SEIS. In December 2015, Jericho Rise submitted a Joint Application for Permit to the USACE and NYSDEC in accordance with state and federal wetlands laws and regulations, which is included as Appendix A to the FEIS.	SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A

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			<p>the several functions or benefits of wetlands which are set forth in section 24-0105 of the (Freshwater Wetlands) Act. These activities are subject to regulation if they occur within wetland area or within the 100 foot adjacent area.</p> <p>Before DEC can consider a permit application, wetland delineations prepared for the project must be verified by agency staff. DEC jurisdiction and resulting acreage impacts may vary based on DEC verification of wetland delineations. DEC regulations require a stepwise approach to project review. First, the applicant must show that the project has been designed to avoid wetlands in the project development area. Second, alternative project designs must be prepared that minimize wetland impacts. Third, mitigation must be proposed to offset the lost functions of unavoidable wetland impacts that remain following avoidance and minimization. Once this is done, the applicant must demonstrate overriding economic and social needs for the project that outweigh the environmental costs of any remaining impacts on the wetlands. These factors need to be thoroughly discussed in the FEIS or an SDEIS should one be required.</p>		<p>The FEIS includes a discussion of revised wetland impacts based on the final layout. As noted in the FEIS and Joint Application for Permit, wetland impacts have largely been avoided and minimized and appropriate mitigation is being proposed. No NYSDEC regulated wetlands will be impacted by the Project.</p>	
26	NYSDEC, Tomasik, Stephen	5/9/08	<p>DEIS Table 2.2.1, Surface Waters Within the Project Area, shows 19 crossings of streams classified as C(t) according to the DEC stream classification system. Construction activities at these streams would require a DEC Article 15 Protection of Waters permit. DEIS Section 2.2.2, Anticipated Impacts, subheading "Surface Waters and Wetlands," states that a total of 8.81 acres of wetlands will be temporarily impacted, and 0.87 acres of wetlands will be permanently impacted (DEIS page 2-27). DEIS Table 2.2-5, Wetlands Crossed by the Project, itemizes the location and area of anticipated wetland impacts according to project component type. This table does not show anticipated agency jurisdiction (DEC, USACE), and should be revised in the FEIS, or SDEIS should one be required, to show this.</p>	3	<p>Comment noted regarding Table 2.2.1. Note that this is Table 10 in the SEIS, with revised data.</p> <p>Section 2.2.2 of the SEIS, subheading "Surface Waters and Wetlands" has been updated with revised project data. Table 13 of the SEIS compares the temporary and permanent wetland impacts between the original plan noted in the DEIS, and the revised plan in the SEIS.</p> <p>DEIS Table 2.2-5 is called Table 14 in the SEIS. As noted in the SEIS text (2.2.2.1), NYSDEC wetlands will be avoided entirely. Where collection lines cross NYSDEC protected streams within the Project site (all of which are classified as C(t) by NYSDEC), they will be installed via directional drilling, where feasible, to avoid impacts. As noted in the Wetland and Waterbodies Report (Appendix G) and the SEIS, all wetlands are assumed to be protected under Section 404 of the Clean Water Act, under the jurisdiction of the USACE.</p> <p>The FEIS includes a discussion of revised wetland impacts based on the final layout. Responses to Comments S-28 and S-29 in Section 4 of the FEIS address the need for an Article 15 permit.</p>	<p>SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A</p>
27	NYSDEC, Tomasik, Stephen	5/9/08	<p>This table [DEIS Table 2.2-5, Wetlands Crossed by the Project] shows that an additional 1.5 acres of wetland will be impacted due to conversion of cover type, but it is later stated that the project would permanently convert 2.43 acres of forested wetlands to non-forested wetland cover classes (DEIS page 2-30). It is further stated in Table 2.3-6 (DEIS page 2-55) that 28 acres of temporary impacts and 6.6 acres of permanent impacts to forested wetlands will occur. This should be reconciled or otherwise clarified in the FEIS or an SDEIS should one be required.</p>	4	<p>Tables in the SEIS and the 2015 Wetland Delineation Report present consistent quantities.</p>	<p>SEIS Section 2.2 SEIS Appendix G</p>
28	NYSDEC, Tomasik, Stephen	5/9/08	<p>It should be noted that in its comments on the DEIS, the New York State Department of Public Service (DPS) has indicated that the proposed permanent 150' clearing width for the overhead collection line is "excessive" for a 34.5 kV line.</p>	5	<p>The use of overhead lines has been minimized to the extent practicable. Based on the revised Project layout presented in the SEIS, collection lines will be installed underground except in those limited instances where installation of overhead collection lines would reduce environmental impacts and/or logistical difficulties (e.g., crossing of sensitive wetlands or steep ravines).</p> <p>Table 3 in the SEIS notes Revised Impact Assumptions, including vegetation clearing, temporary soil disturbance, and permanent soil disturbance. The notes preceding Table 3 indicate that the impact assumptions in this table are conservative for the purpose of evaluating potential environmental impacts. The actual areas of vegetation clearing and soil impacts are addressed in the Joint Application for Permit and summarized in Section 2.2.1 of the FEIS.</p>	<p>SEIS Section 1.5 SEIS Section 1.6 SEIS Table 3 FEIS Section 2.2.1 FEIS Appendix A</p>
29	NYSDEC, Tomasik, Stephen	5/9/08	<p>The DEIS does not include discussion of impacts to DEC wetland adjacent areas. This discussion should be included in the FEIS or an SDEIS should one be required.</p>	6	<p>Anticipated wetland impacts are discussed in Section 2.2.2 of the SEIS and mitigation measures are discussed in Section 2.2.3 of the SEIS. As noted in the SEIS, NYSDEC regulated wetlands as well as a 100-foot buffer around them were avoided.</p>	<p>SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A</p>

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					The FEIS includes a discussion of revised wetland impacts based on the final layout.	
30	NYSDEC, Tomasiak, Stephen	5/9/08	The DEIS does not discuss impacts that may result from public road improvements necessary for delivery of project materials and equipment. A Transportation Study is included as Appendix J of the DEIS. This study indicates that a number of existing culverts on public roads may require modification to accommodate construction vehicles (Appendix J page 22) and 14 intersections have been identified as in need of temporary improvements to turning radii (Appendix J, Exhibits 9 & 10). These activities should be assessed for potential stream and wetland impacts, and results reported in the FEIS, or an SDEIS should one be required, as part of the total wetland impacts expected to result from project construction. DEC and USACE should be consulted for a jurisdictional determination regarding any anticipated wetland impacts.	7	Improvements to existing roads that will impact surface water or wetlands are discussed in the Wetland Delineation Report in Appendix G, as well as in Section 2.2.2.1 and Table 13 of the SEIS. The FEIS and the Joint Application for Wetland Permit include a discussion of revised stream and wetland impacts based on the final layout, including wetland impacts resulting from improvements to existing roads.	SEIS Section 2.2.2.1 SEIS Table 13 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
31	NYSDEC, Tomasiak, Stephen	5/9/08	DEIS Section 2.2.3, Mitigation Measures, states that for unavoidable wetland and stream impacts, compensatory mitigation will be provided, most likely through the creation of in-kind wetland or restoration at a 2 to 1 ratio for forested wetlands, 1.5 to 1 ratio for scrub-shrub wetlands, and a 1 to 1 ratio for emergent wetlands (DEIS page 2-32). The DEIS states that mitigation will be developed in consultation with DEC and USACE during the Joint Application for Permit process. The DEIS states that a Wetland Compensation Plan is under development, and includes general criteria for selection and development of wetland mitigation sites (DEIS pages 2-35, 2-36). The FEIS, or SDEIS should one be required, should include a more specific description of compensatory mitigation measures being considered, including alternative locations for mitigation sites, and how the mitigation activities at those sites will conform to DEC wetland mitigation guidelines. ³ Included in this discussion should be the proposed legal mechanism to secure long term access and management of compensatory mitigation sites (e.g., ownership, permanent easement, or transfer to third-party conservancy organization). For DEC permits, the structure of this agreement must be in a form acceptable to the Department. This discussion should also include related impacts that require analysis prior to development of mitigation sites (e.g., archeological surveys).	8	The Joint Application for Permit attached as Appendix A to the FEIS identified temporary and permanent wetland and waterway impacts. These impact calculations are the basis of Jericho Rise's proposed mitigation program. Note that no DEC regulated wetlands will be impacted by the Project; therefore, no in-kind wetland creation or restoration is being proposed. Wetland mitigation is as described in Section 6.0 of the Joint Application for Permit (Appendix A of the FEIS). See also response to Comment S-44 in Section 4.0 of the FEIS for additional detail on proposed in-lieu fee mitigation.	SEIS Section 2.2.3 SEIS Appendix G FEIS Appendix A (Section 6.0)
32	NYSDEC, Tomasiak, Stephen	5/9/08	A Post-Construction Monitoring Plan is referenced to ensure proper re-establishment of vegetation in wetland areas temporarily disturbed during project construction, including the employment of an environmental inspector (DEIS page 2-36). This plan should be more fully discussed in the FEIS or an SDEIS should one be required, including typical activities to restore grading, hydrology, and vegetation in disturbed areas (including appropriate seed mix/planting materials). A discussion of how invasive species will be controlled to minimize the spread of invasive propagules throughout the project development area, and particularly in regulated wetland and stream areas, should also be included. This discussion should include measures to ensure no net increase in the area coverage of invasive species in the project development area. Post-construction monitoring and periodic management, including invasives control and replanting of preferred indigenous species to ensure survival should also be included in the discussion. An Invasive Species Control Plan will be a requirement of any permits issued by DEC.	9	Restoration of disturbed wetlands is as described in Section 4.0 of the Joint Application for Permit (Appendix A of the FEIS). To control the spread of invasive species in wetlands, an Invasive Species Control Plan (ISCP) will be implemented (see Appendix L of the SEIS). This ISCP was updated in response to NYSDEC comments on the SEIS. It is attached as Appendix K of the FEIS. Post-construction invasive plant species monitoring is discussed in this plan. To assure compliance with permit conditions and the ISCP, a full-time environmental monitor hired by the contractor will be on-site. In addition, the Applicant will engage a separate environmental monitor to provide training and oversee on-site compliance on a regular basis throughout construction and restoration.	SEIS Appendix L FEIS Appendix A (Section 6.0) FEIS Appendix K
33	NYSDEC, Tomasiak, Stephen	5/9/08	The activities outlined above should be formalized as specifications within an expanded Environmental Compliance and Monitoring Program outlined in Section 3.3 of the DEIS (DEIS pages 3-6, 3-7). This plan should also include specific actions to avoid environmental impacts and obtain necessary permits during ongoing maintenance of the facility, major repairs and decommissioning. The DEIS states that the project will impact approximately 400 acres within a development area totaling 5,040 acres (DEIS page 1-2). DEC recommends that the project sponsor investigate the potential for partnerships with landowners, local governments, educational and conservation organizations to create environmental enhancements in the larger project area over the 20+ anticipated life span of the project. DEC recommends that specific plans to solicit involvement of these parties be included in the plan, and a preliminary list of potential cooperative partnerships be identified.	10	Public review associated with the SEQRA process includes opportunity for these stated parties to provide input. Jericho Rise will consider pertinent recommendations with landowners, local governments, educational and conservation organizations through the remainder of the SEQRA review process. As noted in the SEIS, 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.	SEIS Section 3.3
34	NYSDEC, Tomasiak, Stephen	5/9/08	This section provides a bulleted list of "specific measures designed to mitigate or avoid adverse potential environmental impacts" from the construction or operation of the project (DEIS, pages ES-4, ES-5). The 14th bullet states that one of these	11	The comment is noted; the Applicant does not consider post-construction monitoring alone to be a mitigation strategy. According to the SEIS Section 2.3.3.2, it is not anticipated that impacts to bird and bats will be biologically	SEIS Section 2.3.3.2 SEIS Section 7.4

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			measures is “performing post-construction monitoring to improve understanding of possible avian impacts.” DEC would like to clarify that post-construction monitoring is not a mitigation activity. Monitoring and evaluating impacts alone does not mitigate for the loss of environmental or wildlife resources. Post-construction monitoring also needs to include evaluation of impacts to bats. (See comments on DEIS Section 3.2 below for further discussion of this issue).		significant. Proposed minimization, mitigation, and adaptive management measures for the Project are included in the Project Bird and Bat Conservation Strategy. Post-construction monitoring for avian and bat mortality is discussed in the SEIS Section 7.4.	
35	NYSDEC, Tomasik, Stephen	5/9/08	Although the results of the raptor migration surveys at Jericho Rise showed a low number of birds per observer hour in both spring and fall (DEIS page 2-40), comparisons should be made with the results of raptor migration surveys conducted at other proposed wind project sites in addition to established hawk watch locations. Most of the wind development sites in New York are not located in areas where large numbers of raptors are known to migrate, such as along the shores of the Great Lakes. To accurately and adequately evaluate the potential risk to birds, it is important to put the results of migrant surveys in context not only with the larger raptor migration across New York, but also within the areas where turbines are being proposed. This should be discussed more fully in the FEIS or an SDEIS should one be required.	12	The report for the 2007 field surveys included a comparison of the survey results and results from established hawk watch locations. Also as noted in comment number 55 below, the raptor migration rate through the Project area was lower than other areas where wind projects have been proposed or are built in New York.	SEIS Section 2.3.1.3 SEIS Section 7.4 FEIS Section 2.3
36	NYSDEC, Tomasik, Stephen	5/9/08	Migratory Bats Bat acoustical monitoring was done from August 1 through October 15 (DEIS page 2-42). This sampling period did not include a portion of the fall migration, which typically begins in early to mid-July. This should be noted in the FEIS, or SDEIS should one be required, as a limitation of this study.	13	Acoustic and mist-net surveys in 2015 were conducted between June 17 and August 16. Survey methodology followed the US Fish and Wildlife Service (USFWS) 2015 Indiana Bat Summer Survey Guidance. Bat survey methods and survey locations were approved by USFWS prior to initiating the surveys (see Appendix K). Mist-net surveys were conducted between August 6 and August 9, in accordance with USFWS guidelines.	SEIS Section 2.3.1.3 – Migratory Bats SEIS Appendix K
37	NYSDEC, Tomasik, Stephen	5/9/08	Sensitive species surveys were conducted on site between June 9 and July 13 (DEIS page 2-49). Although northern harrier was observed during these surveys, it was reported that “no upland sandpipers or short-eared owls, species which may be present but difficult to detect, were documented in the Project Area during the surveys.” It should be noted that short-eared owls are typically found in New York only during the winter, with very few pairs remaining in the state through the year to breed. If owls do use the site, they would likely only be seen on winter surveys. As no winter surveys were conducted as part of the pre-construction work at the site, it is not unexpected that no owls were detected. This should be noted in the FEIS, or SDEIS should one be required, as a limitation of this study.	14	During the study plan development, the agencies (NYSDEC, USFWS) did not raise concerns over winter bird use for the Jericho Rise Project. However, winter surveys were conducted for bald and golden eagles; these surveys also noted presence of raptors observed concurrently. No short-eared owls were observed during these surveys during the winter. Short-eared owl and upland sandpiper use of the Project area is not expected or would likely be limited due to vegetation types. These species typically are grassland species and occur in areas with large expanses of grassland habitat. While open fields are present, there is a substantial amount of woodland in the Project area reducing the suitability of the site to these species. Also, please see response to comment number 66 below that further addresses short-eared owl.	SEIS Section 2.3.1.4 FEIS Section 2.3
38	NYSDEC, Tomasik, Stephen	5/9/08	Section 2.3.2: Potential Impacts; Section 2.3.2.1: Construction Vegetation This section contains information regarding the amount of vegetation within the project area that is expected to be disturbed on a temporary and permanent basis. According to Table 2.3-6, a total of 233.8 acres of upland forest habitat, 28 acres of forested wetland, and 164.8 acres of agricultural land will incur temporary impacts, while another 47.2 acres of upland forest, 6.6 acres of forested wetland, and 39.4 acres of agricultural land will have permanent impacts. DEC considers any impact to forested habitat that involves the cutting or clearing of trees to be a permanent impact, even if that area is then kept in a shrub-scrub successional condition or left to regenerate naturally into forest rather than being converted to project components. Mature and second-growth forested habitats take much longer to regenerate after tree cutting takes place, and the wildlife and vegetative communities are drastically different pre-construction as they are post-construction. Impacts to crop/pastureland, grassland, and successional shrubland may be considered temporary as the types of vegetation in these habitats are either replanted or regrow to their pre-constructed state in a few years or less. Based on the numbers provided in Table 2.3-6, a recalculation of the impacts to vegetation within the project area would yield a total of 164.7 acres of temporary impacts and 348.4 acres of vegetated land that is permanently impacted. These totals would include 164.7 acres of agricultural land that is temporarily impacted	15	Updated impacts on vegetation from construction and operation activities are noted in Section 2.3.2.1 and 2.3.2.2 of the SEIS and Section 2.2.2 of the FEIS. Note that the original impacts noted in the DEIS were based on desktop analysis of available mapped data and interpretation of aerial photography. These calculations have been updated based on the field delineation of the final layout and included within the FEIS. In regard to the forested cleared areas for the transmission line, please note that an overhead transmission line is no longer proposed.	SEIS Section 2.2.2 SEIS Section 2.3.2.1 SEIS Table 13 SEIS Table 18 FEIS Section 2.2.2

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			<p>(26.2% cultivated crops, 67.1% pasture/hay, and 6.7% grassland/herbaceous); 39.4 acres of agricultural land permanently impacted (2.8% cultivated crops, 7.7% pasture/hay, and 0.8% grassland/herbaceous); and 274.4 acres of upland forests and 34.6 acres of forested wetland habitat that will be permanently impacted (45.9% deciduous forest, 20.9% evergreen forest, 12% mixed forest, and 9.9% forested wetland). The acreage of each type of forested habitat that is expected to be kept in a successional habitat condition for the life of the project should be included in this analysis, as well as the amount of each forest type that will be allowed to regenerate after construction activities cease. As stated previously, DPS has commented that the proposed permanently cleared 150' corridor for the overhead collection line is "excessive," suggesting that an alternative design may serve to minimize these impacts.</p> <p>Section 2.3.2.2: Operation Vegetation The values presented in this section regarding the expected temporary and permanent impacts to vegetation should be changed to reflect comments provided under section 2.3.2.1.</p>			
39	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 2.3.2.2: Operation Birds The last sentence of the third paragraph of this section (DEIS page 2-59) should be changed from "Based on observations from regional and site-specific avian surveys, breeding resident birds would not be adversely affected by the Project" to "...breeding resident birds do not appear likely to be adversely affected by collision impacts from the Project, though it is unknown to what degree habitat fragmentation, displacement, and avoidance of turbines and other Project components will impact breeding birds within and adjacent to the site." There has been insufficient data gathered regarding the impact of wind projects on wildlife, and therefore there is not enough data at this point in time to conclusively support the conclusion that birds will "not be" affected by wind projects.</p>	16	Additional studies have been completed since the 2008 DEIS which provide additional data for assessing potential impacts of the Project on birds. Results are included in Section 2.3.2.2 of the SEIS, as well as Tables 19 and 20 and Graph 1.	SEIS Section 2.3.2.2 - Birds SEIS Appendix J
40	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 2.3.2.2: Operation Bats The third paragraph of this section discusses the radar study done in August 2007 to quantify bat activity during fall migration and states that "no known pre-construction radar study has attempted to address this particular period of activity typically associated with elevated levels of bat mortality at wind facilities" (DEIS page 2-60). This is not entirely accurate as although no radar studies done in New York have covered the period of July and early August, many have collected data during the mid to end of August.</p>	17	Additional studies have been completed since the 2008 DEIS which provide additional data for assessing potential impacts of the Project on bats. Results are included in Section 2.3.2.2 of the SEIS, as well as Table 20 and Graph 2.	SEIS Section 2.3.2.2 – Bats SEIS Table 20, Graph 2
41	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 2.3.2.2: Operation Loss of Habitat The acreage values provided in this section (DEIS page 2-62) should be amended to reflect comments made under Section 2.3.2.1 regarding the amount of habitat temporarily and permanently disturbed. A total of 348.4 acres of wildlife habitat will be permanently lost, with 274.4 acres expected in forested habitats, and 34.6 acres in forested wetlands. The amount of converted forestlands that will be maintained as shrubland or grassland, the acreage that will be converted to project facilities, and the total loss of wildlife habitat that is expected within the larger Project Area should also be provided.</p>	18	See response to Comment 38 above.	SEIS Section 2.3.2.1 SEIS Table 18
42	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 2.3.2.2: Operation Forest Fragmentation This section states that the access roads and utility collection systems "though forested areas are relatively narrow and should not discourage dispersal movements of forest wildlife species among forest tracts" (DEIS 2-63). The anticipated width of the cleared areas should be provided in this section, and supporting evidence is needed to justify the assumption that forest interior-dependant species will not be discouraged from moving across disturbed areas. The impact associated with the introduction of invasive species, increased predation, and nest parasitism also needs to be addressed as potentially adverse</p>	19	<p>The impact of forest fragmentation is further addressed in Section 2.2.2 and Figure 19 of the FEIS. Please see response to Comment S-34 in Section 4 of the FEIS.</p> <p>The maximum driving surface of permanent roads within the Jericho Rise Wind Farm will be 34 feet wide (SEIS Table 3) with a total impact not to exceed 54 feet wide (per linear foot). The SEIS also notes that temporary and permanent impact adjacent to existing roads will not exceed 50 feet wide per linear foot. Note also that according to the SEIS Table 3 footnote that in agricultural lands, permanent access roads will be 16 feet wide with a</p>	DEIS Section 2.3.2.2 SEIS Section 2.3.2.2 SEIS Table 3 SEIS Appendix B FEIS Section 2.2.2 FEIS Section 4 FEIS Figure 9 FEIS Figure 19 FEIS Appendix K

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			effects on forest-interior species as a result of forest fragmentation.		<p>permanent disturbance width of 22 feet per linear foot, as per the Agricultural Protection Measures outlined in Appendix B.</p> <p>The majority of these roads will be traversing through agricultural land (69%), successional shrubland environments (4%), and disturbed/developed land (1%). Only 26% of roads will be in forested habitats, thereby minimizing the potential for forest fragmentation and its effects. See Figure 9 of the FEIS.</p> <p>While the layout will take these constraints into consideration in order to minimize impacts, the final road width design will also take into consideration the requirements for ingress, egress and turn-around in order for access roads to accommodate emergency vehicles.</p> <p>Also see response to Comment 32, regarding the Invasive Species Control Plan developed for the Project.</p>	
43	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 2.3.2.2: Operation Displacement/Disturbance</p> <p>It is stated in this section that “wildlife are expected to acclimate to the presence and operation of wind turbines” and that “grassland species sensitive to the visual presence of large objects in their habitats may suffer greater disturbances than forest wildlife species” (DEIS 2-63). The issue of fragmentation, displacement, and degree of habituation by breeding birds in response to turbines is an issue DEC is concerned about. To sufficiently assess these effects, the post-construction monitoring program needs to include displacement surveys to determine the type and level of impact the wind project has on breeding birds.</p>	20	<p>Jericho Rise 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 recommendations for Standard Post-construction Studies within the guidelines include bird habituation and avoidance studies which are designed to address potential displacement. The results of the monitoring will be reviewed by USFWS and NYSDEC.</p> <p>Proposed minimization, mitigation, and adaptive management measures for the Project are included in the Project Bird and Bat Conservation Strategy.</p>	SEIS Section 3.2
44	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 3.2: Unavoidable Adverse Impacts-Proposed Mitigation Measures for Long - Term Unavoidable Environmental Impacts</p> <p>The fifth paragraph of this section states that studies were conducted “to inventory the species endemic to the Project Area as well as those that migrate through” (DEIS page 3-3). DEC is not aware of any species endemic to Franklin County, therefore this statement should be changed to “species native to the Project Area.” Risk to these species was assessed based on the pre-construction studies conducted at the project area, and was found to be “comparable with other wind projects in New York.” How this was determined should be defined more clearly.</p>	21	<p>Section 3.2 of the SEIS has been revised and does not contain a reference to endemic species.</p> <p>The SEIS Section 2.3.2 – Operation – notes additional studies of operating wind projects in the Northeastern United States that provide helpful data for assessing potential impacts from Project Operation. See Tables 19 and 20.</p>	SEIS Section 3.2 SEIS Section 2.3.2 SEIS Table 19 SEIS Table 20
45	NYSDEC, Tomasik, Stephen	5/9/08	<p>Table 3.2-1 depicts impacts to various environmental factors due to the project, and lists potential mitigation factors (DEIS page 3-4). As stated previously in comments on the Executive Summary, funding of post-construction studies is not considered a mitigation option. Post-construction monitoring studies are used to determine the mortality and habitat displacement experienced by birds and bats as a result of the project, and to verify the environmental impacts predicted by pre-construction surveys. Appropriate mitigation measures for impacts to birds and bats may include feathering blades or curtailing operation during specific times or under certain conditions during which animals are most active or most likely to</p>	22	<p>Comment noted. Discussion in Section 3.2 has been clarified to indicate that post-construction monitoring for impacts to birds and bats is not in itself a mitigation strategy. Rather, results of mortality monitoring will be reviewed and discussion will occur by Jericho Rise and state and federal agencies. Proposed minimization, mitigation, and adaptive management measures for the Project are included in the Project Bird and Bat Conservation Strategy.</p>	SEIS Section 3.2

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			encounter turbines; providing for conservation easements on or near the project area; or decommissioning or relocating specific turbines that may be found to have disproportionately high mortality rates. In addition to those listed in the table, other mitigation options to be initiated prior to construction of the project would include re-locating turbines away from sensitive habitats such as wetlands, core forested areas, ridgelines that may be used during migration, and other protected areas. These mitigation options should be discussed more fully in the FEIS or an SDEIS should one be required.			
46	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 3.3: Environmental Compliance and Monitoring Program – Ecological Resource Monitoring</p> <p>This section states that the Applicant will “monitor avian and bat activity during Project operation in accordance with the post-construction monitoring protocol developed in cooperation with the NYSDEC and USFWS” (DEIS page 3-7). This work plan should be developed following DEC guidelines. DEC recommends a three year post-construction study, including daily searches at a portion of the turbines in the project from April 15 until November 15. Bias correction factors that need to be considered include searcher efficiency, scavenger removal rates, amount of plot area unsearched, and accounting for carcasses that likely fell outside of the search plot. Habitat displacement surveys, bat acoustical monitoring, and other concurrent studies such as raptor surveys and/or radar will also be recommended for post-construction surveys. Details regarding plot size, turbine selection, vegetation management, permit acquisition, carcass handling, data recording, reporting, and other aspects of the survey should be discussed with DEC and USFWS. A final post-construction study work plan acceptable to all involved parties should be in place prior to the start of project operation. The FEIS, or SDEIS should one be required, should include a conceptual discussion of this plan.</p> <p>New York State Department of Environmental Conservation. Draft Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects. ONLINE. January 2008. Available: http://www.dec.ny.gov/energy/40966.html [09 May 2008].</p>	23	The post-construction monitoring plan is being developed in consultation with the NYSDEC and USFWS. It is anticipated that the monitoring study plan will undergo a few iterations prior to being finalized.	SEIS Section 3.3
47	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 7.4: Cumulative Impacts-Birds and Bats</p> <p>Construction Impacts to Birds and Bats</p> <p>The second sentence of the first paragraph of this section (DEIS page 7-7) should be changed from “Some species are likely to be displaced from preferred habitats; however, displaced species would relocate to other adjacent suitable habitat areas” to “...however, displaced species may relocate to other adjacent suitable habitat areas.” Bird displacement and relocation in response to wind turbines is a little-studied issue and scant information is available on which to base the assumption that wildlife will relocate.</p>	24	Section 7.4 of the SEIS has been revised to incorporate the results of additional studies of operating wind projects in the immediate vicinity of the Jericho Rise Project site. Bird habituation and avoidance studies will be included in the post-construction monitoring if requested by the agencies.	SEIS Section 7.4
48	NYSDEC, Tomasik, Stephen	5/9/08	<p>Section 7.4: Cumulative Impacts-Birds and Bats</p> <p>Operation Impacts to Birds</p> <p>The discussion of cumulative collision impacts to migratory birds from the proposed and existing wind projects mentioned in Table 7.1-1 states that “migrant birds may be subject to turbine collisions; however, these occurrences are expected to be low because passage rates over each of the five projects are low” (DEIS page 7-8). This conclusion is not supported by any references or data; as no post-construction studies have yet been done at sites that conducted preconstruction radar surveys, pre-construction passage rates cannot be correlated with post-construction mortality rates. This statement should be qualified with the understanding that until sufficient data generated by post-construction studies are analyzed, it is not possible to formulate accurate estimates of bird mortality from multiple wind power projects.</p> <p>Although the conclusion made based on the discussion of Table 7.4-1 is that “none of the projects considered in this analysis, either alone or taken together, are expected to cause significant adverse impacts to migrant and breeding bird populations,” and that “the cumulative loss of birds from the region considered in this analysis is not considered to be biologically significant” (DEIS pages 7-9, 7-10), the averages that these estimates are derived from may not be representative of all projects considered in the analysis. Additionally, impacts of many wind energy</p>	25	Sections 7.1 and 7.4 of the SEIS have been revised from the DEIS to incorporate current data regarding other wind power projects within 30 miles of the Project site, as well as to incorporate the results of additional studies of operating wind projects on bird and bat mortality.	SEIS Section 7.1 SEIS Section 7.4

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			projects in one area may be different for different species. An overall average number of kills per turbine will not necessarily reflect species composition, timing of mortalities, or specific habitats where impacts occur.			
49	NYSDEC, Tomasik, Stephen	5/9/08	Section 7.5: Threatened and Endangered Species The third paragraph of this section discusses the potential impacts to northern harriers (DEIS page 7-13). The statement that the low-flying behavior of northern harriers "is not likely to put them at great risk from turbine collisions" is not entirely true. Although northern harriers generally forage close to the ground, aerial courtship displays in the late winter and spring frequently bring birds to the height of turbine blades, putting them at a much higher risk of collision at these times of the year. Additionally, the impacts of habitat fragmentation and the presence of tall structures within otherwise suitable habitat are unknown, as this has not been evaluated with respect to northern harriers.	26	Comment is noted. As noted in Section 7.5 of the SEIS, more recent studies of the northern harrier confirm that northern harrier mortality has consistently been documented as low at operating wind farms (SEIS Section 2.3.2.2). The post-construction monitoring plan will include a component for monitoring breeding bird populations. However, based on the results of on-site avian studies conducted to date, the density of breeding northern harriers in the Project area is not great enough to measure displacement, suggesting no significant displacement or avoidance impact on this species to occur. According to Section 2.3.2 of the SEIS, post-construction breeding bird surveys and post-construction mortality studies will be conducted after the Project becomes operational, and a Before/After – Control/Impact (BACI) analysis will be conducted to assess displacement for breeding birds. A gradient analysis also will be used to determine the relationship between density of avian species and distance from turbines. These measures will confirm the impact of the Project to bird species and assist in guiding adaptive management decisions for the Project, if necessary.	SEIS Section 2.3.2.2 SEIS Section 7.5
50	NYSDEC, Tomasik, Stephen	5/9/08	Section 7.5: Threatened and Endangered Species DEC disagrees with the statement that "the temporary effects of habitat displacement from these projects will cease when construction activities end," and that "cumulative significant adverse effects to threatened or endangered species would not result from operation of these projects" (DEIS page 7-14). Displacement impacts on listed species during construction may be low, however the persistence of fragmented forests, new roads, power lines, the turbines, and increased human activity in the project vicinities may cause remaining habitat in the area to become marginal or untenable for some species. The effect of hundreds of turbines across many miles of the northern New York landscape has not been studied, and conclusions that no impacts will occur are inappropriate to make at this time.	27	The comment is noted. Section 7.5 of the SEIS has been revised to clarify the distinction between construction and operation of the Project. Displacement impacts could occur on a species in the Project area due to construction activity, but will be limited to the period of active construction. Following construction, the presence and operation of the Project may have other displacement impacts. The extent and magnitude of the impacts from these two distinct phases of the Project are likely different. The SEIS notes that the other five projects considered in the cumulative analysis have completed construction activities and therefore no new cumulative construction-related impacts are expected to occur. Additionally, none of the five projects that have been constructed have individually caused significant impacts to wildlife or wildlife habitats. No adverse impacts from the Project on threatened and endangered species are expected, therefore, the Project is not expected to increase or add to cumulative adverse impacts for these species.	SEIS Section 7.5
51	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.0: Study Components and Methods; Section 3.1: Diurnal Point Count Surveys; Section 3.1.2: Results The information presented in Table 1 (Appendix E page 9) should have additional separate columns for raptors showing the mean use, number of species per survey, and total number of species for each season and overall.	28	Updated eagle and large bird studies, as well as an updated breeding bird survey, were completed in 2015 to incorporate revised project plans, updated study data available, and current field surveys. These studies are included in Appendix J to the SEIS and summarized in SEIS Section 2.3. Data from the Eagle Observation Study, which concluded in December 2015, is provided in Section 2.3 of the FEIS.	SEIS Section 2.3 SEIS Appendix J FEIS Section 2.3
52	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.0: Study Components and Methods; Section 3.1: Diurnal Point Count Surveys; Section 3.1.2: Results The fourth paragraph of this section states that "raptors, particularly accipiters, eagles, and vultures, had an average flight height between 25-125m" (Appendix E page 12). According to Table 4, northern harriers also had a mean flight height of 25.61m, which is within the zone of risk. Northern harriers are also labeled here as species of special concern, which needs to be corrected as they are considered a state threatened species. All of the information in Table 4 should also be presented separately for spring and fall, rather than combining all the data for the year. Seasonal variations in number of birds, species composition, flight height and other parameters cannot be determined from the data in the table as currently shown.	29	See response to Comment 51, updated studies completed for SEIS. Note that Sections 2.3 of the SEIS clarifies that the northern harrier is a state-listed threatened species.	SEIS Section 2.3 SEIS Appendix J FEIS Section 2.3
53	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.0: Study Components and Methods; Section 3.1: Diurnal Point Count Surveys; Section 3.1.2: Results In Table 5, it is unclear what the difference is between "% Flying within RSA" and "% Within Rotary Height" (Appendix E page 13). It seems that both of these headings indicate the area occupied by the turbine blades, between 25-125 meters	30	See response to Comment 51, updated studies completed for SEIS.	SEIS Section 2.3 SEIS Appendix J

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			above the ground, yet the values for each species differ under each column. An explanation in the text, or clearer table headings to identify the different values, is warranted to clarify the information presented in Table 5.			
54	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.0: Discussion, Section 4.1: Migratory Raptors The first paragraph of this section should be corrected; the Derby Hill hawk watch is located on the eastern shore of Lake Ontario in central New York, not in western New York (Appendix E page 39).	31	See response to Comment 51, updated studies completed for SEIS. Note that the Derby Hill Hawk Watch is not discussed in the updated studies; instead, two hawk watches located in closer proximity to the Project are discussed in the SEIS: the Montreal West Island Hawk watch and the Eagle Crossing Hawk watch.	SEIS Section 2.3 SEIS Appendix J
55	NYSDEC, Tomasik, Stephen		Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.0: Discussion, Section 4.1: Migratory Raptors Several paragraphs of this section discuss the results of the Jericho Rise migratory raptor survey in comparison with nearby hawk watch sites. As mentioned in comments under Section 2.3.1.3, it is necessary to compare results of this study not only with established hawk watch locations, but with data from other proposed wind development sites in the region and statewide. The mean number of raptors per observer hour for proposed wind development sites in northern New York (Clinton and Franklin Counties) is 1.5 in spring and 1.4 in fall. The mean number of raptors per observer hour for sites throughout New York is 5.5 in spring and 3.8 in fall. Although the 3 and 2 raptors per observer hour recorded at Jericho Rise in spring and fall, respectively, are lower than the overall state average, they are higher than the mean for the region (see attached raptor table and map). Post-construction studies will help to determine the collision impact this project may have on raptors.	32	See response to Comment 51, updated studies completed for SEIS. Updated information regarding migratory raptors is included in Section 2.3 of the SEIS. The post-construction monitoring plan will be developed with consultation with the NYSDEC and USFWS (see response to Comment 46).	SEIS Appendix J SEIS Section 2.3 FEIS Section 2.3
56	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.0: Discussion, Section 4.1: Migratory Raptors In the second to last paragraph of this section, the rotor-swept area is defined as 53-147 meters above ground level (Appendix E page 41). This should be corrected as all other references to the turbines in this report indicate a maximum height of 125 meters.	33	See response to Comment 51, updated studies completed for SEIS. A comparison of the Project layouts between the DEIS and SEIS including revised total height information is included in Table 1 of the SEIS. The total height of the turbines considered in the final layout is 150 meters (492 feet).	SEIS Appendix J SEIS Table 1
57	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.0: Discussion, Section 4.1: Migratory Raptors The second to last paragraph of this section also mentions that only turkey vulture, red-tailed hawk and northern harrier "had enough observations to make the estimated exposure index meaningful." The minimum number of observations needed to make the exposure index meaningful should be provided. According to Table 5, American kestrel had the same calculated exposure index as for northern harrier, though there were 13 kestrel observations and 23 harrier observations.	34	See response to Comment 51, updated studies completed for SEIS. Updated information regarding raptors is included in Section 2.3 of the SEIS.	SEIS Appendix J SEIS Section 2.3
58	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.2: Avian Nocturnal Radar Survey The first paragraph of this section lists the Noble Clinton Windpark and Marble River Wind Farm as being ~9.0 miles and ~9.4 miles, respectively, from the center of the Jericho Rise project, yet the third paragraph and Figure 2 places these other projects 7.0 miles and 7.9 miles away from Jericho Rise (Appendix E pages 14-15). These inconsistencies should be corrected.	35	Table 42 of the SEIS lists the names, status, and approximate distance of wind projects considered for possible cumulative impacts. The Noble Clinton Windpark is approximately 4.3 miles east of the Project, and became operational in 2008. The Marble River wind project is approximately 7.5 miles northeast of the Project and became operational in 2012.	SEIS Table 42
59	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.2: Avian Nocturnal Radar Survey In addition to the Noble Clinton and Marble River wind projects, a radar study was conducted in 2006 for the Noble Chateaugay project in Franklin County and is available in the DEIS for that project. The information from that report should be included in the analysis of local and regional data on nocturnal migrants. It should also be noted here that not all studies used 125 meters as a maximum turbine height. Marble River and Chateaugay calculated the percentage of targets below 120 meters. Among all radar studies in New York, the Clinton project had one of the highest percentages of targets below 125 meters in both spring and fall, and in both seasons Clinton and Chateaugay were above the state mean for targets below maximum turbine height (see attached radar table and map). Northern New York sites also had the lowest mean flight height among all regions in the fall and the second lowest in spring. The implications of these pre-construction data results are as yet unknown, as no post-construction surveys have been done that include radar to allow for comparison of pre-construction radar results and mortality rates	36	An updated discussion of nocturnal migrants is included in Section 2.3.1 of the SEIS. This discussion considers the revised Project layout and turbine height, as well as an updated literature review of studies completed since the DEIS. As noted in the SEIS, an updated review of literature was conducted by WEST, with the purpose of characterizing the magnitude of potential nocturnal migration over the Project site compared with other windfarms in New York (data from 21 wind farms reviewed) and the Northeastern United States (data from an additional 10 wind farms in Vermont, New Hampshire and Pennsylvania reviewed). Passage rates documented at two nearby radar study locations (Noble Clinton Windpark and Marble River Wind Farm) also show that the passage rate of nocturnal migrants in the vicinity of the Project site are relatively low when compared to other wind farms throughout the Northeastern United	SEIS Section 2.3.1

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			estimated by ground searches.		States.	
60	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.2: Discussion-Migratory Birds Although the results of radar studies near the Jericho Rise project area are generally similar to other studies in the state, the implications of pre-construction data results cannot be determined at this time, as no post-construction studies conducted in New York have incorporated radar. The statement that "impacts to avian migrants from the Jericho Rise project would be similar or less than other eastern and New York wind projects proposed" (Appendix E page 41) is based only on conjecture. A comparison of pre- and post-construction radar data in conjunction with post-construction ground searches will be the only way to determine the potential for pre-construction data to estimate the mortality rate at a given site.	37	Updated information on migratory birds is included in Section 2.3 of the SEIS, including an updated literature review of studies completed at other wind farms in New York and the Northeastern United States.	SEIS Section 2.3.1
61	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.3: Discussion-Breeding Birds Two state listed species are included in Table 7 as being observed on site during breeding bird surveys, the threatened northern harrier and threatened sedge wren, yet only the harrier is mentioned in this section (Appendix E page 42). Northern harriers are often recorded during breeding bird and migrant raptor surveys at proposed wind development sites in the state. Sedge wrens are rarely reported in BBS or migratory bird surveys at these same sites. The presence of six separate observations of this species within the project area during June and July is very notable, particularly since very few breeding records exist for sedge wrens in Franklin and Clinton Counties. The dates and survey points at which sedge wrens were observed placed on a map with proposed turbine layouts, roads, transmission lines, and other project components would be needed to fully evaluate the potential impact to this species. Other field notes with pertinent data on sedge wren observations would also be of interest. Upon review of this information, DEC may provide further comments regarding sedge wrens at this project site. Aspects of the post-construction surveys that include displacement/habituation monitoring for sedge wrens and other grassland/wetland nesting species will help to determine the impact of habitat fragmentation and the presence of tall structures on breeding success.	38	See response to Comment 51, an updated Breeding Bird study was completed for the SEIS. Note that no sedge wrens were noted in the Breeding Bird Survey report completed by WEST, which included data from surveys conducted during the spring and summer of 2015.	SEIS Appendix J
62	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.4: Migratory Bat Surveys The height of the elevated acoustical detectors at each location should be provided, as tree canopy level is variable. A table showing the dates that each of the six detectors was inoperable, the number of calls at each detector on each night sampled, detector height, and general habitat descriptions would be helpful in fully evaluating the acoustical data collected at this site. The dates sampled, August 3 until October 15, 2007, likely missed a portion of the fall bat migration, which begins the second or third week of July (Appendix E page 22).	39	An updated Acoustic and Mist-Net Bat Survey Report was completed by WEST and included in the SEIS. This report included the results of bat surveys conducted between June 17 and August 16, 2015. Bat survey methods and the survey locations were reviewed and approved by the USFWS.	SEIS Appendix K
63	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.5: Resident Bats More information should be provided on the methods and results of the mobile Anabat surveys and the mist netting surveys (Appendix E page 33). An appendix including the following information would allow for more thorough analysis of the resident bat data collected at this site: <ul style="list-style-type: none"> • The number of calls and species recorded at each mobile survey location/area; • The habitats at each mobile survey location; • The number and height of nets at each location; • The number of each species, and the date and time of capture at each station; • The habitat at each netting location; and • The weather conditions on each night that mobile acoustical and mist netting surveys were conducted. 	40	See response to Comment 62, updated studies completed for SEIS. Bat survey methods and the survey locations were reviewed and approved by the USFWS.	SEIS Appendix K
64	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.4: Discussion-Migratory Bats Although it is likely that bats constitute a greater percentage of the targets detected during a radar survey done in August than in September and October, a certain number of the targets detected in August are likely to be early migrant birds, such as shorebirds and waterfowl. These birds tend to fly at relatively high altitudes. The	41	See response to Comment 62, updated studies completed for SEIS.	SEIS Appendix K

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			typical flight height for most migrating bats is not known. When evaluating data indicating that more than 50% of the targets on a given night are passing through the zone of risk (less than 125 meters), the statement "the percentage of bats exposed to this risk is actually quite low" (Appendix E page 44) is misleading. It is possible that many of the higher-flying targets are birds, and most of the lower targets are bats, although there is no way to determine this for certain. Despite lower passage rates recorded during this August radar survey than for surveys done for longer periods in the fall, if bats are flying lower than early avian migrants, the majority of bats that are flying could be within the zone of risk, especially on those nights when over 50% of all targets were recorded within the zone of risk.			
65	NYSDEC, Tomasik, Stephen	5/9/08	<p>Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.4: Discussion-Migratory Bats</p> <p>A table providing the following for each night of data collection would allow for more thorough analysis of the radar data collected at this site:</p> <ul style="list-style-type: none"> • The total number of targets per night and by hour; • The mean, median, highest, and lowest values for passage rate, flight height and percentage below 125 meters; • The amount of time actually sampled on each night; and weather conditions on each night radar sampling was conducted. <p>Potential correlations between acoustical monitoring results and radar results may be found if nightly data are provided for each of these survey methods.</p>	42	See response to Comment 62, updated studies completed for SEIS.	SEIS Appendix K
66	NYSDEC, Tomasik, Stephen	5/9/08	<p>Appendix E: Avian and Bat Studies Final Report, January 2008 Section 3.6: Sensitive Species Surveys</p> <p>These surveys targeted nesting habitat for listed threatened, endangered and special concern species, 15 of which may be found within the project area (Appendix E pages 35, 36). Bald eagle, golden eagle, peregrine falcon, northern harrier, and sedge wren were observed during the presence/absence surveys. As surveys were conducted during daylight hours in June and July, it would not be expected that short-eared owls would be observed, as this species is typically active in the late evening to dusk hours during winter. When assessing possible impacts to listed species, the report did not take into account the winter season when short-eared owls, rough-legged hawks, northern harriers, and snowy owls are most likely to be on site. Some of these species are not expected to be observed during surveys conducted in the summer. When evaluating the possibility of listed species using the project area, wintering birds should not be overlooked simply because they were not observed during summertime diurnal surveys.</p>	43	<p>During the original study plan development, the agencies (NYSDEC, USFWS) did not raise concerns over winter bird use for the Jericho Rise Project.</p> <p>The Eagle Observation Study (summarized in Section 2.3.1.4 of the SEIS and Section 2.3 of the FEIS) was conducted between January 6 and December 23, 2015. This study collected data on use by bald and golden eagles, as well as other raptors occurring on-site. This study did document use by rough-legged hawk and northern harrier, although short-eared owls were not observed.</p> <p>The comment is noted; however, short-eared owl use of the Project area is not expected due to the vegetation cover. Short-eared owls occur from the high arctic to mid-latitudes and offshore islands in North America and are typically associated with open country supporting cyclic small mammals (voles, lemmings), such as large expanses of prairie, coastal grasslands, heathlands, shrub-steppe, and tundra. They will also use agricultural areas and large patches of tall, dense, ungrazed grassland (Wiggins et al. 2006). During the winter, short-eared owls occur in similar habitats, including stubble fields, fresh and saltwater marshes, weedy fields, dumps, shrub thickets, dense grasslands, open pastures and fields with low woody vegetation (Wiggins et al. 2006)¹. While open fields are present, there is a substantial amount of woodland and forest in the Project area reducing the suitability of the site to short-eared owls. The open field habitats in the Project area are probably suitable for short-eared owl occurrence, but the presence of the forested areas, especially in the southern half of the Project area, likely limits use by short-eared owls, and they are not expected to regularly occur in the Project area in any season.</p> <p>Notwithstanding the above assessment that short-eared owl occurrence in the project area is expected to be low, the post-construction monitoring study will address potential impacts to short-eared owls in that it addresses impacts to all bird and bat species potentially occurring in the area. All fatalities of birds or bats will be included in the post-construction monitoring study.</p> <p>See also response to Comment 51, updated studies completed for SEIS.</p> <p>¹Wiggins, D.A., D.W. Holt, and S.M. Leasure. 2006. <i>Short-eared Owl (Asio flammeus)</i>. The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology. Available at:</p>	SEIS Section 2.3.1.4 SEIS Appendix J FEIS Section 2.3

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67	NYSDEC, Tomasik, Stephen	5/9/08	Appendix E: Avian and Bat Studies Final Report, January 2008 Section 4.5: Discussion-Sensitive Species In addition to northern harriers, a discussion of sedge wrens, which were recorded during presence/absence surveys and BBS, should be included here (Appendix E page 45). Currently, potential impacts from habitat fragmentation are a greater concern for this species than collision impacts, and the effect a wind project may have on nesting success and habitat occupation by this species needs to be evaluated.	44	http://bna.birds.cornell.edu/bna/species/062/articles/introduction . Sedge wren was not observed during 2015 surveys. In addition, it was not identified as a concern with site-specific correspondence with New York Natural Heritage Program or US Fish and Wildlife Service. Sedge wren was also not identified on the Breeding Bird Atlas (BBA) for blocks 5697C, 5697D, 5696A, and 5696B for either the 1980-1985 BBA or the 2000-2005 BBA. See Table 17 of the SEIS. Also see response to Comment 51, updated studies completed for SEIS. Bird habituation and avoidance studies will be included in the post-construction monitoring, if requested by the agencies, which will help address concern over habitat occupation by species.	SEIS Appendix J SEIS Table 17
68	NYSDEC, Tomasik, Stephen	5/9/08	Visual Impacts. DEC Visual Policy defines an aesthetic impact as that which occurs when there is a detrimental effect on the perceived beauty of a place or structure identified as a significant scenic or aesthetic resource.5 Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place. For each potentially affected resource, a determination should be made as to whether visibility of one or more turbines results in diminished public enjoyment or appreciation of the resource, or impairs its character or quality. This determination should be made on the basis of the existing visual setting of the inventoried resource and the likelihood that visibility of the proposed project will compromise the existing setting and diminish public enjoyment of that resource. New York State Department of Environmental Conservation. Assessing and Mitigating Visual Impacts. ONLINE. 31 Jul. 200. DEP-00-2. Available: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf [09 May 2008].	45	The revised SEIS Project has a slightly different layout and a different turbine model than the DEIS. As such, an updated discussion of impacts to aesthetic and visual resources in the vicinity of the Project is provided in the Supplemental Visual Impact Analysis (SVIA) (SEIS Appendix M) and summarized in Section 2.5 of the SEIS. In addition, a Historic Architectural Survey was completed in 2015, (summarized in Section 2.6 of the SEIS and Section 2.3 of the FEIS) which evaluated visual impacts on historic structures. All visually sensitive resources identified within 7.5 miles of the Project site, as well as potential Project visibility from these sites is discussed in Section 5.4 and summarized in Table 4 of the SVIA. Visual simulations were also performed at nine viewpoints, and visual impact of the Project was evaluated based on visibility, contrast, and viewer expectations (Table 25 of the SEIS). The visual simulations were updated for the final layout, and are included as Figure 12 of the FEIS.	SEIS Section 2.5 SEIS Section 2.6 SEIS Appendix M SEIS Table 25 FEIS Section 2.3 FEIS Figure 12
69	NYSDEC, Tomasik, Stephen	5/9/08	The Visual Impact Assessment (VIA), included in Appendix F of the DEIS, states that the visual study area included a 7.5 mile radius around the project development area in response to scoping comments from the Towns of Chateaugay and Bellmont (Appendix F page 3-1). The VIA identified several sites that the DEC Visual Policy considers scenic resources of statewide significance within the standard five-mile visual study area, and within the extended 7.5 mile visual study area. These include a total of up to 167 sites currently listed on or eligible for the National Register of Historic Places (Appendix F page 3-6, 3-7). The VIA indicates that at the time the report was prepared, the inventory of potentially eligible architectural historic resources had not been completed, and an updated evaluation of visual impacts is anticipated once this is completed (Appendix F page 3-7). This revised VIA should be included in the FEIS or an SDEIS should one be required.	46	The Historic Architectural Survey was completed in 2015; the results are summarized in Section 2.6 of the SEIS and Section 2.3 of the FEIS. This survey included an inventory of previously identified historic resources, newly identified historic resources, and their eligibility status for the National Register of Historic Places. Also see response to Comment 68, updated studies completed for SEIS.	SEIS Section 2.5 Appendix M FEIS Section 2.3
70	NYSDEC, Tomasik, Stephen	5/9/08	Appendix F Section 5.4, Impacts to Visually Sensitive Resources, states that the proposed project would have a visual impact on some of the sensitive resources identified in the standard and extended visual study areas, including properties listed or eligible for the National Register (Appendix F page 5-17). Additionally, High Falls Park and Campground, a sensitive resource of regional or local significance, would likely experience a high level of visual impact (Appendix F pages 5-19, 5-20).	47	High Falls Park is one of the viewpoints selected for visual simulations. See SEIS Figure 12 and FEIS Figure 12. See response to Comment 68, updated studies completed for SEIS.	SEIS Section 2.5 SEIS Appendix M SEIS Figure 12. FEIS Section 2.2.3 FEIS Figure 12
71	NYSDEC, Tomasik, Stephen	5/9/08	Appendix F Section 6, Mitigation, describes options considered according to the DEC Visual Policy. Screening is not generally considered effective to reduce project visibility from a large number of turbines, but could be effective at some sensitive locations that currently lack trees (Appendix F page 6-1). The FEIS, or SDEIS should one be required, should include an analysis of specific sensitive visual resources where this mitigation method may be feasible. The remaining suite of mitigation options other than offsets are either considered not feasible (relocation of a large number of turbines, downsizing, alternate technologies), or are already included in the project design (camouflage, nonspecular materials, lighting, maintenance). The VIA states that results of the initial study do not suggest that offsets are warranted for the identified impacts (Appendix F page 6-2).	48	See response to Comment 68, updated studies completed for SEIS. The feasibility of various mitigation measures is discussed in both the VIA and SVIA.	SEIS Section 2.5 SEIS Appendix M SEIS Appendix N

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			DEC recommends that a determination regarding employment of offsets be withheld until the final VIA is completed and presented in the FEIS or SDEIS should one be required. DEC Visual Policy states that offsets should be employed when other types of mitigation would be uneconomic or only partially effective. As the analysis above indicates that many of the standard mitigation options may not be feasible in this situation, offsets may be the only remaining mitigation option available.			
72	NYSDEC, Tomasik, Stephen	5/9/08	Cultural and Archeological Resources. If any state agency approvals or permits are needed for this project, compliance with the New York State Historic Preservation Act of 1980, Section 14.09, will be necessary. In addition, should federal agency approval or permitting be needed, compliance with Section 106 of the National Historic Preservation Act will be required. The FEIS, or SDEIS should one be required, should identify the extent of any state or federal agency involvement and discuss the status and results of any historic preservation studies undertaken.	49	Phase 1B surveys were completed in 2008 and 2015. Results of these surveys are summarized in SEIS Section 2.6. Consultation with NYSOPRHP since release of the SEIS is summarized in FEIS Section 2.3.	SEIS Section 2.6 SEIS Appendix Q FEIS Section 2.3 FEIS Appendix H
73	NYSDEC, Tomasik, Stephen	5/9/08	DEIS Section 2.6, Historical, Cultural and Archeological Resources, states that a Phase 1A archeological study was prepared (DEIS page 2-109). The Phase 1A report recommends a Phase 1B archeological survey for most of the project Area of Potential Effect (APE) for archeological resources. A Phase 1B sampling program is being designed in consultation with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) (DEIS page 2-110). During the OPRHP consultation process, the project sponsor should discuss all project components that may result in ground disturbance, including modification of public roads, construction of laydown areas, grading activities in potential wetland mitigation areas, etc. The Phase 1B sampling program, documentation of the OPRHP consultation process, and an effect determination from OPRHP should be included in the FEIS or SDEIS should one be required. If potential adverse impacts are identified, the FEIS, or SDEIS should one is required, should include a discussion of avoidance and mitigation options available to address these impacts, beyond the general statement in Section 2.6.3.1, Mitigation Measures, Archeological Resources, that the project would be modified to the extent practicable if it is necessary to avoid archeological sites (DEIS page 2-112).	50	See response to Comment 72. The effect determination for archaeological resources is attached to the FEIS in Appendix H.	SEIS Section 2.6 FEIS Appendix H
74	NYSDEC, Tomasik, Stephen	5/9/08	DEIS Section 2.6.2.2, Architectural Resources, states that studies are being performed to determine if the project may be visible or audible from structures listed or eligible for listing on the National Register of Historic Places (DEIS page 2-112). As stated in the section above dealing with visual impacts, this survey should be completed and the results used to prepare a final VIA, to be included in the FEIS or an SDEIS should one is required. A record of the OPRHP consultation process and an impact determination from that agency should also be included.	51	See response to Comment 68. Updated viewshed studies were completed for the SEIS, including additional potential visual review of impacts on above-ground historic structures. Note that the SEIS concluded that historic architectural resources will be adversely impacted. The Applicant, in cooperation with SHPO and the Co-Lead Agencies, is in the process of developing a mitigation strategy and will sign a Memorandum of Agreement (MOA) regarding appropriate mitigation measures. See Section 2.3 of the FEIS.	SEIS Section 2.6.3.2.2 FEIS Section 2.3
75	NYSDEC, Tomasik, Stephen	5/9/08	Section 2.6.3.2, Mitigation Measures, Architectural Resources, states that if studies indicate the project would result in adverse impacts to historic properties, some redesign of the project layout might be feasible (DEIS page 2-113). If avoidance is not possible, the project sponsor would expect to work with agencies and interested parties to develop mitigation measures that would be stipulated within a Memorandum of Agreement (MOA). The FEIS, or SDEIS should one be required, should provide a fuller discussion of the practical opportunity for avoidance and expand upon the short list of mitigation options presented in this section with a discussion of mitigation projects that might be included in the MOA.	52	The SEIS concluded that historic architectural resources will be adversely impacted. See Section 2.6.3.2.2 for a discussion of possible mitigation projects, including some that have been proposed for other wind farms in New York State. The applicant, in cooperation with SHPO and lead agencies will develop a Memorandum of Agreement and mitigation strategy. Consultation between the Towns, NYSOPRHP, and the Applicant will ensure the mitigation projects undertaken are meaningful and appropriate. See Section 2.3 of the FEIS.	SEIS Section 2.6.3.2.2 FEIS Section 2.3
76	NYSDEC, Tomasik, Stephen	5/9/08	Section 3.3 of the DEIS describes an environmental compliance and monitoring program to include planning, training, pre-construction coordination, and construction/restoration inspection (DEIS pages 3-6, 3-7). DEC recommends that the environmental monitor be empowered to order correction of acts that violate environmental regulations and permit requirements, and order the cessation of construction activities until such corrective action has occurred. The monitor should also provide regular reports to appropriate involved and interested agencies, including DEC staff responsible for permitting and technical review of agency permits. Because seasonal conditions often allow for extension of the construction schedule to include nighttime hours or weekends, the monitoring plan should	53	The SEIS confirms that a formal environmental compliance and monitoring program will be developed and an Environmental Inspector will be employed to ensure compliance with the program. The Environmental Inspector will have the authority to stop work if non-compliance with environmental regulations or permit conditions is observed, and will report instances of non-compliance and corrective actions taken. Pre-construction and construction monitoring will be performed in accordance with USACE and NYSDEC requirements as outlined in the Joint Application for Permit submitted in December 2015 (FEIS Appendix A)	SEIS Section 3.3 FEIS Appendix A

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			include assurance that monitors will be available to provide coverage at all times that construction activities occur. These provisions will be requirements of any DEC permits that may be necessary for project construction.			
77	NYSDPS, James Austin	4/25/08	<p>DPS includes the Staff of the Public Service Commission (PSC) and is an involved agency in the State Environmental Quality Review Act (SEQRA) review of the project. Pursuant to Public Service Law (PSL) §68, the facility owner would be required to obtain a Certificate of Public Convenience and Necessity (CPCN) for a wind generating project proposed to operate above 80 megawatts (MW). The §68 review would include consideration of the capability of the developer to function as an electric corporation and to provide safe and reliable service.</p> <p>As pointed out in previous correspondence, the §68 review can only proceed following receipt of an application to the PSC by the developer; to date no such petition has been received. Such a petition must include a verified statement by a responsible official of the company showing that it has received all legally required municipal consents giving it the right to use town property, such as the rights-of-way of public streets. Consideration of a §68 petition will also require that DPS coordinate review with the Office of Parks, Recreation and Historic Preservation (OPRHP) pursuant to §14.09 of the Parks, Recreation and Historic Preservation Law, unless there is a federal agency review that implements §106 of the National Historic Preservation Act.</p>	1	Comment noted. The Project will not operate above 80 MW, and PSL §68 does not apply. Jericho Rise will also continue to work with the Public Service Commission as an interested agency in the SEQRA process.	SEIS Section 1.10 SEIS Table 5
78	NYSDPS, James Austin	4/25/08	<p>The Draft Environmental Impact Statement (DEIS) contains several statements of a general nature regarding the long-term beneficial effects on the use and conservation of energy resources. The DEIS states that "the Project will displace some of the state's older, less efficient, and dirtier sources of power and, at a minimum, will stave off the need to build new fossil fuel plants" (Pg. ES-6); "the Project will generally displace power provided by on-demand/peaking power plants...these plants are mainly fossil fuel thermal plants with relatively high air emissions...The Project will displace roughly: 111 tons of NOx; 466 tons of SO2; 91,085 tons of CO2...the proposed Project would have a net positive impact leading to healthier air and reduce climate changing impacts associated with fossil-fuel-burning plants" (DEIS pp. 2-71 through 2-72). Section 8.0 contains many general statements regarding wind power and emissions reductions, as well as cost savings due to displacement of fossil fuels generation.</p> <p>The project is proposed to interconnect to the transmission grid that is regionally supported primarily by hydro-electric generating facilities, a modern gas-fired cogeneration facility, new wind power projects, and a biomass-fired facility located within Chateaugay. The DEIS should be supplemented with an analysis of system operations that more specifically identifies the effect that the proposed wind powered Project will have on the transmission and generation facilities interconnected to this transmission system, and identify more specifically whether displacement of fossil, wood, hydro-electric, or other wind generation is likely to result. Analysis should consider potential effects on hydro-electric power output and low-priced Power for Jobs access to the bulk transmission system.</p>	2	<p>An updated discussion of the effects of the use of wind energy such as the Project, and the conservation of energy resources is included in Sections 1.4 and 8.0 of the SEIS. This includes a discussion of the Project and its relationship to national and NY State Energy Plans which seek to further reduce the emission of greenhouse gases, as well as to increase the production of energy.</p> <p>An updated discussion of the impacts of the Project on climate and air quality, including an assessment of the avoided air emissions is included in Section 2.4 of the SEIS.</p> <p>It is not practical to provide supplemental analysis of the Project operation on the overall electric grid system operations. The Project supports state-wide energy policies and goals of promoting increased use of pollution-free, renewable energy sources.</p>	SEIS Section 1 SEIS Section 2.4 SEIS Section 8.0
79	NYSDPS, James Austin	4/25/08	Discussion of the No Action alternative at part 4.1 recites many of the generic conclusions regarding offset of emissions from fossil fuel plants. The No Action alternative will likely warrant revision to more responsibly identify the actual predicted effects, including operation and output from other renewable and clean energy generation facilities connected to the regional transmission grid.	3	Please see the response to Comment 78 (NYSDPS).	SEIS Section 4.1
80	NYSDPS, James Austin	4/25/08	Environmental Benefits discussion (part 7.12) should be revised following consideration of potential offset or reduction of other renewable generation facilities, including hydro-electric power, biomass, and other wind-powered generation in the Project area/region.	4	See response to Comment 78 (NYSDPS).	SEIS Section 7.12
81	NYSDPS, James Austin	4/25/08	Interconnection Substation Facilities describes fencing and lighting requirements. Lighting should be designed to preclude off-site light trespass and glare. Drop-down optical fixtures should not be allowed. Task lighting should be controlled by manual switch, rather than motion-sensor activated, which can be activated by animals and wind-blown debris.	5	Jericho Rise will take these comments into consideration as lighting plans are developed in coordination with NYPA, the transmission owner. Safety regulations will be adhered to base on coordination with NYPA.	SEIS Section 2.5.2.2.1
82	NYSDPS, James Austin	4/25/08	Substation locations should detail revised site plans, which should include relevant property information, such as location of property lines, tax parcel numbers of site and adjoining properties, setbacks from property lines, any area requirements of	6	Upon consideration of two potential sites, a preferred substation site has been selected. The selected site is currently owned by Jericho Rise and is already used as a switchyard.	SEIS Section 1.5.6 FEIS Figure 2

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			local laws, temporary and permanent access roads, and laydown areas for construction.		A general substation footprint, including access road and temporary construction laydown areas is included in the FEIS (Figure 2).	
83	NYSDPS, James Austin	4/25/08	Also, see Appendix B - Figure labeled "Collection Station" indicates connection to "Lockport - Oakfield #112." That line is located in Niagara and Genesee Counties in western New York and well outside of the Project area. The figure should be revised.	7	Reference to the Lockport-Oakfield #112 transmission line was incorrect. The Project will connect at the NYPA Willis 115kv Substation.	
84	NYSDPS, James Austin	4/25/08	Section 2.2.2 Wetlands - Anticipated Impacts Discussion at page 2-30 indicates that the overhead collection system would require vegetation clearing within a 150-foot wide corridor. While the DEIS states that wetlands are not crossed by the overhead collection system, the stated clearing width for any forest cover type is excessive for a 34.5 kV collection line.	8	See response to Comment 28 (NYSDEC).	SEIS Sections 1.5, 1.6 SEIS Table 3 FEIS Section 2.2.1 FEIS Appendix A
85	NYSDPS, James Austin	4/25/08	Section 2.5 Visual Impact Section 2.5.2.2.2 identifies impacts at Viewpoint 19 which do not appear compatible with the park-like setting, and turbine size and number "overwhelm the existing features of the landscape" (pg. 2-96). The DEIS does not offer any mitigation for this identified impact.	9	Based on the revised Project layout and turbine model, a Supplemental Visual Impact Assessment (SVIA) was prepared, including the assessment of visibility and visual impact from viewpoint 19. The impact level from this viewpoint was determined to go from "High" (at the time of DEIS) to "Moderate" (at the submission of SEIS).	SEIS Section 2.5.2.2.2 SEIS Table 25 SEIS Appendix M
86	NYSDPS, James Austin	4/25/08	Discussion of substation lighting at page 2-96 indicates substation lighting. See comments above re: appropriate lighting design and controls. Mitigation described at page 2-106 indicates use of motion activated lighting for use "as-needed." As-needed or task lighting should be operated by manual switch rather than relying on motion activation.	10	See response to SEIS Comment S-43 in Section 4 of the FEIS. In their comments on the SEIS, USFWS recommended motion-activated lights. Consistent with this recommendation by USFWS, substation lights will be motion-activated, to minimize light spillage from the station. Throw-over switches will allow lights to remain on when maintenance work is being performed at the substation, and lighting is required.	FEIS Section 4, Response to Comment S-43.
87	NYSDPS, James Austin	4/25/08	Section 2.6 Historical, Cultural, and Archaeological Resources The analysis is not complete, due to the incomplete survey and analysis of historical resources in the area of potential affect of the Project. The survey, impact analysis and mitigation plan options should be provided as a supplement to the DEIS. Consideration of mitigation measures for adverse effects should first assess direct mitigation measures such as turbine relocation, or project down-sizing; then assess indirect mitigation measures such as screening. Only after consideration of direct and indirect mitigation measures have been exhausted should development of offset measures be relied upon for adverse effect mitigation. Historic structures analysis should consider the landscape setting of structures; potential change in setting due to project construction and operation should include consideration of facility components including wind turbines and overhead electric lines.	11	Please see responses to Comments 2 and 3.	SEIS Section 2.6 FEIS Section 2.3 FEIS Appendix H
88	NYSDPS, James Austin	4/25/08	Section 2.11 Community Facilities and Services Proposed wind turbine locations should be reviewed for setback distances from major utility transmission facilities operating or designed for operation at 115 kV or greater voltages, including NYPA and NYSEG lines in the Project area. In a recent decision, the Public Service Commission (PSC) stated: In the future, we may, as conditions warrant require a minimum setback distance of 1.5 times the maximum turbine blade tip height from the edge of the right-of-way of any electric transmission line designed to operate at 115 kV or more. (Case 07-E-0213, Sheldon Energy LLC, order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued January 17, 2008)). The developer should identify setback distances and adjust turbine locations to address the PSC setback policy. This setback distance should comport with the zoning and applicable setback distances specified in local laws, as discussed at part 2.13.1.2 in the DEIS. The statement at page 2-189 regarding waivers of required setback distance from the Project site boundary is not explained. The minimum 1.5 times maximum height setback should not be waived for any turbine components in relation to electric transmission lines as discussed above.	12	The Project will satisfy all setback distances from transmission lines required by applicable electrical safety codes and regulations.	N/A
89	NYSDPS, James Austin	4/25/08	Discussion of parks and recreation impacts (page 2-178) identifies a potential mitigation measure to remove overhead line crossing of the Chateaugay River to the existing NYPA transmission corridor crossing of the river. As discussed at page 2-30, the DEIS indicates that the overhead collection system would require vegetation clearing within a 150-foot wide corridor. Clearing of a 150 feet wide right-of-way at the Chateaugay River for an overhead crossing by the 34.5 kV line is not necessary. The existing NYPA right-of-way at the Chateaugay River includes	13	The Project has been revised to remove this overhead line crossing.	SEIS Figure 2

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			two separate 230 kV high voltage transmission lines, with greater clearance requirements, on a cleared corridor approximately 200 feet wide. Clearance of 150 feet for the 34.5 kV line represents an excessive visual effect at an important recreational resources. An analysis of alternative alignment to consolidate facilities crossings of the river should be provided.			
90	NYS DPS, James Austin	4/25/08	Part 7.8 Traffic and Transportation The cumulative project construction schedule reported at page 7.8 should be revised to represent the current schedule for the Marble River Wind Farm project, which will include significant construction activities into summer of 2009.	14	Marble River Wind Farm became operational in 2012, and other nearby wind projects became operational in 2008 and 2009. Since construction of these projects has been completed for several years, no cumulative impacts to traffic and transportation routes are expected as a result of Project construction. Any future wind projects, or other major construction projects in the area, are not anticipated to be built during 2016, when the Jericho Rise Project will be under construction. Thus there should be no cumulative traffic impacts resulting from future projects.	SEIS Section 7.8
91	NYS Ag & Mkts, Matthew J. Brower	4/17/08	Section 2.3.3.2 of the DEIS includes a brief discussion of a "post-construction bird and bat monitoring program." The Department has observed the post construction study being conducted at the Maple Ridge Wind Farm and has noted that a significant amount of agricultural land has been temporarily taken out of production as a result of the study. If a similar study is anticipated, the potential agricultural impacts should be provided prior to completion of the FEIS for review and comment. Such impacts include the number of acres of agricultural land that will be temporarily taken out of production.	1	The post-construction monitoring plan is under development in consultation with the NYSDEC and USFWS. Concerns expressed in this comment will be taken into consideration during the development of this plan to minimize impacts on agricultural production. Jericho Rise will attempt to minimize the alteration of productive agricultural lands when developing its mortality search study plan.	SEIS Section 3.3
92	NYS Ag & Mkts, Matthew J. Brower	4/17/08	Section 3.3 includes a discussion of the "Environmental Compliance and Monitoring Program" that will be developed for the project. The plan should state that the environmental inspector will be on site whenever construction activities are taking place. To preserve objectivity during compliance inspections, the Department recommends the project sponsor provide funding for the lead agency to hire the environmental inspector.	2	An environmental monitor will be present during construction activities that have the potential to disturb habitat or agricultural fields to document compliance with the compliance and monitoring program. A full-time monitor will be appointed by the contractor selected by the Applicant to build the Project. In addition, the Applicant will engage a separate environmental monitor to provide training and oversee on-site compliance on a regular basis throughout construction and restoration.	SEIS Section 3.3
93	NYS Ag & Mkts, Matthew J. Brower	4/17/08	Appendix C of the DEIS includes the "Agricultural Protection Measures" that will be followed during and after construction to minimize the impacts to agricultural land. Page 5 of the proposed measures includes a statement that "[i]n active pasture land, the contractor shall immediately pick up and dispose of all pieces of wire, bolts, staples or other small metallic objects that fall to the ground in such areas." The removal of such pieces of metal should occur in all agricultural areas to prevent mixing with crops harvested for animal feed.	3	Metallic objects will be removed from agricultural areas. To minimize adverse impacts on agricultural land use, construction activities will be conducted in compliance with the NYSDAM Guidelines for Agricultural Mitigation for Windpower Projects (SEIS Appendix B).	SEIS Section 2.13.2.1.3 SEIS Appendix B
LOCAL AGENCY COMMENTS						
94	FIDA, Brad Jackson	4/11/08	Please note that the County of Franklin Industrial Development Agency's involvement in the "Horizon Jericho Rise Chateaugay Windpark and Horizon Jericho Rise Belmont Windpark Project" will stem from the project applicant's (Horizon Powers) intent to use the powers granted by this public benefit corporation to obtain a sales and use tax exemption letter and a payment-in-lieu-of-tax structure. New York State law requires this Agency to conduct both a cost-benefit analysis and SEQR review in its administrative review of this project.	1	As an involved agency, the IDA's responsibilities under SEQRA include commenting in a timely manner on the DEIS, considering the relevant environmental impacts, facts, and conclusions disclosed in this FEIS, and weighing and balancing relevant environmental impacts with other considerations. See 6 NYCRR §§617.3(c), 617.11(c), (d). The involved agency must carry out these responsibilities "with minimum procedural and administrative delay," and "must avoid unnecessary duplication of reporting and review requirements." 6 NYCRR §617.3(h).	N/A
95	FIDA, Brad Jackson	4/11/08	It would be this Agency's intention not to compartmentalize the cost-benefit analysis with the SEQR review - but that they are concurrent activities.	2	As noted in the response to Comment 94 (FIDA), SEQRA requires that unnecessary duplication of review requirements be avoided by involved agencies. If the IDA plans to conduct the type of analysis to which the comment refers, or the types of "cost-benefit" analyses referred to in Comment 94 (FIDA) or Comments 100 and 101 (FIDA), the time to do that is before the FEIS is accepted, so that unnecessary duplication of review processes may be avoided. Note that an updated socioeconomic analysis of the project, including an economic analysis through the Job and Economic Development Impact (JEDI) model (developed by a facility of the US Department of Energy) was prepared. See Section 2.9 of SEIS.	SEIS Section 2.9
96	FIDA, Brad Jackson	4/11/08	Therefore, the Agency would like to review, comment, and mitigate on the following aspects of this part as part of its cost-benefit and SEQR review: (1) Impact on infrastructure: The Agency's focus will be on public utility and transportation infrastructure; (2) Impact on community services: The Agency would like to ensure that the	3	The Jericho Rise Wind Farm will provide a net benefit to the host communities on the three points raised. Direct improvements to existing roads to accommodate Project construction and maintenance and operation will be long term and benefit others using these roads. Community services will be enhanced through the additional municipal revenue introduced to the	SEIS Section 2.9

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			affected taxing jurisdictions are not substantially harmed by loss of revenue vis-à-vis the project's impact on the community; (3) Impact on growth and character of community: The Agency will consider the regional and local implications of this project on the Community's and County's ability to attract subsequent investment.		community by the Project. The long term economic vitality of the community and the ability to attract subsequent investment will be aided by both the municipal revenue and property owner revenue created by the Project. Note that an updated socioeconomic analysis of the project, including an economic analysis through the Job and Economic Development Impact (JEDI) model (developed by a facility of the US Department of Energy) was prepared. See Section 2.9 of SEIS.	
97	FIDA, Brad Jackson	4/11/08	Regarding the latter point, the opportunity costs associated with this project are potentially immense. This Agency is sensitive to the County's well-being and its current community economic development index - one that associates this County with Appalachian West Virginia. An investment project which on the surface extracts our natural endowment (i.e. wind) to the exclusion of any other investment - either by the project applicants or subsequent investors - smacks of an Appalachian experience. This potential impact on the existent and perpetual character of the community and the County will be part of the focus of this Agency's investigation and mitigation.	4	The DEIS addressed the potential impacts of the Project on land use and development, and community character within the Project area. As set forth in the DEIS, the Project will not be incompatible with current or anticipated future uses of land in the Project area (see DEIS Sections 2.13.2.1, 2.13.2.2). Further, the study of the costs and benefits of Noble Chateaugay and Bellmont Windparks conducted for the Franklin County IDA by the Center for Governmental Research in June, 2007 (and published as an appendix to the FEIS for those projects) found that no firm conclusions could be drawn about the possible impacts of the Noble projects on follow-up investment in the county. Note that an updated socioeconomic analysis of the project, including an economic analysis through the Job and Economic Development Impact (JEDI) model (developed by a facility of the US Department of Energy) was prepared. See Section 2.9 of SEIS.	SEIS Section 2.9
98	FIDA, Brad Jackson	4/11/08	Therefore, I would request that Horizon Power quantify the impact of its wind-farm projects Statewide (and nationwide) on follow-on investment within the project's view-shed. This is most significant since the Agency is invested in Chateaugay (i.e. industrial park) and County policy (as articulated in its Comprehensive Economic Development Strategy) identifies the critical importance of the US Route 11 and NYS 374 Crossroads as the center of gravity for the County's economic development prospects. What has been the trend in housing starts, business formation (investment in property, plant and equipment) and business growth (increases in inventories) prior to and after the windfarm investment at Horizon's other project sites? These expenditures represent the most significant component of gross domestic product (GDP). Thus the potential of this project for future growth and investment must be quantified - and, if negatively impacted, mitigated.	5	Jericho Rise is not aware of studies that have directly examined the issues raised in this comment. As set forth in the response to Comment 97, however, the Project is not expected to be incompatible with current or anticipated future land uses in the Project area. Further, experience in the areas around operating wind energy projects in rural areas of New York (for example the Fenner and Maple Ridge projects) is that the presence of a wind energy project enhances the economic viability of the host communities because of the project's positive impacts on municipal budgets. As previously noted, an updated socioeconomic analysis of the project, including an economic analysis through the Job and Economic Development Impact (JEDI) model (developed by a facility of the US Department of Energy) was prepared. See Section 2.9 of SEIS.	SEIS Section 2.9
99	FIDA, Brad Jackson	4/11/08	With respect to Horizon's Draft EIS it notes a potential PILOT structure that equates to \$8,000 per MW. There is no reference to a "capacity royalty payment." Any payment level to the affected taxing jurisdiction that does not mirror the previous revenue offer (as a minimum) would be an issue with this Agency.	6	Jericho Rise believes the \$8,000/MW number used in the DEIS is a reasonable assumption based upon other projects recently developed in similar areas of the State, but it is still under negotiation. No previous offer was made by Jericho Rise.	N/A
100	FIDA, Brad Jackson	4/11/08	With respect to Horizon's application, this Agency would like to note that the company has adversely affected Franklin County taxpayers vis-à-vis the Company's windfarm project on the Tug Hill Plateau in Lewis County. The delivery - or spot zoning - of the NYS Empire Zone benefits to the project towers has resulted in a substantial State subsidy to Horizon Power - courtesy of Franklin County taxpayers. Thus, Horizon Power should mitigate the County of Franklin for this benefit that Franklin County taxpayers are partly underwriting. This mitigation should consist of a payment to Franklin County consistent with the per-capita obligation that the County is underwriting for this State subsidy. As part of the Agency's cost-benefit analysis we will attempt to quantify this liability to the County and seek mitigation from the company.	7	The comment appears to be referring to the Empire Zone designation established with respect to the area that includes the Maple Ridge Wind Farm, a project which is jointly owned by affiliates of Jericho Rise and affiliates of PPM Wind Energy. The Empire Zone designation for the area in which that project is located was lawfully established by the Empire Zone designation board in accordance with applicable procedures and standards in State law. The benefits available to the Maple Ridge Wind Farm as a certified business located within an Empire Zone are equally available to all businesses in all Empire Zones within the State that qualify for such benefits. The Maple Ridge Wind Farm is one of nearly 10,000 businesses in New York that receive Empire Zone benefits. To the extent that the comment complains about the costs to the State of the Empire Zone program, the comment is not properly a comment on the Jericho Rise Project. Rather, it is a general comment that should be directed to the State Legislature and State economic development policy-makers. To the extent that the comment suggests that Franklin County directly "underwrites" any economic benefits available to the Maple Ridge Wind Farm (or any other project) under the Empire Zone program, the comment is mistaken. The costs of Empire Zone benefits impact the State's overall income tax receipts, but do not fall directly upon any municipality or county.	N/A

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101	FIDA, Brad Jackson	4/11/08	With respect to Horizon's application, this Agency would like to note that the company has adversely affected the Village of Chateaugay vis-à-vis the Company's wind farm project on the Tug Hill Plateau in Lewis County. The robust State benefits to the Tug Hill projects were a unique benefit to the company that State policy has eliminated for future projects. The policy outcome effectively ended spot zoning of County-wide Empire Zone Programs - such as Franklin County's - with the result that County-wide programs had to consolidate their Zone boundary into six contiguous zones. As a result, the Village of Chateaugay's Main Street Empire Zone was effectively eliminated from the County program. Thus, Horizon should mitigate the Village of Chateaugay (or the Chateaugay Revitalization Committee) for the lost value of this asset. As part of the Agency's cost-benefit analysis we will attempt to quantify this lost value and seek mitigation from the company.	8	The suggestions that there is a cause and effect relationship between the Empire Zone benefits for which the Maple Ridge Wind Farm qualifies and changes in the Empire Zone program, and that the changes in the Empire Zone program had a direct, actual adverse effect on the Village of Chateaugay are speculative, and oversimplify complex political and economic decision-making by the State Legislature that involved consideration of a broad array of factors. Further, and as noted above, the comment does not pertain to the impacts of the Jericho Rise project, but rather only to the impacts of external State economic development policy decisions unrelated to the Jericho Rise Project.	N/A
102	Franklin County Attorney, Jonathan Miller	4/30/08	Franklin County is concerned regarding the damage caused to County owned highways as a result of the repetitive use of the road by vehicles used in these projects. Franklin County hereby requests appropriate monetary reimbursement for road damage done as a result of the project; or in the alternative, that restoration to the County highways is made to place the roads in the same condition as they were prior to the commencement of the project. The County Highway Superintendent would decide an appropriate money amount or approve the restoration to the roads to his satisfaction.	1	Jericho Rise has executed a Road Use Agreement with Franklin County as of February 2016.	SEIS Section 2.8
103	Franklin County Attorney, Jonathan Miller	4/30/08	The County also wishes to be advised of any meetings involving the municipalities and the wind park companies regarding anticipated PILOT programs.	2	Jericho Rise will work with the IDA to keep Franklin County informed of PILOT agreement development meetings. The Franklin County Industrial Development Association and Jericho Rise are currently negotiating a PILOT agreement. However, terms have not been finalized and no PILOT agreement has been executed.	N/A
PUBLIC COMMENTS – IN CHRONOLOGICAL ORDER						
104	Rogers, George	4/7/08	<p>There is a significant amount of evidence to suggest that property values are adversely affected where industrial wind turbines are built. What's curious is that much of this information is found in the same studies that Horizon Wind has used in their attempt to assert otherwise. As currently written, the section of the DEIS on property values deliberately misrepresents the studies in question and trivializes a question of primary importance: Will my property decrease in value? Furthermore, Horizon ignores a significant amount of readily accessible evidence that suggests that property values will, in fact, decrease. Significantly.</p> <p>The fact that Horizon has omitted such relevant information in such a critical section of their statement, makes me question other parts of their DEIS, and as such, I am requesting the town board provide residents with a 180 day comment period in which to further analyze the comment on the impact statement.</p> <p>Only a handful of small, highly flawed studies are cited in the DEIS. The Renewable Energy Policy Project (REPP) and the 2006 Ben Hoen Study are the two studies that receive a great deal of attention in the impact statement, yet aren't included in the appendix. Why not? These studies have most likely not been made available because these studies' findings have been seriously manipulated by Horizon. Highly relevant material has been omitted. Facts have been glossed over. What's more, statistics that suggest that turbines may have a serious effect on property values has been deliberately left out.</p> <p>Let's consider the first study mentioned on p. 2-145 of the report - the REPP study. In this study, Horizon contends that "The results of these analyses showed no negative impact on property value from existing wind farms." This conclusion is nonsensical when we consider the critical fatal flaw in this study. And that is this: this study doesn't factor in the distance between the house and the wind turbines. In the study, all houses within a 5-mile radius of wind turbines are considered in the view-shed even if there is no view of the wind turbines from the house. Consequently within the 5-mile view-shed radius a house that is 1500-feet from the wind turbine and a house that is 26,400-feet (5 miles) from the same wind turbine are both treated the same in the statistical analysis. This report doesn't factor in the distance of the house from the wind turbine or in the house has a view of the wind</p>	1-9, 11-13, 17-18	<p>Consultants of Jericho Rise, Cushman and Wakefield, utilized the best available industry studies that employ quantitative methodologies to develop the conclusions provided in the DEIS. These studies were cited in Section 2.9 of the DEIS and references to each study with Internet links were provided in Section 9 of the DEIS. Hard copy print outs of these studies were also subsequently provided to the Towns at public hearings on the DEIS. The conclusions and studies for other wind farm projects within Franklin and Clinton Counties, namely the Noble Chateaugay, Bellmont, Altona, Clinton and Ellenburg Windparks and the Marble River Wind Farm, as well as for other wind energy projects throughout the state, are comparable to the conclusions in the Jericho Rise DEIS.</p> <p>Property values are the result of the interaction of several variables ranging from national economic conditions to local provision of basic services. While scenic qualities are one such variable, it is only one localized attribute among several variables that may combine to influence property values. Studies of existing rural-area windfarms and impacts on property values in Madison, Fenner and Wethersfield, New York have each concluded that there is no evidence that these windfarms have had a negative influence on property values. These conclusions were based on studying real estate values and transactions before and after the windfarms were built and also at comparable "control sites" during the same time period where windfarms were not built. In some cases, real estate transaction prices have increased in communities hosting wind farms when compared to prices at comparable control sites. Additionally, Ben Hoen, a leading researcher on wind farm effects on property values, concluded in his study of the sale of 280 single family homes near the Fenner Windfarm that the degree of visibility of wind turbines was also not a specific factor in influencing property values. Mr. Hoen provided a letter in response to questions regarding his study methodology as a professional courtesy to the Towns during the DEIS comment period.</p> <p>In addition, significant positive variables that would result from the Jericho Rise Wind Farm and could potentially increase property values include lower</p>	SEIS Section 2.9

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			<p>turbine. And for these reasons alone the conclusions of the report are invalid.</p> <p>Consider other key aspects of this study that Horizon has omitted from the DEIS:</p> <ol style="list-style-type: none"> 1. The authors recommend that the study be done again with more variables. The authors write that the study only looked at one variable and it should have looked at many variables, in particular the exact distance between a house and a wind turbine 2. The study took place in the years from 1998 to early 2003 when similar size wind turbines were used, and the wind farm only had to have 10 wind turbines to be included in the study. <p>The second study that Horizon relies upon is nothing more than a college student's thesis. Again, Horizon manipulates what is a very weak, highly flawed study to meet their needs. And, not surprisingly, Horizon once again uses the study to conclude that "the proposed project should not have an adverse impact on local property values." But what Horizon fails to disclose in the DEIS is telling: namely, that the Fenner Project, turbines were set back three quarters of a mile from houses. That's four thousand feet. The setbacks in Bellmont are 1000 feet. For Horizon not to disclose what is probably THE most important variable in the study - this 4000 foot setback - is manipulative and, ultimately, dishonest. What's more, they failed to make this study available in the DEIS. Why? Probably because they were hoping that you wouldn't bother to read it. If you had, you would understand that the only reason why property values didn't decrease at the Fenner site is because there are HUGE (4000 foot) setbacks and only 20 turbines in question.</p> <p>It's interesting to note that the Ben Hoen study is highly critical of the first study I mentioned. In his thesis, he refers to the REPP study as having "flagrant disregard for rigor." He faults it on a number of other fronts, yet Horizon and other wind companies continue to use this study as proof that property values won't suffer. Consider this quote found in the conclusion to his thesis. In it, he again makes reference to the huge problems with this study: "By not appropriately sorting out misleading data, empirically establishing the degree to which houses could see the wind farm, and not factoring in distance, these studies...miss...the interaction between view and value that has been found with other environmental stigmas (Hoen, 2006).</p> <p>The REPP study should not be used in this DEIS. Everyone it seems, except Horizon, recognizes that it is seriously flawed, yet its meaningless data continue to be used to make absurd claims, such as "Turbines increase property values". Only a deeply flawed study could come to such an outrageous conclusion.</p> <p>There are, essentially, only two studies that explore property values and wind turbines. One is worthless, and the other (The Hoen study) looked at property values in which turbines were placed 4000 feet away from homes. So, why does the town of Bellmont have a 1000 foot setback? How can you justify this? What data did you base your decision on? Frankly, I'm concerned that when this ordinance was drafted, there were inadequate setbacks. I'm concerned that even though certain board members did recuse themselves from voting, they provided input with regards to the ordinance, engineering a law that would- in effect - maximize their own future profits. I'm concerned that Bellmont's Code of Ethics is lacking two key clauses that the state's code of ethics contains (see state code of ethics below - I've underlined the sections that Bellmont's code lacks, and that were violated) and that the process of determining adequate setbacks was arbitrary and capricious. I would caution members of the board going forward that according to the state's code of ethics - the code that Bellmont should have been following-town board members who stand to benefit from this wind project should not only NOT vote on wind matters, but they must also NOT be involved in the process in any way. It would be criminal to act otherwise. If members of this board with conflicts of interest were involved in crafting or steering the wind ordinance in anyway, they the ordinance--and especially the 1000 foot setback--should be revisited.</p>		<p>local taxes, improved local infrastructure, and new development of local businesses that will be possible from the revenue to the County, Towns and school districts. To obtain further information regarding socioeconomic impacts from the Project, Jericho Rise contracted Camoin Associates in 2008 to conduct a study of the economic and fiscal impacts of the Project for both the short-term (construction) and long term (operational) phases.</p> <p>A full review of recent literature is provided in Section 2.9.2.1.2 of the SEIS, as many of these studies analyze impacts both before and after construction. The literature suggests that once a wind farm is operational, any negative impact to property values associated with the announcement of the project and related uncertainty disappears and property values return to pre-announcement values or more (e.g., Hinman et al. 2010, Hoen et al. 2014).</p> <p>Based on best available research and the information provided in the SEIS, the majority of evidence suggests that the Jericho Rise Project would have a negative effect on property values within the area.</p>	

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			<p>There have been a number of surveys of realtors, who have documented what's happened to home prices when turbines have moved in. Why doesn't the DEIS mention these numbers?</p> <p>I didn't take me long to track down specific, credible testimony. Take, for instance, the testimony of Russell Bounds, Realtor in the State of Maryland, before the Maryland Public Service Commission on Windplants Affecting Property Values (2005).</p> <p>Mr. Bounds, testified that, "As a realtor, I am obliged to disclose everything I know that may have a positive or negative impact on property. With respect to the possible development of wind power plants in this area, I've disclosed this to prospective buyers...[and] After this disclosure, not one prospective buyer made any offer for these properties, although they did purchase properties elsewhere.</p> <p>When asked to describe any properties that have been sold for substantially less than their prior sale price because of the impact of the wind turbines, Mr. Bounds provides the following examples:</p> <p>"Two properties specifically that sold for substantially less than their original purchase price were...parcels adjoining property with wind turbines. The deeds documenting those transactions are attached as Exhibits 2 and 3. Somerset Windpower, LLC purchased the property of David Ray Sass for \$104,447.50 and sold it to Jeffrey A. Ream for \$65,000.00.</p> <p>"See Exhibit 2. Keith and Billie Sarver sold their property to Somerset Windpower LLC for %101,049.00. Shortly thereafter it sold for only \$20,000.00. See Exhibit 3. The tax map included as Exhibit 4 shows the parcels in relation to the parcels with the wind turbines."</p> <p>As a professional realtor with experience trying to sell properties and homes near turbines, Mr. Bounds went on to tell the commission "That property values for the natural and scenic properties within one-half mile and probably within a mile of the wind turbines will be negatively impacted. I cannot judge for certain how far the serious negative impact will extend. The visual impact and the noise impact will substantially diminish special attributes of a mountain view, scenic view, natural setting and peace and quiet. Undeveloped properties will be rendered undevelopable. Some parcels may be rendered unsaleable."</p> <p>In his testimony, Mr. Bounds went on to cite numerous specific examples of real properties suffering serious declines in value. For Horizon to suggest that there will be no impact to property values is deliberately manipulative. This section of the DEIS on property values, in particular, should be looked at with suspicion. It's not hard to find data confirming what common sense would tell anyone- that erecting a 400 foot tall turbine a mere 1000 feet behind someone's house is likely to destroy your home's value.</p> <p>Another report that Horizon has misrepresented is a report that was ordered by the County of Franklin Industrial Development Agency. This report was a cost benefit analysis of the proposed Noble Chateaugay and Belmont Wind Parks Project. Horizon uses the report to assert that "there is no reliable evidence that wind farms affect real property market values." Again, critical pieces of the report were left out- probably the most critical is the last paragraph of the report that makes this recommendation:</p> <p>These two questions-whether wind farms have a chilling impact on investment and whether property values are impaired- have not been satisfactorily answered. The number of wind development projects underway across the nation is substantial. As a result, these questions have a particular immediacy. CGR recommends that the communities of Franklin County consider delaying further action on the Noble project or other wind development projects, pending a more satisfactory resolution of these questions. [regarding property values] (FIDA 2007).</p> <p>Finally, I want to address section 2.9.3 Mitigation Measure for Property Values (page 2-150). The DEIS recommends no mitigation measures be taken, because-Horizon asserts-that there will be no significant affect on local property values. For Horizon to tell the town that there will be no impact is a lie. They understand this. I the members of the town board understand this, too. Horizon has manipulated the</p>			

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			<p>handful of studies and reports that they could get their hands on, all the while ignoring the significant amount of real world data out there that would suggest otherwise--that would suggest just the opposite, that people in Bellmont will see their property values lowered, that they will struggle to sell their homes, should they choose to, and that they will most likely receive much less than their home or property is currently worth. I hope the board recognizes how this company has tried to take advantage of you, how they have tried to manipulate your opinion. I know that, collectively, you're smarter than that -- and that you understand the game that they are playing here. I also hope that you will ask them that if they are so sure that property values won't decrease, then what harm would there be in adopting some mitigation measures? What harm would there be in assuring residents that you will be able to sell your property for what it's worth today, before the project goes in. If they are so certain, then they should be willing to put up the money to guarantee what they seem so convinced of -- that my property with it's view and piece and quiet will be worth as much next year, as it is was when I had it appraised last month.</p> <p>Insist that Horizon remove misleading information from the Property Values section of the DEIS.</p> <p>Insist that Horizon adopt clear and enforceable mitigation measures to compensate property owners for a loss in their properties' values.</p>			
105	Rogers, George	4/7/08	<p>A number of us were assured that no project would materialize on the west side of Route 374. As a result, few people objected to the 1,000 foot setbacks--because on the eastern edge of town, there are few residences and large open tracts of land. But, west of the Chateaugay River, the town is very different. There is a much higher density of residents. And a number of us think that what's going on here is a giveaway to Horizon, at our expense. A handful will benefit, but many of more stand to see our property values drop significantly. And the plunge in property values could be significant.</p>	10	<p>Jericho Rise's layout complies with local siting bylaws for wind energy projects. Landowners have freely entered into land lease agreements by which Jericho Rise pays market rates for wind rights; the term "giveaway" is not appropriate.</p> <p>In addition, please note that Volume 1, Section 9 of the DEIS included a discussion of potential property values and referenced all of the property value studies utilized in the DEIS. Also, Appendix K, Property Value Analysis includes a property value impact report from Cushman & Wakefield. Then on April 16, 2008 Jericho Rise introduced a letter as part of the DEIS record that responded to several comments concerning property values that were raised at the April 7th Bellmont Public meeting, and subsequently on April 22, 2008 Ben Hoen provided a letter to the towns, as part of the DEIS record, that clarified information on property values at the Fenner Wind Project in Fenner, NY.</p> <p>Section 2.9.2 of the SEIS further discusses the impact of the Project on property values. Several updated studies published after the completion of the DEIS were reviewed and incorporated into the SEIS.</p> <p>Collectively, Jericho Rise's assessment remains that the Project should not directly influence future property values in a negative manner. See response to Comment 104 for additional detail concerning Project impacts on property values.</p>	SEIS Section 2.9
106	Rogers, George	4/7/08	<p>1. Revisit the town's code of ethics and adopt a code that is as strong as or stronger than New York State code.</p> <p>Revisit and revise the wind ordinance, as it was crafted by board members that had clear conflicts of interest.</p>	14-15	<p>Comment noted. This comment is a comment on Town laws and codes that exist independent of the Project. EDPR has fully complied with the New York State ethics laws.</p>	N/A
107	Rogers, George	4/7/08	<p>Extend the comment period for the draft DEIS for 180 days. Not enough time has been given to for residents to review it in its entirety.</p>	16	<p>The comment period for the DEIS was extended to 5/5/08 and a third public hearing associated with the DEIS was held 4/23/08.</p>	N/A
108	Rogers, George	4/7/08	<p>Increase the turbine set-back distance to at least 2000 feet from homes.</p>	19	<p>The proposed layout meets or exceeds all required local setback distances.</p>	SEIS Section 2.10.2
109	Rogers, Wayne	4/7/08	<p>The DEIS evidence used to support the conclusion that the Project would not have a significant adverse impact on property values is founded on studies in which data is gathered within 5 miles of wind projects. The approach used does not distinguish between the property that may be 1000 feet from a turbine and that which is 5 miles away.</p> <p>I would like to illustrate how much of a difference there is in the size of an area as</p>	1-5, 7-8, 20	<p>Information provided at the second Bellmont DEIS public hearing on April 23, 2008 contains relevant information on wind energy Project impacts on property values. This information and more updated studies were incorporated into the SEIS to provide an updated assessment of potential property value impacts.</p> <p>This information, along with a letter submitted to the Towns by Ben Hoen on</p>	SEIS Section 2.9

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			<p>one goes from one half mile to 5 miles from a project:</p> <table border="1"> <thead> <tr> <th>Distance from project (miles)</th> <th>Size of Study Area (sq.mi)</th> <th>Size of Study Area (acres)</th> </tr> </thead> <tbody> <tr> <td>0.5</td> <td>0.785</td> <td>502</td> </tr> <tr> <td>1</td> <td>3.14</td> <td>2010</td> </tr> <tr> <td>2</td> <td>12.56</td> <td>8038</td> </tr> <tr> <td>3</td> <td>28.27</td> <td>18,096</td> </tr> <tr> <td>5</td> <td>78.54</td> <td>50,265</td> </tr> </tbody> </table> <p>There is a 25 fold difference when comparing the 1 mile with the 5 mile distance areas. If one compares the one-half mile to the 5 mile, the area with a 5 mile radius is 100 times larger. When data is gathered within five miles of a project, the statistical integrity of the impact on property values near a wind turbine is lost.</p> <p>The DEIS is incomplete when it comes to providing evidence that dismisses the impact of wind turbines on property values. Unfortunately it relies heavily on a number of studies reported by the Renewable Energy Power Project (REPP) which are included in a report "The Effect of Wind Development on Local Property Values." A critique of this study probably says it best in stating that "The title should be "The Effect of visual impact of Wind Turbines on Property Values within a 5-mile Radius of a Wind Farm"."</p> <p>I am enclosing a copy of "Critique of US Government Study Entitled 'The Effect of Wind Development on Local Property Values' written by REPP." The report is written by John M. Swanson who holds a degree in the fields of Quantitative Statistics and Quantitative Genetics.</p> <p>Another critical bit of information missing from the DEIS is the setbacks required in each of the various studies. A bogus argument would be that we could not get enough data for sales close to turbines when, in fact, there may have been setbacks that exceeded our local setbacks and therefore precluded the gathering of data, i.e. If you have a 4000 foot setback, you will never get any data for the sales of homes 3000 feet from a project. My own personal experience in viewing windmills in the Midwest is that I never saw windmills that were within a mile of any home. There should be assurance that any projects with large setbacks are not included in studies used to identify impact on property values in Bellmont.</p> <p>The DEIS states that few of Wiser and Hoen's sales were closer than 3/4 of a mile of a turbine. In studies that examine 100s of transactions, that certainly sounds an alarm regarding property values near turbines.</p> <p>I am challenging the conclusion in Volume 1, page 2-150 2.9.3.1.2 Property Values. It states that "As described in Section 2.9.2, construction of the proposed Project would not have a significant adverse impact on property values. Consequently, no mitigation is necessary to address these impacts." Because this conclusion is based on biased and incomplete studies, it should not be accepted.</p> <p>Attachment - "Critique of US Government Study Entitled 'The Effect of Wind Development on Local Property Values' written by REPP" written by John M. Swanson of Stafford, New York. Mr. Swanson holds a Master's of Science Degree in the Fields of Quantitative Statistics and Quantitative Genetics.</p>	Distance from project (miles)	Size of Study Area (sq.mi)	Size of Study Area (acres)	0.5	0.785	502	1	3.14	2010	2	12.56	8038	3	28.27	18,096	5	78.54	50,265		<p>April 22nd 2008, provides more information concerning the basis for concluding that no adverse impacts to property values will result from the Project. The primary land uses will be unaffected and current evidence does not indicate that wind turbine visual or noise impacts have factored into loss of property values at other comparable projects. Also, see response to comment 104 for more detail.</p> <p>With respect to Mr. Swanson's critique of the REPP report entitled "The Effect of Wind Development on Local Property Values," it should be noted that Mr. Swanson is not a licensed real estate appraiser, and has no identified experience or credentials in the evaluation of impacts on property values. Thus, he has little to add to a professional discussion of issues that call for an expertise in those subject areas. The central thesis of his "Critique" is a point that was identified by the authors of that study, themselves, as a limitation in their study: that additional variables, including additional information about the viewsheds of the projects studied, would improve the study. Although the point has some validity, Mr. Swanson's approach of taking a limitation recognized by the authors, and seeking to blow it out of proportion, evidences a significant bias in his approach, as does, his clear misunderstanding of the standard disclaimers typically applied to a study, such as the REPP study, that was conducted with government funding (to which he devotes three separate paragraphs). Mr. Swanson's lack of necessary training and experience, and obvious bias, demonstrate that his "Critique" lacks credibility.</p> <p>Section 2.9.2 of the SEIS further discusses the impact of the Project on property values. Several updated studies published after the completion of the DEIS were reviewed and incorporated into the SEIS.</p>	
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110	Rogers, Wayne	4/7/08	<p>The Hoen (2006) study is cited in the DEIS. I was unable to find a complete copy of this study. It has been suggested to me that there is a bias in the reporting of this study. I feel that this should be made available to the public prior to approving this DEIS.</p>	6	<p>Volume 1, Section 9 of the DEIS included references to the property value studies utilized in the DEIS.</p> <p>Note that Section 2.9.2 of the SEIS further discusses the impact of the Project on property values. Several updated studies published after the completion of the DEIS were reviewed and incorporated into the SEIS.</p>	SEIS Section 2.9																		
111	Rogers, Wayne	4/7/08	<p>Noise and visual impact are my main concerns with the affect of a portion of this project will have on property that our family owns on the Chase Road. In their proposed locations, turbines 48 and 52 will have a damaging impact on our property value. Despite the DEIS assertion that the Project will not have a</p>	9	<p>The layout of the proposed turbines has been revised as illustrated in Figure 2 of the SEIS.</p> <p>The SEIS and FEIS provide additional information on visual and noise</p>	Project layout: SEIS Figure 2 FEIS Figure 2																		

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			significant adverse impact, this same document states in Volume 1, page 2-147 stats in regard to property values "The most sensitive of these properties will be the rural home sites." That being the case, I am asking that turbines 48 and 52 be relocated. I will not accept that any changes cannot be made. I appreciate two meetings I have had with Dan Fitzgerald regarding such changes. I regret that despite my expression of concerns regarding turbine sightings, I was never contacted prior to the mapping.		impacts associated with the revised layout as well as additional information on potential impacts on property values. The closest turbine to DEIS Turbine 48 is referred to as Turbine 33 in the SEIS and FEIS. It has shifted approximately 782 feet west from the Turbine 48 location in the DEIS. The closest turbine to DEIS Turbine 52 is referred to as Turbine 32 in the SEIS and FEIS. It has shifted approximately 758 feet north from the Turbine 52 location in the DEIS.	Visual impacts: SEIS Section 2.5 SEIS Appendix M FEIS Section 2.2.3 Noise impacts: SEIS Section 2.7 SEIS Appendix R FEIS Section 2.2.5 FEIS Appendix C Property Values: SEIS Section 2.9.2
112	Rogers, Wayne	4/7/08	The DEIS does not show any baseline data for noise for the Chase Road. That should be collected.	10	Because the number of turbines, turbine locations, and proposed turbine model changed, Hessler Associates, Inc. prepared an updated <i>Environmental Sound Survey and Noise Impact Assessment</i> (Hessler Associates, Inc., 2015) as part of the SEIS. This document is included as Appendix R of the SEIS. To objectively characterize the noise environment across the entire acoustic study area, long term sound pressure levels were measured and data logged at eight discrete receptor locations. These eight measurement receptor locations were chosen because they are representative of the acoustic environment of the Project study area. Taking noise measurements at every single receptor within the acoustic study area is not practical and not necessary to provide an objective acoustic assessment and regulatory compliance determination. Please also note that baseline noise monitoring Position 5 shown in Graphic A of the study included in Appendix R of the SEIS is less than 1 mile from Chase Road. The FEIS provides additional information on noise impacts associated with the revised Project layout.	SEIS Section 2.7 SEIS Appendix R FEIS Appendix C
113	Rogers, Wayne	4/7/08	I am concerned with the noise I have witnessed at the Noble Project that is just being activated. It is clearly more than I expected and will have an impact on the quality of life in the proximity of a turbine. I would like to see continued effort up until the project construction begins to take advantage of any improvements in the Vestas V82 or GE1.5 sle turbines to reduce noise.	11	The Project will be using turbines that incorporate the latest in engineering advances to reduce the potential of adverse noise impacts. As noted in the SEIS, the turbine model has changed. Updated noise studies have been completed which incorporate the revised project layout and turbine model. The FEIS provides additional information on noise impacts associated with the revised Project layout. See also response to Comment 112 above.	SEIS Section 2.7 SEIS Appendix R FEIS Appendix C
114	Rogers, Wayne	4/7/08	Noise level data should also be provided in the DEIS that shows the variation in noise levels at different elevations at a given distance from a turbine.	12	The noise modeling incorporates the effects of topography and heights of both noise sources and receptors. Because the number of turbines, turbine locations, and proposed turbine model changed, Hessler Associates, Inc. prepared an updated <i>Environmental Sound Survey and Noise Impact Assessment</i> (Hessler Associates, Inc., 2015) as part of the SEIS. This document is included as Appendix R of the SEIS. The FEIS provides additional information on noise impacts associated with the revised Project layout.	SEIS Section 2.7 SEIS Appendix R FEIS Appendix C
115	Rogers, Wayne	4/7/08	In Volume I, page ES-6 of the DEIS, it is stated that the Project will generate up to 87.45 MW of electricity, providing enough power for approximately 25,500 households in New York State. At what wind speed were these estimates made?	13	As noted in the SEIS, the revised Project will consist of up to 37 wind turbines, each with a nameplate capacity of 2.1 megawatts (MW), for a total anticipated nameplate generating capacity of 77.7 MW. Wind farms, including Jericho Rise, are considered variable generators. The Net Capacity Factor (NCF) is the ratio of a wind farm's actual output over a period of time to the potential output if it were possible for the wind farm to operate at full	SEIS Section 1.4.1

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					<p>nameplate capacity continuously over the same period.</p> <p>Due to variability in wind conditions, the proposed turbines are expected to have an NCF of 32% or, will on average, generate 32% of their nameplate capacity. See Section 1.4.1 of the SEIS.</p> <p>Assuming that the Project generates approximately 32% of its nameplate generating capacity, this is enough power to support between approximately 30,000 average homes in New York State (based on the New York and national averages). Also see Response to Comment S-42 in Section 4 of the FEIS.</p>	
116	Rogers, Wayne	4/7/08	What is the average wind speed required for a Vestas to produce 1.65 MW?	14	The revised wind turbine model, the Gamesa G114-2.1 begins to generate electricity at wind speeds of approximately 2.5 meters per second (5.6 mph) and has a normal operational speed of 7.8 to 14.8 revolutions per minute (RPM). The Project is expected to be generating power about 80% of the time and have an average NCF of approximately 31-32%. Total net electricity delivered to the existing New York power grid is expected to be approximately 211,002 to 217,809 megawatt hours (MWh) (i.e., 37 turbines x 2.1 MW x 24 hours/day x 365 days x 31-32% NCF). This is enough electricity to meet the average annual consumption of approximately 30,000 households, based on the average annual electric consumption of 7.2 MWh for New York State residences (EIA, 2015a).	SEIS Section 1.7
117	Rogers, Wayne	4/7/08	<p>Since this project will take advantage of tax credits offered by the state and federal government, will you please provide full financial disclosure showing their impact?</p> <p>What would be the impact on this project if there were no tax credits or green credits available? In short, could this project be unprofitable if these benefits were lost?</p> <p>Tax credits are a form of public funding and there should be full disclosure of such.</p>	15-17	<p>The Project will receive no public funding from the federal, state, or local governments during development or construction. Jericho Rise is qualified for the federal production tax credit (the PTC). The project will receive tax credits worth approximately \$23 for each MWh it produces and delivers to the electrical grid for the first 10 years of its operation.</p> <p>Wind farm profitability is determined by many factors including long-term power contracts and merchant market pricing. Because of the dynamic factors influencing wind farm profitability, of which tax credits are one, it is difficult to tie one factor, i.e. tax credits, to the ultimate profitability of a wind farm. Jericho Rise does not disclose confidential financial information.</p> <p>An updated socioeconomic analysis of the project is included in Section 2.9 of the SEIS.</p>	SEIS Section 1.9 SEIS Section 2.9
118	Rogers, Wayne	4/7/08	Volume I, pages 2-142, 2-143. The Malone Central School District should be included.	18	The boundaries of the Malone Central School District have been reviewed, and the wind turbines included in the final layout outlined in the FEIS are outside the boundaries of this school district.	SEIS Section 2.9.1.4 SEIS Table 36 SEIS Table 7
119	Rogers, Wayne	4/7/08	Before the DEIS is accepted, there should be additional time made for public comments and additional public hearings. Efforts should be undertaken to relocate turbines 48 and 52. Instead of brushing over property values, let's confront and solve some of the issues regarding viewshed and noise that clearly exist. I believe that a 180 day extension should occur.	19	<p>In connection with the DEIS, the public comment period extended to 5/5/08 and a third public hearing added on 4/23/08.</p> <p>The SEIS was submitted on November 10, 2015, and accepted on December 7, 2015. The public comment period for the SEIS was from December 9, 2015 through January 11, 2016.</p> <p>Responding to concerns continues throughout FEIS development.</p>	SEIS Section 1.11
120	Titus, Tammy	4/7/08	Commentary expressing support for the project.	1-3	Comment noted.	N/A
121	Titus, Brando	4/7/08	Commentary expressing support for the project.	1-5	Comment noted.	N/A
122	Rogers, Nancy	4/23/08	The environmental impact study regarding birds in our region has concentrated mostly on raptors such as hawks, eagles and owls, and threatened and endangered species of all bird types. My concern is to make sure that a proper study was done and that we have valuable pre-construction information of all bird species. We must have a thorough understanding of just what our area contains in order to understand the impact that this large project might have on our local birds. In my opinion, some very important information has been left out, some not entirely the fault of Jericho Rise which seems to be attempting to do the required studies as thoroughly as possible. However, I would like to point to a few areas of concern that should be addressed: some regarding further research and some regarding the interpretation of the data already collected.	i	<p>Comment noted. The avian and bat study scopes were developed in cooperation with the NYSDEC and USFWS.</p> <p>As part of the SEIS, updated site-specific avian and bat studies were conducted by Western EcoSystems Technology (WEST), including supplemental surveys for breeding birds, eagles, and northern long-eared bats in 2015. Results are discussed in Section 2.3.1.3 and Section 2.3.1.4 of the SEIS.</p>	SEIS Section 2.3.1.3 SEIS Section 2.3.1.4 SEIS Appendix J SEIS Appendix K

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123	Rogers, Nancy	4/23/08	Concern #1 is in regard to the following statement on page 2-39 which is "According to the query, 101 species of birds were observed within the survey blocks; however, only 26 species exhibited behaviors that confirmed breeding activity" This statement would make it appear that the area within the project does not support a lot of confirmed bird activity as far as being an important bird breeding area. An explanation of the data taken from the NY State Bird Breeding Atlas Study (BBA) will reveal a very different conclusion. Not only were 26 species showing confirmed breeding activity but at least 68 other species were seen as possible and probable breeders. The probable breeders were those who were seen defending territory, displaying to attract females, or singing males perched in the area. These birds should also be included in the count since a bird defending territory is not just passing through. Assurance that this is an acceptable interpretation of the data was suggested to me by this region's local coordinator for the BBA study, whose name I can give you upon request. With the addition of this data, the number of breeding birds in our project area will be between 80 and 90 rather than 26, a big difference. The desk top study of these BBA sections must be redone by Jericho Rise. BBA sections 5696A and 5696B were conducted by me, both from 1980-1985 and from 2000-2005. It also must be stressed that this study was not concerned with numbers of birds of each species, but species type only. It may also be of interest to note that of 161 species of birds in Franklin County, I counted at least 120 including those from the DEIS not listed in the BBA study. This is a wonderful resource and we want to ensure that they remain.	1a	The comment is noted and in particular the point made by the commenter that the BBA "study was not concerned with numbers of birds of each species, but species type only." The objectives of a BBA study and the site specific study for Jericho Rise are very different. The objectives of the site study were intended to collect information that could be used in the impact assessment and thus estimating number of birds (relative abundance or density) was very important to the study. The BBA objectives are to document breeding by as many species as possible and target all habitat types and species. The Jericho Rise study targeted species known to be susceptible to potential impact from wind turbines (e.g., migrants, breeding birds, raptors) and the habitats in which turbines would be built. This included particular emphasis on federally or state- listed rare, threatened or endangered species. In general, and based largely on monitoring studies at existing wind projects, species that occur in low density generally are not commonly impacted. So while a single individual of a species observed displaying breeding behaviors may benefit the BBA study, that species is unlikely to be affected by a wind project simply because abundance of that species is very low. The BBA documents potential species present but unfortunately does not provide information on abundance which is important to predicting impacts to a species.	SEIS Section 2.3.1.3 SEIS Appendix J
124	Rogers, Nancy	4/23/08	A very positive aspect of this project is the use of underground power lines connecting towers and power stations as much as possible. This statement in a forest technology report published by the USDA will prove my point. "Collision with power transmission and distributed lines may kill anywhere from hundreds of thousands to 175 million birds annually, and power lines electrocute tens to hundreds of thousands more birds annually, --" As you can see, underground electrical lines are extremely important. This report goes on to say "More than 15,000 wind turbines may kill 40,000 or more birds annually nationwide, the majority in California." It is my understanding that many of the wind towers in California were placed along heavily used migration routes for birds of prey and result in a high number of bird fatalities. This project has been mindful of this problem and states that were are not in a major migration route. Two very good plusses for this project.	1b	Comment noted. The layout will not include unnecessary overhead electric lines. The study referenced by the comment is important in that it shows the relative minor impact from wind turbines in the U.S. when compared to other sources of avian collision mortality, as well as the measures the wind industry has undertaken to further minimize potential impacts from wind turbines.	SEIS Section 1.5.5
125	Rogers, Nancy	4/23/08	Concern #2 The timing of the breeding survey conducted by WEST technologies for this project leaves me with some questions as to its thoroughness. The study was done in mid June and early July. Most birds are nesting by this time and are extremely secretive. Not only are they hard to find but singing is less frequent. As most birds are identified by song rather than sight, I question the completeness of the results. Also, the time of day that the survey was conducted is not indicated. The optimum time is from sunrise to 11am, the closer to sunrise the better. Very few birds are sighted in the afternoon hours. The time of day must be stated in the final report.	2	The on-site breeding bird survey conducted by Western EcoSystems Technology (WEST) in 2015 supplements the New York State Breeding Bird Atlas (BBA) data and the results of the breeding bird survey that was conducted in 2007. Surveys took place from May to July of 2015, in accordance with methods described in the current NYSDEC Guidelines (NYSDEC, 2009). Note that the primary focus of the breeding bird surveys was to document species and relative abundance of breeding passerines within areas proposed for development. The peak of the migration season for passerines is the month of May and the peak breeding season is the month of June, therefore, the breeding bird surveys were conducted according to the USGS breeding bird survey methods and recommendations of the NYSDEC. The USGS methods recommend surveys for northern New York occur in the last half of June and early July. Surveys conducted during May likely record a substantial number of migrant individuals. The surveys were conducted in the morning during optimal time for detecting breeding birds, or 1/2 hour before sunrise to 4 hours after sunrise.	SEIS Section 2.3.1 SEIS Appendix J
126	Rogers, Nancy	4/23/08	Concern #3 Section 2.3.2.4 regarding threatened and endangered species states that "an assessment of federal and/or state-listed wildlife species that potential occur within or near the Project Area was performed through correspondence with the USFWS and the NHP,---" My finding is that our project area was considered to be in Bird Conservation Region (BCR) 14, which is described as Atlantic Northern Forest, and birds from this region were carefully documented for the study. However, our project area is actually in Region 13 and these are the birds of concern which should be looked for, documented, mapped, and specifically	3a	As noted, the Project area in fact occurs in the transition zone between BCR 13 and 14. And as also noted by the comment, only 1/3 of the Project area is habitat types found in BCR 13 - thus 2/3rds or the majority of the site, has habitats found in BCR 14. Under this understanding (supported by the comment) it was deemed appropriate to evaluate the Project as occurring in BCR 14. However, the comment is noted and species listed for BCR 13 that were observed during the study were included in Section 2.3.1.5 (Other Sensitive Wildlife Resources) in the SEIS.	SEIS Section 2.3.1.5

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			addressed in the FEIS. Region 13 (Lower Great Lakes/St. Lawrence Basin) includes the grasslands and plains of our project area (nearly one-third of the area according to the DEIS). Some of the birds on this list have been documented in our area and so must be included in the study. Birds from region 13 which should be looked for include the following: bobolink, whip-poor-will, Canada warbler, cerulean warbler. The information from the study of Region 14 birds of concern should also be kept in the study because the boundary line is so close. Three birds from region 14 are included in the study (wood rush, chestnut sided warbler, and the bay breasted warbler) but should have included two more since they have been documented in the BBA for our region. These are the black poll warbler and the Canada warbler. A special mention should be made of the Rusty Blackbird. Birders have been put on alert to report any sightings of this bird because its numbers have dropped from 88-98% according to state birding sources. It has been sighted this spring in Chateaugay and had been documented in our area in the BBA.			
127	Rogers, Nancy	4/23/08	Except for the Rusty Blackbird, these are federally-listed species and the following statement on page 2-66 is incorrect. "Results of the site surveys indicated that federal-listed species are unlikely to occur in the Project Area, and state-listed, as well as commonly occurring wildlife species are unlikely to be adversely affected by the development and operation of this Project." On the contrary, federal-listed songbirds are already documented and in my opinion, it is too soon to tell whether or not adverse effects will occur by development and operation of this Project since in some cases, the loss of a single tree can have an adverse effect.	3b	The term "Federally listed" species generally is in reference to threatened or endangered species listed under the Endangered Species Act. No breeding bird species that are federally listed as threatened or endangered were observed in the Project area. As noted in the SEIS, one New York State-listed breeding bird species was observed (the sharp-shinned hawk) during the 2015 breeding bird surveys. Migratory birds are protected under the Migratory Bird Treaty Act (MBTA) and nearly all birds observed in the Project area, including rusty blackbird, are protected under the MBTA.	SEIS Section 2.3.1.3 SEIS Section 2.3.1.5
128	Rogers, Nancy	4/23/08	We must have a very clear knowledge of what is present and an approximate count of how many of each species before we can even begin to understand the impact of this Project. The last chance we have to get this information is this spring if we want a good pre-construction study. A two year study is recommended by the draft DEC report on wind towers and their impacts on birds, anyway. A study beginning May 1, 2008 will give us those necessary two years. Unless we know what is really here, we can never know what the impact of the construction and presence of these towers will be or what the recover rate might be if disturbance does occur. Most wind tower studies emphasize blade impact when a far greater impact might very well be from the construction and changes in habitat. This project could, if done with care, serve as an example for future wind tower projects.	3c	The avian and bat study scopes were developed in cooperation with the NYSDEC and USFWS. The June timeframe for breeding bird surveys is acceptable based on USGS methodology and NYSDEC recommendations. The NY Guidelines recommend greater than one year of study for project areas that meet criteria for expanded studies. The Jericho Rise Project area does not meet the criteria for an expanded baseline (pre-construction) study. Also, results of the first year of study do not suggest a strong need for multiple years of pre-project study as avian density was not high and numbers of species of concern observed was low. One year of surveys to meet the study objectives is considered sufficient. However, updated avian and bat studies were completed in 2015 to incorporate revised project plans, updated study data available, and current field surveys. These studies, in context with the previous studies constitute a multi-year study effort. These studies are included in Appendix J and K of the SEIS. In addition, Jericho Rise intends to implement a post-construction monitoring study at the Project that will include surveys for breeding birds designed to estimate potential displacement impacts. Post-construction monitoring for avian and bat mortality is discussed in the SEIS Section 7.4.	SEIS Section 2.3.1.5 SEIS Section 7.4 SEIS Appendix J SEIS Appendix K
129	Rogers, Nancy	4/23/08	Concern #4 page 42 of appendix E states "Based on the survey data, Jericho Rise Project Area does not appear to have any large or unusual populations of breeding resident birds. This statement is grossly misleading. True, there are only about a dozen bird species that remain all year round and breed here in the summer. However, the birds of special interest for this study are the migrants, both summer and winter migrants. Please note this important statement in the introduction of the final report (sect 25, appendix E, page 3) "Through the early project evaluation process, concerns were raised by the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (USFWS). These concerns included potential project impacts to avian and bat resources, particular, resident bats, nocturnal migrant birds and bats, migrant raptors, breeding birds, and species of concern that may occupy the Project Area." The breeding resident birds are not the birds that are on any federal or state list. This study project has been mandated to study the potential impact on everything but the few breeding residents in our area.	4	The statement made in the DEIS report regarding the breeding resident birds is in reference to birds that breed in the Project area and is accurate based on the study results, which targeted breeding birds. The vast majority of avian migration occurs in the spring and fall seasons and not summer or winter as suggested by the comment. NYDEC has shared concerns over potential impacts to migrant birds but recommends spring and fall surveys to target periods with high concentrations of migrants. In addition, the NYSDEC also recommends breeding bird surveys and indeed these were conducted in the Project area to assess potential impacts on breeding residents in the area. Updated breeding bird studies were completed in 2015 to incorporate revised project plans, updated study data available, and current field surveys. These studies are included in Appendix J of the SEIS.	SEIS Section 2.3.1.3 SEIS Appendix J
130	Rogers, Nancy	4/23/08	1. A re-examination of the BBA desktop study must occur and be included in the FEIS.	5	The Breeding Bird Atlas is a statewide survey that is designed to document breeding activity for avian species within a survey block defined as a 3mi x 3mi square. The objectives of the BBA are to confirm breeding by as many species as possible. Data from the BBA are useful in providing species lists	SEIS Section 2.3.1.3 SEIS Appendix J

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					<p>for a particular area for the summer breeding season, but do not lend themselves to a detailed impact assessment required for wind project development. BBA data are used in Phase 1 Risk Assessment or Fatal Flaw analyses for providing background data on species potentially present in a study area.</p> <p>The impact assessment in the DEIS (and, subsequently, in the SEIS) is based largely on the site specific studies which were designed to estimate relative abundance of species and presumably relative exposure risk to the proposed Project. The different objectives of the BBA to document breeding versus non-breeding residents make it difficult to utilize BBA information in a quantitative impact assessment. In general, the BBA methods are designed to simply document breeding and do not provide estimates of density or relative abundance of breeding birds. While the BBA data is useful as background information, it provides no estimate of relative abundance of species that can be used to estimate impacts. BBA results were reviewed during the initial Phase 1 Risk Assessment for the Jericho Rise Wind Farm, and alone do not provide enough specific data for a detailed impact assessment required for permitting a proposed wind project. Additional site-specific field studies were conducted by Jericho Rise to assist in impact assessment.</p> <p>Updated breeding bird studies were completed in 2015 to incorporate revised project plans, updated study data available, and current field surveys. These studies are included in Appendix J.</p>	
131	Rogers, Nancy	4/23/08	2. A spring bird survey must occur beginning May 1 through to about June 15 with very early morning observations being conducted. The surveys should be as close to each proposed wind tower as possible. A consideration of 5 minute stops at each location rather than 3 minutes would increase the number of birds sighted quite substantially.	6	<p>The month of May is the peak month for migrating songbirds. The USGS and NYSDEC do not recommend conducting breeding bird surveys prior to June because of the high likelihood of counting migrants as opposed to breeding residents. Also, five minute counts, as opposed to three minutes, increase the likelihood of double counting individual birds and thus inflating the true estimate of avian density in the study area. Because of these issues, the studies were designed and conducted in the manner described in the report and recommended by the agencies.</p>	SEIS Section 2.3.1.3 SEIS Appendix J
132	Rogers, Nancy	4/23/08	3. Federal-listed birds from BGR regions 13 and 14 must be especially researched and findings included in the FEIS. (including the Rusty Blackbird)	7	<p>Please see above response to Comment 126 (N. Rogers). The Project area falls within the transition zone between BCRs 13 and 14.</p> <p>Note that species listed for BCRs 13 and 14 that were observed during the study were included in Section 2.3.1.5 (Other Sensitive Wildlife Resources) in the SEIS.</p>	SEIS Section 2.3.1.5
133	Rogers, Nancy	4/23/08	4. Winter bird surveys should be conducted to determine any possible impact on winter migrants.	8	<p>Prior to implementing the site specific studies, the NYSDEC and USFWS were consulted to determine issues of concern for the Jericho Rise site. A detailed study plan was developed documenting the studies proposed to address the issues of concern. The agency coordination took place prior to the publication of the NYSDEC draft wind power guidelines but still considered all the resources and recommendations found in the current guidelines. The site does not meet criteria for expanded studies, and thus NYSDEC did not express concern over wintering birds in the area and surveys for wintering birds were not included in the studies for the DEIS.</p> <p>Surveys for bald and golden eagles took place from January to December, 2015, which captured the winter period the commenter is referring to. These surveys also noted presence of other raptors observed during the survey. Results of these surveys are presented in SEIS Section 2.3.1.3 of the DEIS and Section 2.3 of the FEIS.</p> <p>In most regions of northern U.S. and including northern New York, the density of birds decreases in the winter when most species and individuals have migrated south. During the winter, risk to birds is lower because of the decrease in numbers and density. For example, the Audubon Christmas Bird counts provide a good index to wintering birds in an area. There are no Christmas Bird Count circles in northern Franklin County, but the Massena-</p>	SEIS Section 2.3.1.3 FEIS Section 2.3

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					<p>Cornwall count is located approximately 30 miles west of Burke. In 2008, 57 species of birds and on average approximately 9.6 birds per observer-hour were observed during a 30 hour count period for the Massena-Cornwall count (National Audubon Society 2008). In contrast, during the breeding bird surveys within the project area an average greater than 325 birds were recorded per observer-hour. While this is not a scientific comparison, it illustrates how the density of birds drops off during the winter time in northern regions of the U.S.</p> <p>It is not expected that the Jericho Rise Project area would be different than the typical seasonal avian use and occurrence patterns for northern New York, and thus wintering birds were not a great concern when compared to breeding residents or migrants that were included in the studies. On average, far fewer birds would be at risk from the proposed wind project during the winter season.</p>	
134	Rogers, Nancy	4/23/08	5. A follow up post construction spring, winter and fall survey should be conducted next year and the year after in order to fully understand true impact on our bird populations.	9	The post-construction monitoring plan, including the duration and seasons of study, will be developed in consultation with the NYSDEC and USFWS.	SEIS Section 3.3
135	Rogers, Nancy	4/23/08	The data from Jericho Rise surveys could serve as an outstanding example to any future wind tower construction.	10	Comment noted. EDPR, parent company of Jericho Rise LLC, has taken a proactive approach in protecting natural resources while developing responsible energy sources to meet increasing demands.	N/A
136	Healey, Darrell et al	4/29/08	Comment requesting financial mitigation for residents.	1	Jericho Rise anticipates offering neighbor agreements to those residents impacted by the Project, including adjacent non-participating property owners with a permanent residence within 2,500 feet of a turbine (SEIS Section 3.2); property owners with a permanent residence with the potential to receive more than 30 hours of shadow flicker per year (SEIS Section 2.5.3); and landowners with permanent occupied residences which fall within the 46 dBA typical noise impact threshold line of the final turbine layout (SEIS Section 2.7.3).	SEIS Section 3.2 SEIS Section 2.5.3 SEIS Section 2.7.3
137	Rogers, Edward	5/3/08	<p>Questions regarding towers 51, 52, 53 and Wetlands: Evaluation of wetlands can only be done by an on-site investigation by a certified wetland scientist (commonly called a wetland delineation). Any map proposing work on a property should contain a certification by a wetland scientist that the work was done according to the Army Corps methodology. It should also contain a certification from a licensed land surveyor that the delineated wetlands were accurately located (the scientist delineates, the surveyor locates).</p> <p>If the plan states that wetlands were mapped according to the National Wetland Inventory, it is inadequate. The National Wetlands Inventory is very approximate, contains only wetlands that can be positively identified by aerial photography, and greatly underestimates the actual extent of wetlands. I suspect that the actual extent of wetlands in the area west of Chase Road could be significantly larger than depicted, and there is a strong possibility, based on my knowledge of the area, that turbines 51, 52, and 53 are sited on Army Corps of Engineers jurisdictional wetlands.</p>	i	<p>Wetlands delineations were completed for the revised Project in September 2015 by experienced environmental scientists/field biologists employed by Environmental Design & Research, Landscape Architecture, Engineering, & Environmental Services, D.P.C. (EDR). Wetlands were approved in the field by USACE in accordance with state and federal wetlands laws and regulations. The Project layout has been designed to ensure that no turbines will be sited in wetlands.</p> <p>In December 2015, Jericho Rise submitted a Joint Application for Permit to the USACE and NYSDEC in accordance with state and federal wetlands laws and regulations. The FEIS includes a discussion of revised wetland impacts based on the final layout.</p>	SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
138	Rogers, Edward	5/3/08	Page 2 of Appendix D, "Wetland Inventory Report" prepared by Tetra Tech EC, Inc., states that "A full wetland delineation on the revised Jericho Rise Wind Farm project area is planned for the spring/summer of 2008." At what point will this detailed base map information be available to the public?	1	<p>See response to Comment 137 above.</p> <p>The wetland delineation report is included as Appendix G to the SEIS. This report includes detailed wetland mapping relative to the revised Project layout. Delineated wetlands are also mapped in Figure in the SEIS.</p>	SEIS Appendix G SEIS Figure 8
139	Rogers, Edward	5/3/08	What are the qualifications of individuals who will be performing the field delineations of wetlands?	2	Wetland field teams consisted of qualified scientists employed by Environmental Design & Research (EDR), DPC. The wetlands identified have also been reviewed by professional wetland scientists with the USACE and NYSDEC. See response to Comment 137	N/A
140	Rogers, Edward	5/3/08	Will the turbine locations be revised to avoid wetland impacts according to the revised field delineation information?	3	Yes. Based upon wetland delineations performed during summer 2008 and spring and summer 2015, the Project will avoid and minimize impacts to the greatest extent practicable for the Project. Impacts to wetlands are discussed in Section 2.2 of the SEIS and in the Joint Application for Permit, included as Appendix A to the FEIS.	SEIS Section 2.2 FEIS Section 2.2.1 FEIS Appendix A
141	Rogers, Edward	5/3/08	Is it the intention of Horizon Wind Energy to place turbines in Army Corps of Engineers jurisdictional wetlands if necessary?	4	The Project layout set forth in the SEIS reflects the results of Jericho Rise's efforts to avoid or minimize impacts to these wetlands. Turbines have not been proposed in wetland areas, but some other project facilities will disturb	SEIS Section 2.2 FEIS Section 2.2.1 FEIS Appendix A

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					wetlands. Anticipated wetland impact avoidance and minimization measures are provided in the SEIS and in the Joint Application for Permit, included as Appendix A to the FEIS.	
142	Rogers, Edward	5/3/08	Will utility and access road construction require dredge and fill permits from the Army Corps of Engineers?	5	A Joint Application for Wetland Permit has been submitted to the NYSDEC and the USACE and is included as Appendix A to the FEIS.	FEIS Appendix A
143	Rogers, Edward	5/3/08	If permits are required from the Army Corps of Engineers, will Phase IA Archeological Sensitivity Assessments be performed?	6	Yes. A Phase 1B archaeological study was conducted and submitted to the SHPO and USACE. The Phase 1B is included as Appendix Q to the SEIS. As noted in the SEIS, the Phase 1B archaeological study was completed, and minor modifications to the Project layout were made to avoid impacts to archaeological resources.	SEIS Section 2.6 SEIS Appendix Q
144	Rogers, Edward	5/3/08	For turbine locations where the access road, utility work, and structures will impact greater than 1 acre of land, will EPA Stormwater Pollution Prevention Plans be prepared and will they be available to the public?	7	Yes. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with NYSDEC guidelines that includes measures to minimize erosion and sediment impacts to surface waters and wetlands. The SWPPP was included in the Joint Application for Permit that was submitted to the USACE and the NYSDEC in December 2015 and is included as Appendix B to the FEIS.	SEIS Section 2.2.3 FEIS Appendix B
145	Rogers, Edward	5/3/08	Per "Conceptual Project Layout, revision A01," what percentage of the depicted wetlands have been field delineated and located?	8	Wetland delineations for the Project were completed in September 2015. The 2015 delineations have been reviewed by the USACE and NYSDEC in accordance with state and federal wetlands laws and regulations.	SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
146	Rogers, Edward	5/3/08	Figures 1-2, revision 5 of Appendix D, "Wetland Inventory Report" prepared by Tetra Tech EC, Inc., show drastically different turbine layouts than the drawing entitled "Conceptual Project Layout, revision A01." Will the wetland inventory report be revised to show the most recent turbine layout?	9	Yes. The FEIS describes impacts and analysis for wetlands associated with the most recent Project layout, including all facilities. See also response to Comment 137.	SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
147	Rogers, Edward	5/3/08	Will the wetland inventory report be revised to depict spring/summer 2008 wetland delineations and will these revisions be made available to the public?	10	See response to Comment 137.	SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
148	Rogers, Edward	5/3/08	What specific areas will be the subject of field wetland delineations during the spring and summer of 2008?	11	See response to Comment 146.	SEIS Section 2.2 SEIS Appendix G FEIS Section 2.2.1 FEIS Appendix A
149	Rogers, George	5/3/08	Estimated Cost of Decommissioning Section 1.8.1, page 1-40 to 1-41 The estimated decommissioning costs per turbine may not be adequate. As calculated, the estimated costs of decommissioning presented in Table 1.8-1 use current steel prices, as opposed to long-term average prices for steel. Due to the cyclical nature of steel prices, it is unlikely that current steel prices will persist, as they are at historically high levels. As a result, using current prices may very well underestimate the cost of decommissioning, as the cost of steel (like any commodity) is likely to fluctuate. Commodity prices such as steel tend to revert to a mean. So it is possible that future steel prices may fall significantly below current levels, making the future scrap value of the turbines worth significantly less than the estimates presented. A more conservative way to estimate the cost of decommissioning would be to use the average price of steel over an extended period of time, adjusted for inflation. If steel prices do continue to trend upward, the long-term average price of steel would also increase, and every three years - when decommissioning cost is revised - the company would then be able to decrease the size of the surety bond. What's more, this section 1.8.1 contends that the salvage value of the turbines may be in excess of its scrap value. This would only be true if the turbine model does not become obsolete. Due to the rapidly changing nature of the turbine industry, it is unlikely that - as the years pass - this model will retain significant value. The decommissioning plan does not seem to break out costs for the transport of decommissioned turbines. Why? These costs need to be detailed or otherwise accounted for. Based on the above four points, it is likely the decommissioning cost needs to be revised upwards.	12	Table 4 (Estimated cost of Decommissioning per Wind Turbine) has been updated in the SEIS to incorporate current scrap value for steel and the generator components. The Towns' wind energy local laws require that the decommissioning costs be reevaluated every three years and that the cost estimates be adjusted for inflation. These requirements will assure that the cost and salvage value estimates are kept current. As for transport, the estimates of decommissioning include general estimates of cost of removal which includes dismantling and transportation from the site less the value of scrap. Therefore, transport is inherently included in the calculation and, would be included in each bond adjustment. The Decommissioning Plan is attached as Appendix F of the FEIS.	SEIS Section 1.8 SEIS Table 4 FEIS Appendix F
150	Rogers, George	5/3/08	Project cost and funding Section 1.9, page 1-44	13	See also response to Comment 117.	SEIS Section 1.9 SEIS Section 2.9

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			<p>The DEIS contends that current Federal Production Tax Credits "will likely be extended such that the project will receive credits worth \$20 for each MWh of power it delivers to the electrical grid for the first 10 years of operation."</p> <p>1. To date, the Federal Production Tax Credits have not been renewed. In addition to this year, the production tax credit has, since 1999, lapsed in three previous years - 2000, 2002, and 2004. In each of these years, the tax credit lapsed for some period of time before being subsequently extended. If these tax credits are not extended, how will the project be affected?</p> <p>2. If at some point in the future, these Federal Production Tax Credits lapse or are not extended, how would this affect the town's PILOT payments?</p> <p>3. How would a lapse or elimination of these tax credits affect landowners with turbines on their property? How would their payments be affected during such periods?</p> <p>4. These Federal Production Tax Credits are slated to cease after the project has operated for 10 years. How will the project be affected after this 10 year period? Specifically, what will it mean to the town and landowners?</p>		<p>Responses to each of the 4 comments are as follows:</p> <ol style="list-style-type: none"> 1) The Production Tax Credit (PTC) was extended and signed into law in 2015. This extension provides for 100% qualification (at \$23 per MW and adjusted for inflation annually) if the project achieves commercial operation in 2016 or starts construction in 2016 and achieves commercial operation in 2017 or 2018. Once a project qualifies for the PTC, by achieving commercial operation in the aforementioned years, it automatically qualifies for a ten year period and is not reliant on further legislative extensions. 2) This not applicable. Once a project qualifies for the PTC, by achieving commercial operation in the aforementioned years, it automatically qualifies for a ten year period and is not reliant on further legislative extensions. PTC qualification has no effect on PILOT payments made to Towns or Counties as these are established by contract with the jurisdiction. 3) This not applicable. Once a project qualifies for the PTC, by achieving commercial operation in the aforementioned years (in response 1 above), it automatically qualifies for a ten year period and is not reliant on further legislative extensions. PTC qualification has no effect on landowners. 4) PTC qualification has no effect on counties, towns, or landowners. 	
151	Rogers, George	5/3/08	<p>Geologic Hazards Section 2.1.1, page 2-3</p> <p>Noted in the DEIS is the fact that a fault line runs through the project site and that it is an area of moderate seismic activity. Will turbines be able to withstand an earthquake of magnitude 5.0-5.9?</p>	14	<p>Since 2008, there have been 6 earthquakes within a 150 mile radius of Jericho Rise -- five earthquakes between 4.0-5.0 and one earthquake of 5.2 (according to USGS). Several neighboring wind farms are operating in Clinton and Franklin counties (also in Canada) with installation dates that range from 2007 – 2012. Turbines at these plants withstood all the earthquakes on record during this timeframe without issue. Jericho Rise wind turbines are designed and constructed to the same standards as the turbines at these plants and are expected to perform similarly during seismic events.</p> <p>The most active seismic region of the US is California. Only Texas has more wind turbines installed than California and large wind farm construction began in the early 1980s in California (earlier than any other US state). Wind turbines operating in California are also designed according to the same design standards as those to be installed at Jericho Rise and have a proven operational history of withstanding earthquakes in a much more seismically active region.</p>	N/A
152	Rogers, George	5/3/08	<p>Anticipated Impacts Section 2.2.2, page 2-27</p> <p>As noted in the DEIS, there will be "31 streams crossed more than once." Many of these streams are tributaries of the Chateaugay River. This river is an important trout fishery. As such, any impact to the river could have significant effects on the fishery - which could, in turn, significantly affect the local residents' perceptions of the project and company. The project threatens the river with siltation events that could destroy wild brown trout spawning habitat, and compromise the numbers and diversity of benthic invertebrates.</p> <p>Although a number of mitigation measures are discussed in regards to stream crossing and the threat of siltation, it is imperative for the health of the river that additional steps be taken. Namely, work must be avoided during periods of high water. The mouths of the tributaries that empty into the Chateaugay River should also be monitored closely to ensure that any siltation events are contained within the tributaries. Siltation control measures may be needed at the mouths of these tributaries, even though they are a significant distance from the Chateaugay River, as suspended particles are likely to travel well beyond the project area.</p>	15	<p>Jericho Rise will construct the Project in accordance with the approved SWPPP and any NYSDEC and USACE permit conditions, which will include use of best management practices to control siltation in surface waters, including streams.</p> <p>Note that the revised Project layout discussed in the SEIS routes access roads and collection lines around wetlands and streams wherever possible. Where such avoidance was not possible, narrow and/or previously disturbed portions of the wetlands and streams were chosen for crossing locations. Of the 21 streams identified within the Wetland Delineation Study Area, the Project will avoid impacts to 17. All streams that will be impacted are intermittent streams. See tables 2 and 3 of Appendix A of the FEIS. Mitigation measures are also described in the Joint application for Permit included as Appendix A to the FEIS.</p>	SEIS Section 2.2.1.1 SEIS Section 2.2.2 FEIS Section 2.2.1 FEIS Appendix A
153	Rogers, George	5/3/08	<p>Local Residents Section 2.5.1.2.1, page 2-76</p> <p>"Local residents are familiar with the local landscape and may be very sensitive to changes in particular views that are important to them."</p>	16	<p>WTG 52 has been removed due to setback restrictions from roadways and residences, wetland impacts, and proximity to other wind turbine generators.</p> <p>The layout of the proposed turbines has been revised as noted in the SEIS</p>	SEIS Figure 2 SEIS Section 2.9 SEIS Appendix M FEIS Figure 2

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			The residents of Chase Road enjoy premium views and as a result their properties are valued as such. It is likely that turbines 52, 48, and 44 will significantly detract from the value of these homes. Eliminating turbine 52 and moving turbines 48 and 44 further north would help to preserve value of these view properties.		and the visual impact of the revised layout has been evaluated in the Supplemental Visual Impact Assessment (SVIA). Refer to Figure 2 of the FEIS for the final layout. In addition, as discussed in the response to Comment 104, views of wind turbines are not predicted to negatively impact future property values.	
154	Rogers, George	5/3/08	Mitigation Measures Section 2.5.3, page 2-105 The DEIS suggests that a slight increase in tower height would result in fewer turbines being used. If the town were to grant a variance to allow slightly taller turbines, would fewer towers really be used in the project? Visually, what would the effect of taller turbines be? What would be the pros and cons of using slightly taller turbines?	17	A revised Project layout and wind turbine model was proposed in the SEIS which calls for taller towers (492 feet total height vs. originally planned 397 feet). This revised layout also calls for fewer total towers (37 total turbines vs. originally proposed 53 turbines). The impacts of the revised Project plans are discussed throughout the SEIS. Visual impacts are discussed in the SEIS Section 2.5 and in the SVIA (SEIS, Appendix M).	SEIS Section 1.1 SEIS Table 1 SEIS Section 2.5 SEIS Appendix M
155	Rogers, George	5/3/08	NYSDEC Noise Guidelines Section 3.2, page 10-11 The DEIS assumes that "typical ambient" noise levels of 45 dBA will exist in the project area. This is not necessarily the case in many areas of the project, as some locales may have much lower ambient noise levels. Preliminary investigation of noise levels on the Chase Road suggest that ambient noise levels fall well below this assumed rural ambient noise level. What's more, NYSDEC program policy (Section V B(7)c) states that "Sound pressure increases of more than 6 dB may require closer analysis of impact potential depending on...the character of the surrounding land use and receptors." The DEIS assumes that ambient noise levels of 45 dBA will exist in the project area, yet unless noise measurements are taken to determine actual ambient noise levels, it will be impossible to determine if NYSDEC sound guidelines will be exceeded. The DEIS contends that the "total cumulative of 51 dBA or 6 dBA above the...estimated ambient noise levels before the project begins, there will be no way to tell which areas will experience increases of greater than 6 dBA. Will the project measure ambient noise levels near residences to ensure that the NYSDEC guidelines will not be exceeded?	18	The Jericho Rise DEIS did not assume a "typical ambient" noise level of 45 dBA. Rather, a baseline sound survey was completed to determine existing ambient sound levels within the acoustic study area. In order to evaluate the revised Project layout, an updated noise impact study was completed in 2015 (Appendix R of SEIS). The study included monitoring ambient sound level in eight selected locations to characterize the acoustical environment. The study also included a computer modeling analysis of future Project operation sound levels, which were compared to the noise thresholds set forth in the local ordinances and NYSDEC guidelines. Refer to the SEIS Section 2.7 and Appendix R for the results of the survey. An updated Noise impact study was conducted for the final layout, and is summarized in FEIS Section 2.2.5 and FEIS Appendix C. See also response to Comment 112.	SEIS Section 2.7 SEIS Appendix R FEIS Section 2.2.5 FEIS Appendix C
156	Rogers, George	5/3/08	Property Values Section 2.9.2.2.2-2.9s, page 2-145 to 2-150 The section on property values does not acknowledge that there are high-end homes within the project area (for instance, on Chase Road) and that these homes stand to lose considerable value. Of note is Cushman and Wakefield's technical memorandum, "Impacts of the Jericho Rise Wind Farm Project on Local Property Values." This report, included in the DEIS, and used to support Horizon's assertion that property values won't be affected, contains a great of information that actually undermines Horizon's contentions. Although the DEIS steadfastly asserts that property values will not be affected, the Cushman and Wakefield report that is included in the DEIS states the following: "In conclusion, the academic literature tells us: That residential values are most sensitive to aesthetic impact and that high-end residential development is more sensitive than low-end housing;" (p.10). The report also states that: "Our analysis of changes in local real estate values, attributable to the proposed project, is more limited because of the relatively recent date of announcement of the Jericho Rise Wind Farm and of other wind farms proposed for the area" (p. 5). And also that: "Sparsely populated rural areas are much more difficult to study because the population of transactions available for observation is so limited" (p. 6) The authors go on to suggest that the one study that, in their opinion, can be applicable to the Jericho Rise project is the Wisner-Hoen study from the town of Fenner. Although the authors of the report caution that: "few of the Wisner and Hoen's sales were closer than 3/4 of a mile from a turbine." How can a project with 4,000 foot setbacks (3/4 of a mile) help us to predict what will happen in a town (Bellmont) with 1000 foot setbacks? Undoubtedly, the effect on property values will be significantly greater in a project where setbacks are four times closer to residences. The literature review conducted by Cushman and Wakefield does not support the assertion that property values will not be impacted. This section of the DEIS should state what should be obvious to anyone who has taken a serious look at the studies in question - there are no studies that examine	19	New information regarding the potential effects of wind turbines on local property values was presented and submitted by Jericho Rise to the DEIS record at the second Belmont public hearing on 4/23/08. The assumed 4,000 foot setbacks referenced to be in effect at the Fenner Wind Farm are inaccurate. Actual local setback limits as established by local law are 1.5 times the tower height plus the wind turbine rotor radius, which at Fenner equals 607.5 feet. Section 2.9.2 of the SEIS further discusses the impact of the Project on property values. Several updated studies published after the completion of the DEIS were reviewed and incorporated into the SEIS. The literature suggests that once a wind farm is operational, any negative impact to property values associated with the announcement of the project and related uncertainly disappears and property values return to pre-announcement values or more (e.g., Hinman et al. 2010, Hoen et al. 2014). Jericho Rise's assessment remains that the Project should not directly influence future property values in a negative manner. See responses to Comments 104 and 109 for additional detail concerning Project impacts on property values.	SEIS Section 2.9

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			the effects of property values in which there are mere 1000 foot setbacks. As such, it would be irresponsible for the company to assume that property values will not be affected. As a result, Horizon must propose a mitigation plan to address the potential loss of property values for any residence that stands to be impacted by the project.			
157	Rogers, Nancy	5/3/08	<u>Pros and Cons of increasing Tower Height</u> The effect that slightly taller towers would have on the project should be closely examined to determine if fewer towers could be used on the project. Is it possible that a smaller number of said towers might result in equal or greater benefits? It seems clear that there would be less habitat destruction. How does the megawatt output of taller towers compare with those currently proposed? A benefit/cost analysis of using higher towers should be presented to enable the towns to examine possible merits of allowing a variance for an increase in tower height.	1	A revised Project layout and wind turbine model was proposed in the SEIS which calls for taller towers (492 feet total height vs. originally planned 397 feet). This revised layout also calls for fewer total towers (37 total turbines vs. originally proposed 53 turbines). The impacts of the revised Project plans are discussed throughout the SEIS.	SEIS Section 1.1 SEIS Table 1
158	Rogers, Nancy	5/3/08	<u>Consider Placement of a Turbine on the Belmont Landfill Site</u> If any site is suited for a turbine, this seems to be the one. Unless there are residences that are opposed to this particular site, it should be used to generate revenue for the Town of Belmont.	2	During the review/comment period for the DEIS, the Town of Belmont stated at public hearing they do not want turbine placed at the landfill site.	N/A
159	Rogers, Nancy	5/3/08	<u>Project Area</u> The DEIS maps showing the project area include a portion of our Chase Road property 103.-3-7.300. This will be clear when you examine the property description for said property. I do not wish to have any of our property included in the project area and request that the property description in our deed be used in correcting the boundary of the project area.	3	The tax parcel data used in preparation of the layout was received from the Franklin County Real Property Office in the summer of 2006 and was accurate through deed file date of June 30, 2006. According to that dataset, the Project area did not include parcel 103.-3.7.300. The Project area included two adjacent parcels on the east side of Chase Road owned by a participating landowner (103.-3-2.200 and 103.-3-12). More recent available data (through March 1, 2008) suggests that these two parcels are not adjacent. Because these parcels did not include any Project development, they have been removed from the Project area to eliminate confusion.	N/A
160	Rogers, Nancy	5/3/08	<u>Mitigation and Property Values</u> This project will have an impact on the value of our property. The viewshed will be negatively impacted unless measures are taken to relocate some turbines. The location of turbine 52 is certain to have a noise impact on this property. A mitigation plan to address our potential losses needs to be included in the final EIS.	4	The studies presented in the SEIS demonstrate that the Project is not expected to have a material adverse effect on property values within the Towns (see response to Comment 104 for further detail). WTG 52 has been removed due to setback restrictions from roadways and residences, wetland impacts, and proximity to other wind turbine generators. A neighbor agreement will be offered to residents impacted by the project that meet certain criteria (see response to Comment 136). Finally, with respect to sound impacts, the analysis in Appendix R to the SEIS demonstrates that the Project will not cause an exceedance of the sound standards contained in the Town's wind energy local laws. Residents of the Town who believes that sound generated by the Project is causing adverse impacts will be able to make use of the Project's Complaint Resolution Procedure (contained in Appendix P of the SEIS and updated in Appendix L of the FEIS) to seek redress.	SEIS Figure 2 SEIS Section 2.9 SEIS Appendix P SEIS Appendix R FEIS Appendix L
161	Rogers, Wayne	5/3/08	<u>Pros and Cons of increasing Tower Height</u> The effect that slightly taller towers would have on the project should be closely examined to determine if fewer towers could be used on the project. Is it possible that a smaller number of said towers might result in equal or greater benefits? It seems clear that there would be less habitat destruction. How does the megawatt output of taller towers compare with those currently proposed? A benefit/cost analysis of using higher towers should be presented to enable the towns to examine possible merits of allowing a variance for an increase in tower height.	1	See response to Comment 157 (N. Rogers).	SEIS Section 1.1 SEIS Table 1
162	Rogers, Wayne	5/3/08	<u>Consider Placement of a Turbine on the Belmont Landfill Site</u> If any site is suited for a turbine, this seems to be the one. Unless there are residences that are opposed to this particular site, it should be used to generate revenue for the Town of Belmont.	2	See response to Comment 158 (N. Rogers).	N/A
163	Rogers, Wayne	5/3/08	<u>Project Area</u> The DEIS maps showing the project area include a portion of our Chase Road property 103.-3-7.300. This will be clear when you examine the property description for said property. I do not wish to have any of our property included in the project area and request that the property description in our deed be used in correcting the boundary of the project area.	3	See response to Comment 159 (N. Rogers).	N/A
164	Rogers, Wayne	5/3/08	<u>Mitigation and Property Values</u>	4	See response to Comment 160 (N. Rogers).	SEIS Figure 2

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			This project will have an impact on the value of our property. The viewshed will be negatively impacted unless measures are taken to relocate some turbines. The location of turbine 52 is certain to have a noise impact on this property. A mitigation plan to address our potential losses needs to be included in the final EIS.			SEIS Section 2.9 SEIS Appendix P SEIS Appendix R FEIS Appendix L
165	Barnes, Douglas	5/7/08	Comment expressing concerns regarding turbines 44, 47, 48, and 52 and their affect on viewshed and residential property values.	1	WTG 52 has been removed due to setback restrictions from roadways and residences, wetland impacts, and proximity to other wind turbine generators. Additional property value information was provided at the second Belmont DEIS public hearing and is included in the SEIS. Also, see response to Comments 104 and 109 for further information concerning property values.	SEIS Section 2.9
CHATEAUGAY PUBLIC HEARING – MARCH 31, 2008						
166	Merrill, Gilbert	3/31/08	Commentary expressing support for the project	1	Comment noted.	N/A
167	Selkirk, Kirby	3/31/08	Commentary expressing support for the project	2	Comment noted.	N/A
168	Rankin, Mary	3/31/08	Commentary expressing opposition to the project	3	Comment noted.	N/A
169	King, Joyce	3/31/08	Commentary expressing support for the project	4	Comment noted.	N/A
170	Dowd, John	3/31/08	Commentary expressing support for the project	5	Comment noted.	N/A
171	Titus, Marvin	3/31/08	Commentary expressing support for the project	6	Comment noted.	N/A
BELLMONT PUBLIC HEARING NUMBER ONE – APRIL 7, 2008						
172	Rogers, Wayne	4/7/08	Comments delivered at public hearing. See submitted written version of comments under Rogers_Wayne_040708.pdf.	1	See response to submitted written version of comments by W. Rogers dated 4/7/08. (Comments 109 through 119 above)	N/A
173	Rogers, George	4/7/08	Comments delivered at public hearing. See submitted written version of comments under Rogers_George_040708.pdf.	2	See response to submitted written version of comments by G. Rogers dated 4/7/08. (Comments 104 through 108 above)	N/A
174	Titus, Tammy	4/7/08	Comments delivered at public hearing. See submitted written version of comments under Titus_Tammy and Brando_040708.pdf.	3	See response to submitted written version of comments by T. Titus dated 4/7/08. (Comment 120 above)	N/A
175	Titus, Brandon	4/7/08	Comments delivered at public hearing. See submitted written version of comments under Titus_Tammy and Brando_040708.pdf.	4	See response to submitted written version of comments by B. Titus dated 4/7/08. (Comment 121 above)	N/A
176	Thompson, Carol	4/7/08	Comments expressing concern about tax incentives for the project, PILOT agreements, and economic effects of the project on the community.	5	The SEIS presents updated information regarding PILOT agreement, local tax incentives and socioeconomic analysis.	SEIS Section 2.9
177	Thompson, Carol	4/7/08	Commentary expressing opposition to the project.	6, 13	Comment noted.	N/A
178	Thompson, Carol	4/7/08	Questions about the efficiency (30%) and economics of wind energy compared to other sources of energy.	7, 9	All power generation systems contain inefficiencies that result in efficiencies much less than 100 percent and usually less than 50 percent. Wind energy, at approximately 30 percent efficiency, has proven to be a reliable energy source and has been integrated into transmission systems across the country. In New York, NYSERDA published a report in 2005 on the "Effects of Integrating Wind Power on Transmission System Planning, Reliability, and Operations" (http://www.nyserdera.org/publications/wind_integration_report.pdf). The report found that the New York State Bulk Power System can "reliably accommodate at least 10% penetration, 3,300 MW, of wind generation." Adding wind energy into the mix of power generators in a system allows for a diversity of power sources and a reduced need for foreign sources of fuel. The cost of electricity produced from wind energy is stable relative to costs for electricity generated by other types of power sources, such as natural gas or coal power plants, which rely on fossil fuels with variable prices.	N/A
179	Thompson, Carol	4/7/08	Questions regarding the ability of wind power to offset emissions from other sources of electricity.	8	See response to Comments 78, 79, and 80 (NYS DPS). Additionally, as noted in the SEIS, within the New York electricity market, wind-generated electricity typically displaces the use of fossil fuels in conventional power plants, producing a reduction in the emission of key air pollutants; sulfur dioxide and nitrogen oxides (acid rain precursors); mercury; and carbon dioxide (a contributor to global climate change). NYSERDA found that if wind energy supplied 10% (3,300 MW) of the state's peak	SEIS Section 1.4.2 SEIS Section 2.4 SEIS Section 8.0

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					electricity demand, 65% of the energy it displaced would come from natural gas, 15% from coal, and 10% from electricity imports. This equates to an annual displacement of 6,400 tons of nitrogen oxides and 12,000 tons of sulfur dioxide (GE Energy, 2005).	
180	Thompson, Carol	4/7/08	Questions regarding sound generated from wind turbines.	10	<p>The Project proponent understands that the control of environmental noise has become increasingly important in the siting and operation of successful wind energy projects. The Jericho Rise Project has been purposely designed to minimize environmental noise by siting wind turbines as far away from existing residential receptor locations as feasible.</p> <p>Because the number of turbines, turbine locations, and proposed turbine model changed, Hessler Associates, Inc. prepared an updated <i>Environmental Sound Survey and Noise Impact Assessment</i> (Hessler Associates, Inc., 2015) as part of the SEIS. This document is included as Appendix R of the SEIS.</p> <p>Appendix C of the FEIS provides a memo from Hessler Associates that updates predicted noise impacts associated with the revised Project layout.</p>	SEIS Section 2.7 SEIS Appendix R FEIS Appendix C
181	Thompson, Carol	4/7/08	Questions regarding effects on health.	11	<p>Concerns that shadow flicker may significantly impact sensitive populations, such as persons with epilepsy, is not supported by existing data. According to Epilepsy Action (working name for the British Epilepsy Foundation), there is no evidence that wind turbines can cause seizures. However, they recommend that wind turbine flicker frequency be limited to 3 Hz (http://www.epilepsy.org.uk/info/photo_other.html).</p> <p>Since the proposed Project's wind turbine blade pass frequency is approximately 0.13 to 0.25 Hz (less than 1 alternation per second), no negative health effects to individuals with photosensitive epilepsy are anticipated.</p> <p>Additional information on potential public health effects is provided in the SEIS Section 2.5.2.4.</p>	SEIS Section 2.5.2.4
182	Thompson, Carol	4/7/08	<p>Questions regarding effects on wildlife.</p> <p>Full comment: Destruction of wildlife. In past hearings wind turbine opponents have presented exhaustive documents - documentation on the impact of wind turbines on bats, birds, and other wildlife. And I've got a recent document that thick, citing studies from all over the country about this.</p>	12	<p>Section 2.3 of the DEIS and Section 2.3 of the SEIS discuss potential effects on wildlife. See also responses to NYSDEC comments for additional discussion of wildlife impacts.</p>	SEIS Section 2.3
183	Merrill, Gilbert	4/7/08	Commentary expressing support for the project	14	Comment noted.	N/A
184	Sherwin, Boyce	4/7/08	Statement of qualifications.	15	Comment noted.	N/A
185	Sherwin, Boyce	4/7/08	Questions regarding the data used to support conclusions about effects on property values.	16	<p>Section 2.9.2 of the SEIS discusses the impact of the Project on property values. Several updated studies published after the completion of the DEIS were reviewed and incorporated into the SEIS. The literature suggests that once a wind farm is operational, any negative impact to property values associated with the announcement of the project and related uncertainty disappears and property values return to pre-announcement values or more (e.g., Hinman et al. 2010, Hoen et al. 2014).</p> <p>Collectively, Jericho Rise's assessment remains that the Project should not directly influence future property values in a negative manner.</p> <p>See responses to Comments 104, 105 and 109 for additional detail concerning Project impacts on property values.</p>	SEIS Section 2.9.2
186	Sherwin, Boyce	4/7/08	Questions regarding the PILOT program.	17	<p>A PILOT agreement and Host Community Agreement are currently being negotiated with the Franklin County Industrial Development Association and the Towns of Chateauguay and Belmont, respectively. Neither agreement has been finalized. The SEIS includes an updated socioeconomic analysis which provides the most current information about local tax incentives.</p>	SEIS Section 2.9.3
187	Parmeter-Rogers, June	4/7/08	Comments expressing concern about shadow flicker and public health and safety.	18	See response to Comment 181.	SEIS Section 2.5.2.4

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188	Parmeter-Rogers, June	4/7/08	Comments expressing concern about property values.	19	See response to Comment 185.	SEIS Section 2.9.2
189	Madonna, CJ	4/7/08	We're looking for a proposal from Jericho, submitted to our office, which goes through the noise study, what variables are to be considered. Our noise experts are going to look at it, they're going to compare it with IEC standards and all the other requirements, and ultimately it will be Jericho that will run that study, based on our approval of the scope and methodology, which we have significant experience on. We'll have to take those results, we'll review them, and we'll make sure that they're appropriate. We haven't yet got that scope from Jericho.	20	Because the number of turbines, turbine locations, and proposed turbine model changed, Hessler Associates, Inc. prepared an updated <i>Environmental Sound Survey and Noise Impact Assessment</i> (Hessler Associates, Inc., 2015) as part of the SEIS. This document is included as Appendix R of the SEIS. Appendix C of the FEIS provides a memo from Hessler Associates that updates predicted noise impacts associated with the revised Project layout.	SEIS Section 2.7 SEIS Appendix R FEIS Appendix C
BELLMONT PUBLIC HEARING NUMBER TWO – APRIL 23, 2008						
190	King, Joyce	4/23/08	It was passed at the last public hearing that towers on our property on Chase Hill Road be relocated. And I feel that if these towers are relocated, what would we lose, what would our family lose? What would the town lose? What would the schools lose in revenue? And I feel that over a period of twenty years, that would be substantial.		These comments have been taken into consideration for the final layout.	N/A
191	Mr. King	4/23/08	The only comment I have again is on the valuation of the properties that are going to take place. I mean everything that I've read, everything that I've researched, Monday Morning TV on the Today Show, talk about how the value of properties go do down. I don't know if there are any safeguards that have been put in place against this for people or not.		See response to Comment 185. A neighbor agreement will be offered to residents impacted by the project that meet certain criteria (see response to Comment 136).	SEIS Section 2.9.2
192	Mr. King	4/23/08	The other thing is that, I know that I had voice my opinion in a letter to the editor and a Mr. Hest or Nest or whatever his name is, said that we have a guarantee on a host community program. I'd like to know as a taxpayer in the Town of Bellmont, well, what is the guarantee?		A PILOT agreement and Host Community Agreement are currently being negotiated with the Franklin County Industrial Development Association and the Towns of Chateaugay and Bellmont, respectively. Neither agreement has been finalized. The HCA will document all of the benefits provided and commitments made by the Applicant to the Towns. The SEIS includes an updated socioeconomic analysis which provides the most current information about local tax incentives.	SEIS Section 2.9.3
193	Rogers, Nancy	4/23/08	Comments delivered at public hearing. See responses to submitted written version of comments under Rogers_Nancy_042308.pdf.		See responses to written version of comments submitted by N. Rogers dated 4/23/08. (Comments 122 through 135 above)	N/A
194	Rogers, George	4/23/08	Does Mr. Madonna have any conflicts of interest? Has he or his firm or his associates received any compensation from either Noble or Horizon?		Mr. Madonna represents the Towns in their review of the Jericho Rise Wind Farm. Pursuant to an escrow agreement, Jericho Rise provides funds to the Towns which the Towns use to pay for the services of Mr. Madonna and their engineering and environmental consultants. This is a common arrangement, required under the Towns' wind energy local laws, and authorized by the NYSDEC's SEQR regulations. Payment to Mr. Madonna is made on an ongoing basis by the Towns and is in no way linked to the successful permitting of the Project.	N/A
195	Rogers, George	4/23/08	Request for longer comment period with additional hearings and expert witnesses.		The comment period on the DEIS was extended to 5/9/08. The SEIS was submitted on 11/10/15. The SEIS was accepted on 12/7/15. The SEIS Public Comment Period was from 12/9/15 through 1/11/16.	N/A
196	Rogers, George	4/23/08	In looking at the noise section of the DEIS, unless you have a physics in sound, a degree in sound, a degree in acoustics, you're not going to understand what they're getting at there. They should be able to explain to us these questions about what levels and what quality of sound is acceptable so that any one of us in here could accept that. Now, when we go down the road and we stop and we listen to those turbines now, I would think that they'd be able to say, well this is what you'll expect, or the standard we're going to hold to in this project is going to be greater or less than that. We should be given a clear layman's explanation as to what's going on with regards to sound because right now we go through that sound section of the DEIS and I don't know if you've had the chance to. It doesn't mean much to you at first. I think that more needs to be discussed in terms of the effects, specifically which homes stand to be affected and to what degree.		The Project proponent understands that the control of environmental noise has become increasingly important in the siting and operation of successful wind energy projects. The Jericho Rise Project has been purposely designed to minimize environmental noise by siting wind turbines as far away from existing residential receptor locations as feasible. Because the number of turbines, turbine locations, and proposed turbine model changed, Hessler Associates, Inc. prepared an updated <i>Environmental Sound Survey and Noise Impact Assessment</i> (Hessler Associates, Inc., 2015) as part of the SEIS. This document is included as Appendix R of the SEIS. The FEIS provides additional information on noise impacts associated with the revised Project layout. In addition, the Towns of Chateaugay and Bellmont require specific setback	SEIS Section 2.7 SEIS Appendix R FEIS Appendix C

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					distances between wind turbine generators and residences, of which have been met. Project operations may still result in periodically audible sound within the adjacent communities under certain operational and meteorological conditions. Specifically, the Project will be audible at the closest residential areas in relation to the Project footprint when residences are directly downwind and background sound levels are low with wind speeds high enough for turbine operation. Residents outside their houses and with a direct line of sight to an operating wind turbine may hear the "swooshing" sound characteristic of wind turbines. Under higher sustained wind conditions when the wind turbines generate their maximum sound energy, background ambient sound levels will also be higher due to sound generated by wind moving over objects and terrain and leaf rustle (foliate periods only), which will serve to mask wind turbine sound. The Project is expected to produce sound not inconsistent with that generated by other similarly sited wind energy projects using similar wind turbines. Ultimately, response to sound levels is largely subjective and will vary from person to person.	
197	Rogers, George	4/23/08	As far as health effects go, when I first heard about the idea that there could be such a thing as a wind turbine syndrome, I made fun of it. I was highly skeptical of it. But since I've gone out and stood under and visited and been around some of the spinning blades and been subjected to that noise, I started to think that there could be more to this than meets the eye. And when I see and I've read papers from people who are highly qualified, it seems to me that there's a growing body of literature that suggests that wind turbines may in fact have a real and lasting effect on the health of the people who live nearby. And again, I think that Horizon has marginalized those concerns.		To avoid health impacts related to noise, all wind turbines have been sited in accordance with town zoning setbacks, and noise models do not predict noise levels at residences within the Project area that would affect human health. Concerns that wind turbine shadow flicker may significantly impact sensitive populations, such as persons with epilepsy, is not supported by existing data. According to Epilepsy Action (working name for the British Epilepsy Foundation), there is no evidence that wind turbines can cause seizures. However, they recommend that wind turbine flicker frequency be limited to 3 Hz (http://www.epilepsy.org.uk/info/photo_other.html). Since the proposed Project's wind turbine blade pass frequency is approximately 0.13 to 0.25 Hz (less than 1 alternation per second), no negative health effects to individuals with photosensitive epilepsy are anticipated.	SEIS Section 2.7 SEIS Section 2.5.2.4 SEIS Appendix N FEIS Section 2.2.4
198	Rogers, George	4/23/08	When you go through the DEIS more often than not, when it comes to the section where it talks about mitigating the concerns, the environmental impacts, many of the mitigation measures are, don't worry it's not a problem. Don't worry, there's no birds we need to worry about in this area. Don't worry about property values because there's no problem. Finally, one part of the DEIS that bothers me consistently is the failure for Horizon to acknowledge that there will be environmental impacts and to give us real ways to mitigate against those impacts. Last meeting I mentioned that they said since property values won't go down, we don't need to mitigate against that. And I would counter that if property values aren't going to go down, if you're so sure of that, then you should have no problem offering to mitigate me against a potential loss of my property value.		Mitigation measures are addressed throughout the DEIS and SEIS as needed for the various environmental impacts associated with the Jericho Rise Project. These include focused mitigation efforts associated with the final layout for unavoidable wetland and waterway impacts, historic and prehistoric resource impacts, agricultural land use impacts and avian/bat impacts. These will also include post-construction monitoring efforts, where pertinent, to ensure that impacts associated with either construction or operation are mitigated properly. As for potential property value impacts, refer to Section 2.9.2 of the SEIS, as well as the responses to Comments 104, 105, and 109 above. A neighbor agreement will be offered to residents impacted by the project that meet certain criteria (see response to Comment 136).	N/A
199	Rogers, George	4/23/08	Comments regarding socioeconomic analysis in the DEIS. See submitted written comments under Rogers_George_040708.pdf.		See response to Comments 104 through 109 above.	N/A
200	Rogers, George	4/23/08	I also want to make it clear that I feel as if the current setbacks again are not adequate and that the process whereby those setbacks were established should be revisited. Personally, I'm asking the Board and Horizon to scrutinize the siting of three turbines specifically, turbine 44, 48, and 52.		Jericho Rise's layout complies with local siting bylaws for wind energy projects. WTG 52 has been removed due to setback restrictions from roadways and residences, wetland impacts, and proximity to other wind turbine generators.	N/A
201	Rogers, Wayne	4/23/08	Comments requesting extension of comment period for review of DEIS.		The DEIS comment period was extended to 5/9/08.	N/A
202	Rogers, Wayne	4/23/08	Comments expressing support for use of underground transmission lines for the project.		Comment noted.	N/A
203	Rogers, Wayne	4/23/08	Comments requesting consideration of placing turbines on landfill.		See response to Comment 158.	N/A
204	Thompson, Carol	4/23/08	Comments describing the content of the package provided at public hearing of studies and reports regarding effects of wind turbines. Request for an independent expert to review those studies and the Jericho Rise DEIS. Also see comments from Carol Thompson at 4/7/08 public hearing that provide more details about the content of these studies.		GHD provides the towns with an independent review of studies and EIS content.	N/A
205	Healey, Gerald	4/23/08	Comments inviting Horizon to visit Mr. Healey at his property and questions about whether the project will cause taxes to increase.		Jericho Rise has met with Mr. Healey and his neighbors to discuss neighbor agreements and potential property tax impacts. In New York, property taxes associated with wind farms are paid under the contractual	N/A

No.	Commenter	Date	Comment	Item No/Stat.	Response	Section
					agreements between Towns and Counties, e.g. PILOT agreements and/or Host Community Agreements (HCA). Jericho Rise will pay taxes associated with the landowner's property that are not covered under the PILOT or HCA, e.g. fire tax and special purpose tax.	
206	Titus, Tammy	4/23/08	Comments describing the content of the package provided at public hearing of studies and reports about wind energy. Commentary that every person's opinion should be taken into consideration and that the validity of outside studies be considered. Comments expressing support for the project as a means to protect property from future development and as one solution to global warming.		Comment noted.	N/A
207	Titus, Marvin	4/23/08	Comments expressing support for the project and its economic benefits.		Comment noted.	N/A
208	Titus, Marvin	4/23/08	Request that the landfill be considered as a location for placing turbines.		See response to Comment 158.	N/A
209	O'Connor, Patrick	4/23/08	Comments expressing support for the project.		Comment noted.	N/A