

Comment Number	Commenter/Date	PSS Section	PSS Title	Corresponding Application Exhibit Number and Title	Comment (Per Commenter)	Applicant Response
1	Richard Thomas, New York State Department of Health August 31, 2016	Not referenced by Commenter	Not referenced by Commenter	Generally related to Exhibit 15: Public Health and Safety	As an initial note, the Preliminary Scoping Statement (PSS) indicates that the application will include assessments of potential public health impacts associated with visibility, lighting, shadow flicker, sound, blade/ice throw, tower collapse, and others. The Department looks forward to receiving more details during the course of the application process, and will scrutinize the final application to ensure that the project is compatible with public health and safety.	Comment Noted.
2	Richard Thomas, New York State Department of Health August 31, 2016	Not referenced by Commenter	Not referenced by Commenter	Generally related to Exhibit 15: Public Health and Safety	The proposed Baron Winds Project would be a large wind energy project, and would be sited in Steuben County where a number of other wind energy projects are already located. The application should include a discussion of the potential for cumulative effects (e.g., noise, vibration, visual, etc.) associated with the large number of turbines involved in the Bull Run project and considering the multiple wind farms already sited in Steuben County.	Given the fact that the Bull Run wind project is proposed to be located in Clinton County (approximately 300 miles northeast of Steuben County), the Applicant assumes that the reference to "Bull Run" was in error, and the commenter intended on referencing "Baron Winds". With respect to cumulative impacts, such impacts will be addressed as indicated in the Baron Winds PSS. The Application will include a discussion of potential cumulative impacts and consider multiple wind farms already sited in Steuben County as indicated in the PSS and detailed in the responses to the substantive resources areas in this response document.
3	Richard Thomas, New York State Department of Health August 31, 2016	2.6	Wind Power Facilities	Exhibit 6: Wind Power Facilities	Section 2.6 of the PSS states that four of the six towns impacted by the Baron Winds Project have local laws pertaining to wind farms which include setback distances. The PSS also indicates that setbacks for turbine siting are sufficient to address most safety and health concerns, however, the application will contain site-specific analyses to evaluate potential impacts. The site-specific analyses included in the application should demonstrate that health, safety and annoyance impacts will be mitigated by proper siting, including turbines sited within the two towns that do not have local laws pertaining to wind farms.	Section 2.6 of the PSS states, "The proposed turbines are sited in the Towns of Avoca, Cohocton, Dansville, Fremont, Howard, and Wayland. As of the date this PSS is filed, except for Wayland and Dansville, each of these Towns have adopted laws specific to wind energy development." In addition, the Applicant does not consider <i>annoyance</i> (i.e., being irritated, aggravated, displeased, etc.) to be an impact that can be resolved through setbacks since it is based on individual disposition to the wind farm and not necessarily related distances from turbines. Therefore, the Application will not conduct a setback analysis related to mitigating annoyance, but does believe that its proposed setbacks to be presented in the Application minimize the potential for annoyance. However, an analysis associated with setback compliance will be conducted and presented in the Application at the same level of detail as that presented in Exhibit 6 of the Cassadaga Wind Project Article 10 Application (Case No. 14-F-0490).
4	Richard Thomas, New York State Department of Health August 31, 2016	2.15	Public Health and Safety	Exhibit 15: Public Health and Safety	Section 2.15 presents the public safety and health impacts that will be evaluated in the application. An analysis of shadow flicker is appropriately included as part of that evaluation, however the PSS indicates that only "non-participating" residences are included in the list of sensitive receptors, but will not include participating households. While we recognize that participating households will receive compensation for their participation, they will nevertheless be affected by potential shadow flicker. The impact of the project on participating households, including seasonal residences, should be considered more fully, or justification should be provided for excluding them.	All receptors (regardless of their participating status) will be evaluated in the shadow flicker analysis. Specific to project participants, the agreement between the Applicant and the respective participating landowner will effectively mitigate any and all impacts that may be experienced due to shadow flicker. Therefore, the impact threshold of 30 hours per year of shadow flicker will only be applied to non-participating residences.
5	Richard Thomas, New York State Department of Health August 31, 2016	2.15	Public Health and Safety	Exhibit 15: Public Health and Safety	With respect to the discussion of noise impacts in Section 2.15, we are encouraged that the applicant will consider the World Health Organization's 2009 Guidelines for Night Noise, among other guidelines. However, the applicant should cite the document and include it in the reference list (as well as other cited works).	The Facility-specific noise analysis will include proper citations and will include consideration of the WHO 2009 Guidelines for Night Noise.
6	Richard Thomas, New York State Department of Health August 31, 2016	Not referenced by Commenter	Not referenced by Commenter	Generally related to Exhibit 15: Public Health and Safety	This proposal for up to 120 turbines will involve considerable construction activities distributed throughout the impacted communities. The PSS does not indicate that potential health impacts associated with increased automobile and truck traffic during construction will be evaluated. The application should include an evaluation of the potential effects of construction-related traffic on	As indicated in PSS Section 2.12(a), the Application will contain a Preliminary Quality Assurance and Control Plan, and <i>safety</i> is specifically identified in the PSS as one of the topics to be addressed in this plan however the Applicant does not plan to conduct a study on specifics of general construction-related traffic on air quality or traffic accident risk. With respect to construction noise, this will be

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					public health and safety, including the impact of increased noise, reduced air quality and greater risk of traffic accidents.	discussed in Exhibit 19 of the Application. In addition, impacts association with construction related traffic will be addressed in Exhibit 25 of the Application.
7	Richard Thomas, New York State Department of Health August 31, 2016	Not referenced by commenter	Not referenced by commenter	Multiple Exhibits	The PSS indicates that applicant requested information (via Freedom of Information Act) from Steuben County Department of Health (SCDOH) on the location of public water systems or intakes. SCDOH is a partial service county health department. As such, it is not the custodian of the requested information. Please direct your request to the New York State Department of Health, Records Access Office. Additionally, the PSS indicates that the applicant will work with SCDOH for any required wastewater or sanitation treatment systems, which will require approval by a NYS licensed professional engineer. For these matters, the applicant should work with the local municipal code enforcement offices. Finally, in order to fully evaluate any effects on communication services, particularly with respect to emergency services, we suggest the applicant consult with Steuben County Office of Emergency Services and the Steuben County Sheriff's Office.	Comment Noted. The Applicant will consult with the identified contacts.
8	Heather P. Behnke, New York State Department of Public Service	-	General Comment	-	In addition to the specific comments on many topics below, DPS Staff advises that the application must also contain all of the informational requirements included in 16 NYCRR §1001.1 et seq.	Comment Noted.
9	Heather P. Behnke, New York State Department of Public Service	-	General Comment	-	Terminology used in pre-application and future application phases should be standardized.	Comment Noted.
10	Heather P. Behnke, New York State Department of Public Service	-	General Comment	-	The application should provide a list of acronyms as an appendix to the Table of Contents.	Comment Noted.
11	Heather P. Behnke, New York State Department of Public Service	-	General Comment	-	The application should be carefully reviewed to ensure that all reference citations within the body of any exhibit are fully cited at the relevant list of reference documents. (Note: The PSS document is missing some referenced documents.)	Comment Noted.
12	Heather P. Behnke, New York State Department of Public Service	1.3	Summary of Pre-Application Activities	Exhibit 2: Overview and Public Involvement	The Applicant is encouraged to consider establishing a local project office.	Comment Noted. If the Applicant establishes a local project office, we will make stakeholders aware of that office and contact information. The Applicant notes that any comments or concerns may be addressed to the Facility's public contact Kevin Sheen, Sr. Director of Development for Everpower, 646-839-8919 or ksheen@everpower.com
13	Heather P. Behnke, New York State Department of Public Service	2.2	Overview and Public Involvement Summary	Exhibit 2: Overview and Public Involvement	This section should include the range of turbine models and sizes being considered.	As stated in PSS Section 2.2(a) "the Applicant will provide a range of turbine models and sizes that are suitable for the Facility."
14	Heather P. Behnke, New York State Department of Public Service	2.2	Overview and Public Involvement Summary	Exhibit 2: Overview and Public Involvement	The Applicant lists Cohocton Public Library and Hornell Public Library as repositories. The Applicant should also list all the other host community towns' libraries as repositories, i.e., Avoca Free Library, Dansville Public Library, Fremont Public Library, Howard Public Library and Wayland Free Library. In addition, the libraries should be added to the Stakeholders List. The Applicant should clarify that all repositories have received paper copies of the project documents including the Public Involvement Program Plan (PIP Plan), PSS, and any other materials presented at outreach events.	6 NYCRR 1000.6(a)(5) requires that one paper copy of the Application "be served on a library serving the district of each member of the state legislature in whose district any portion of the facility is to be located as proposed or in any alternative location listed." There is no requirement that every library located in a "host community" receive a paper copy of the Application. The Facility as currently proposed is located within the 58 th Senate District and the 132 nd and 133 rd Assembly Districts. The 58 th Senate District and the 133 rd Assembly District are both served by the Cohocton Public Library and Hornell Public Library.

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						<p>The Applicant will add the Howard Public Library to the available repositories in the Application to ensure the 132 Assembly District is covered. Copies of the PIP and PSS will be served on the Howard Public Library.</p> <p>Paper copies of the PIP and PSS have been delivered to the Cohocton Public Library and Hornell Public Library and the Applicant has not received any comments or complaints regarding the accessibility of these documents, or requests to add additional repositories. Furthermore, a copy of the Application will be served on each "host community" and presumably will be made publicly available by those communities.</p>
15	Heather P. Behnke, New York State Department of Public Service	2.12	Construction	Exhibit 2: Overview and Public Involvement	The Complaint Resolution Plan should be expanded to describe a procedure for review and transmittal of complaints, updates, and plans for resolution to DPS Staff.	Comment Noted.
16	Heather P. Behnke, New York State Department of Public Service	Appendix C	Master List of Stakeholders	Exhibit 2: Overview and Public Involvement	<p>This list should include:</p> <ul style="list-style-type: none"> • Kathleen H. Burgess, Secretary to the Commission • Point of contact for each stakeholder • Stakeholders list to include individuals and organizations that are on the service list in DMM 	Comment Noted.
17	Heather P. Behnke, New York State Department of Public Service	Appendix D	Meeting Log	Exhibit 2: Overview and Public Involvement	The log should provide a summary of questions asked at outreach events and meetings. The Applicant should indicate how it addressed or plans to address the questions.	Comment Noted.
18	Heather P. Behnke, New York State Department of Public Service	2.3	Location of Facilities – Topographic Maps	Exhibit 3: Location of Facilities	The topographic maps specified in this section should be reproduced at 1:24,000 scale. Facility locations should be clearly visible and should allow discernment of municipal boundaries, as called for in 16NYCRR §1001.3(b), including the Village of Cohocton boundary near the Facility Area (which is not indicated in PSS Figure 2, Figures Appendix).	Comment Noted.
19	Heather P. Behnke, New York State Department of Public Service	2.3	Location of Facilities – Topographic Maps	Exhibit 3: Location of Facilities	The description of Facilities at Section 2.3(a)(1) is not clear as to the location of the collection substation and the facilities design proposal for connecting the collection substation to the point-of-interconnection substation. DPS Staff requests that the Applicant specify and provide a map of station locations and the location and voltage of the connecting facilities.	The mapping prepared in support of Exhibit 3(a)(1) will include all Facility components as required. The Application will include a clear description of the Facility's point of interconnect.
20	Heather P. Behnke, New York State Department of Public Service	2.3	Location of Facilities – Topographic Maps	Exhibit 3: Location of Facilities	DPS Staff requests that the Applicant provide a preliminary Facility layout, indicating Facility component locations, setback requirements of local laws, and other relevant siting constraints currently known to the Applicant as part of the pending Response to PSS Comments, to advance development of the project scope and stipulations.	The information to provide a Facility layout is not available at this time. The Application will provide a Facility layout. A list of setback requirements is provided in PSS Section 2.6 and will be provided in Exhibit 6 of the Application.
21	Heather P. Behnke, New York State Department of Public Service	2.4	Land Use - Map of Existing Land Uses / Section 2.4(f) – Map of Proposed Land Uses	Exhibit 4: Land Use	The application should address other wind energy generating projects in the Study, whether existing or proposed. These should be denoted as overlays to the underlying land uses where they are located.	Comment Noted. The Applicant requests additional clarification on this comment from DPS staff.
22	Heather P. Behnke, New York State Department of Public Service	2.4	Land Use - Map of Existing Land Uses	Exhibit 4: Land Use	The map should reflect additional land use information gathered from interviews with participating and nearby landowners, as available, to distinguish specific uses of "Vacant Land" use category. Vacant Land generally refers to land without principal buildings, and may include uses such as recreational, forest management, maple sugaring, seasonal grazing or other uses that may be affected by siting, construction or operation of the proposed major electric generating facilities.	Comment Noted.
23	Heather P. Behnke,	2.4	Land Use - Map of Specially Designated Areas	Exhibit 4: Land Use	The application should address National Rivers Inventory study waterways: sections of both the Cohocton River and Canisteo River are	Comment Noted.

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	New York State Department of Public Service		– and Table 1 Sources of Data		included in this inventory of candidate waterways for the federal Wild, Scenic and Recreational Rivers program, as administered by the National Park Service. GIS data and descriptions of these waterways is available on-line at https://www.nps.gov/ncrc/programs/rtca/nri/index.html .	
24	Heather P. Behnke, New York State Department of Public Service	2.4	Land Use - Map of Specially Designated Areas – and Table 1 Sources of Data	Exhibit 4: Land Use	As discussed in DPS Staff comments on the draft PIP Plan, the Steuben County Planning Department's Agricultural Districts Review Schedule indicates that Agricultural District 5 is currently subject to review in Cohocton and Wayland and Agricultural District 7 will be subject to review early in 2017. DPS Staff advises that the application should indicate the status and reflect any modifications to enrolled lands.	Comment Noted.
25	Heather P. Behnke, New York State Department of Public Service	2.4	Land Use - Map of Specially Designated Areas – and Table 1 Sources of Data	Exhibit 4: Land Use	DPS Staff advises that Almond Lake is a federal Recreation Area within the expanded Facility Study Area for visual resources. DPS Staff recommends identifying the nature of recreational uses and activities at this resource location.	Comment Noted.
26	Heather P. Behnke, New York State Department of Public Service	2.5	Electric Systems Effects - Potential Reliability Impacts	Exhibit 5: Electrical System Effects	The application should discuss when the Applicant will enter the New York Independent System Operator (NYISO) Class Year study and note that it will participate in the part of the study to make the Facility deliverable.	The Application will discuss this information if known at the time of Application submission. If not known the Application will estimate when the Applicant will enter the NYISO class year study but notes this is not within the Applicant's control.
27	Heather P. Behnke, New York State Department of Public Service	2.6	Wind Power Facilities - Manufacturer's Setback Specifications	Exhibit 6: Wind Power Facilities	The discussion in this section should include any indicated recommendations or factors for consideration including public or private roads, road usage levels, ice throw, and safe work-zone distances for maintenance crews or outdoor activities on nearby lands.	As discussed in the PSS, the Applicant is not aware of any recommendations but will confirm this in the Application.
28	Heather P. Behnke, New York State Department of Public Service	2.6	Wind Power Facilities - Setbacks required by Local Law or Ordinance	Exhibit 6: Wind Power Facilities	Table 3 summarizes Town setback requirements of various facilities. DPS Staff advises that details of local ordinances, including definitions of terminology, should be important considerations in Facility design and development of the application. Definitions of "structures" and "buildings" and other terms are likely to vary among municipal codes.	Comment Noted.
29	Heather P. Behnke, New York State Department of Public Service	2.6	Wind Power Facilities - Setbacks required by Local Law or Ordinance	Exhibit 6: Wind Power Facilities	DPS Staff requests that full text copies of all municipal codes be provided for review in development of the scoping document and stipulations.	Comment Noted. The local laws identified in the PSS are provided as an attachment to this comment/response matrix.
30	Heather P. Behnke, New York State Department of Public Service	2.6	Wind Power Facilities - Setbacks required by Local Law or Ordinance	Exhibit 6: Wind Power Facilities	DPS Staff advises that the Public Service Commission has stipulated to a standard setback distance of 1.5 times maximum blade tip height from major transmission facilities, which would include the NYSEG transmission line traversing the Facility Area, existing substation associated with the Cohocton Wind project, and the high-voltage side of the proposed Facility Collection Substation. See Case 07-E-0213, <u>Sheldon Energy LLC</u> , Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued January 17, 2008), fn. 5, page 12 ("In the future, we may, as conditions warrant require a minimum setback distance of 1.5 times maximum turbine blade tip height from the edge of the right-of-way of any electric transmission line designed to operate at 115 kV or more").	Comment Noted.
31	Heather P. Behnke, New York State Department of Public Service	2.6	Wind Power Facilities - Setbacks required by Local Law or Ordinance	Exhibit 6: Wind Power Facilities	DPS Staff requests that the Applicant provide a preliminary Facility layout, indicating Facility component locations, setback requirements of local laws, and other relevant siting constraints known to the Applicant, to advance development of the project scope and stipulations.	See Response to Comment Number 20 above.
32	Heather P. Behnke, New York State Department of Public Service	2.9	Alternatives - General Arrangement and Design / Section 2.9(c)(3) – Scale or Magnitude / Section 2.9(c)(4) – Alternative Turbine Layouts	Exhibit 9: Alternates	DPS Staff advises that the application should provide a robust alternatives analysis report that addresses turbine size versus turbine numbers, minimization of impacts tradeoffs of alternative arrangements; alternative arrangements that would fully comply with all local legal provisions; and that identifies any reasonable alternatives to the proposed arrangement.	Comment noted. The Applicant looks forward to developing the parameters of the alternatives analysis through the stipulations process.

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33	Heather P. Behnke, New York State Department of Public Service	2.9	Alternatives - No Action Alternative	Exhibit 9: Alternates	Consideration of a "no-build/no-action" alternative, as required by 16 NYCRR §1001.9(f), should address an alternative scale project at less than 25 MW, the threshold level for Article 10 applicability for a major electric generating facility.	The Applicant is uncertain as to the basis for DPS Staff's request that a "non-Article 10" alternative be considered as part of the alternatives analysis. As described in the PSS, the Applicant is proposing a facility with a generating capacity of up to 300 MW, therefore, we suggest consideration of an alternative below 25 MW is not appropriate, nor consistent with the Project Sponsor's goals and objectives to maximize the wind resource at this location. Moreover, 16 NYCRR 1001.9 does not require a review of a "non-Article 10" alternative. Instead, 1001.9(f) refers to an assessment of the "no action/no build" alternative meaning an assessment of the potential impacts if the facility were not built. This is consistent with the "no-action" alternatives analysis found in SEQRA. DEC's SEQRA Handbook describes the substance of the "no action" discussion to be a description of the likely circumstances at the project site if the project does not proceed. For many private actions, the no action alternative may be adequately addressed by identifying the direct financial effects of not undertaking the action, or by describing the likely future conditions of the property if developed to the maximum allowed under the existing zoning.
34	Heather P. Behnke, New York State Department of Public Service	2.11	Preliminary Design Drawings - Site Plan	Exhibit 11: Preliminary Design Drawings	For application site plan figures, DPS Staff recommends that the preliminary site plan figures for Facility components should include additional information including indications of zoning designations, and as applicable, buildable area, lot coverage, setback distance requirements, and other area and height requirements (particularly for O&M building site, collection and POI interconnection sites, etc.).	All of the requested information will be provided in other sections of the Application (e.g., Exhibits 4 and 6). The Applicant also notes that the regulations at 1001.1(e) state, "If the same information is required for more than one exhibit, it may be supplied in a single exhibit and referenced in the other exhibit(s) where it is also required." Therefore, the Applicant suggests that since the requested information is provided elsewhere, it would not be beneficial to confuse the design drawings with additional information.
35	Heather P. Behnke, New York State Department of Public Service	2.12	Construction - Preliminary Quality Assurance and Control Plan	Exhibit 12: Construction	This section of the PSS notes that the Balance of Plant (BOP) contractor will be responsible for ensuring compliance, inspections, testing, reporting of non-compliance issues, etc. The application should also indicate whether the Applicant intends on obtaining independent environmental and construction monitors to be on-site during the duration of construction.	Comment Noted.
36	Heather P. Behnke, New York State Department of Public Service	2.12	Construction - Preliminary Quality Assurance and Control Plan	Exhibit 12: Construction	Per 16 NYCRR §1001.12(a), the application should describe how the Applicant will monitor and ensure conformance of Facility installation with all applicable design, engineering, and installation standards and criteria. Also, the application should describe the reporting procedures for any independent environmental and/or construction monitors on-site. If no independent monitors will be on-site, the application should describe how the Applicant will monitor the BOP and related contractors for ensuring compliance of applicable standards and criteria.	The Application will describe how the Applicant will monitor and ensure conformance with all applicable design, engineering, and installation standards and criteria. With respect to environmental construction monitoring, the Applicant intends to have such monitors on site and will describe the duties of the monitor(s) and associated reporting procedures in the Article 10 Application.
37	Heather P. Behnke, New York State Department of Public Service	2.13	Real Property - Map of Generating Site	Exhibit 13: Real Property	This description of the tax parcel map should include indications of other existing easements on properties included in the Facility Site. Access or use easements that may be affected by facilities layout, construction or operation, including those for gas well or pipeline locations, electric lines, other wind projects, etc., should be indicated on the map and described accordingly.	To the extent the information is reasonably available to the Applicant at the time of Application submittal, the requested information will be provided.
38	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety	Exhibit 15: Public Health and Safety	DPS Staff recommends that the scope of Exhibit 15 of the application be expanded to include an evaluation of transport and delivery of facilities components to the Facility Site in the evaluation of potential significant adverse impacts on public safety.	The Applicant anticipates that potential public health and safety impacts, and proposed mitigation measures, related to transportation will be addressed in Exhibit 25 of the Application.
39	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Audible Frequency and Low Frequency Noise	Exhibit 15: Public Health and Safety	This section includes a reference citation to "RSG et al 2016" on page 65. This citation is not supported with details at PSS <u>Section 4.0 References</u> . Please provide the referenced document as soon as possible for DPS Staff review and update the References list at Section 4.0.	RSG et al, "Massachusetts Study on Wind Turbine Acoustics," Massachusetts Clean Energy Enter and Massachusetts Department of Environmental Protection, 2016, available on the MassCEC website.

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40	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Audible Frequency and Low Frequency Noise	Exhibit 15: Public Health and Safety	This section provides a very limited discussion of the potential for Noise, Low Frequency and Infrasound to cause health effects on humans and does not provide a sufficiently detailed basis to support some of the statements in the PSS. A thorough literature review of adverse impacts and health effects from noise including audible noise, low frequency noise and infrasound, sleep disruptions and annoyance should be included in the application.	A thorough literature review (limited to scientific journals and publications from government bodies) of adverse impacts and health effects from noise including audible noise, low frequency noise and infrasound, sleep disruptions and annoyance will be included in the application.
41	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Audible Frequency and Low Frequency Noise	Exhibit 15: Public Health and Safety	This section states: "The World Health Organization's guidelines to prevent nighttime sleep disturbance are 45 dBA. LNight (the sound pressure level averaged over the night), and the Facility's predicted nighttime noise will be compared to this level." DPS Staff notes that the proposed threshold needs more discussion with consideration of noise descriptors, duration and location of measurements, assumptions for outdoor-to-indoor-noise reductions and interior noise level goals. In addition, DPS Staff further notes that the World Health Organization (WHO) updated its recommendations in 2009 and published guidelines for noise levels at night based on an updated analysis of the relation between noise levels and health effects on humans in Europe. DPS Staff recommends that the Night Noise Guidelines for Europe (WHO-2009) be addressed in the discussion of potential health effects from noise on humans.	The WHO Guidelines on Community Noise (1999) list two nighttime standards. The first is a 60 dBA Lmax and the second is a 45 dBA L8. The latter is a nighttime Leq, averaged over eight hours outside the bedroom window. The application will include a calculation of the highest L8 at each residence and set a proposed threshold. The WHO Europe 2009 document supplemented WHO's Community Noise Guidelines with a 40 dBA average <u>annual</u> nighttime "no-adverse effect" guideline. The annual average nighttime noise level (Lnight) from the wind turbines will be estimated for each residential receiver identified.
42	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Shadow Flicker	Exhibit 15: Public Health and Safety	This section of the PSS limits the analysis for shadow flicker modeling to calculation of impacts on non-participating residential structures located within a radius of 10 rotor diameters from all proposed turbine locations. DPS Staff recommends expanding the scope to calculate and report flicker impacts on participating receptors as well as non-participant residences.	See Response to Comment Number 4 above.
43	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Shadow Flicker	Exhibit 15: Public Health and Safety	This section proposes to estimate shadow flicker effects on receptors in terms of a predicted frequency for a year (hours per year). DPS Staff recommends that the scope of studies also propose a threshold for the maximum number of minutes per day with a justification and consideration of potential health effects and also specify whether the proposed threshold should be compared to the results of "worst-case" or "real/expected-case" evaluations.	The Applicant is not aware of any impact thresholds associated with the amount of shadow flicker per day, and would like to discuss with DPS staff the suggested recommendation and why this should be considered an impact. With respect to "worst case" versus "real" please see response to comment 45 below.
44	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Shadow Flicker	Exhibit 15: Public Health and Safety	This section proposes reporting shadow flicker contours overlain on mapping of known public recreational areas. DPS Staff recommends that shadow flicker mapping show existing and planned approved residences (both participating and non-participating), property lines, sensitive land locations (including public recreational areas), turbine locations and public roads. Drawings should be full-size and properly scaled.	The Applicant will consult with local municipal leaders of towns within the 10 rotor diameter study area to determine if there are any newly planned residences, and if so the associated residence and property lines will be indicated on shadow flicker mapping. Recreational areas will also be included on this mapping; however, the Applicant requests that the commenter specify additional "sensitive areas" recommended for mapping. The Applicant also requests clarification on what is meant by "full-size and properly scaled".
45	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Shadow Flicker	Exhibit 15: Public Health and Safety	This section proposes a threshold of 30 shadow flicker hours-per-year for analysis of flicker impacts from the proposed Facility. The scope of studies should clarify whether the analysis and threshold is proposed for a "worst case" or "real/expected-case" evaluation along with a justification and consideration of any potential health effects including annoyance, stress or any other cognitive, physical or health effects. Typically, "worst-case" evaluations assume that there is no cloud coverage so that the sun is always shining during the daytime and the plane of rotation of the blades is perpendicular to the wind direction so that the area exposed to shadow flicker is maximal. In an "expected/real case" evaluation, however, cloud coverage and wind direction are accounted for so that the	Shadow flicker results will be based upon the real/expected-case. However, this is still somewhat a "worst case" analysis since we use the "green-house" mode or omni-directional shadow receptors that simulates a 1 m ² window located 1 meter above ground level in which the receptor is visible from all angles.

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					sun is not assumed to be always shining during the daytime and the wind turbines are not assumed to be always facing the sun.	
46	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Mitigation Measures	Exhibit 15: Public Health and Safety	This section lists "implementation of screening(s) at the residence" as the only option for mitigating shadow flicker impacts. The scope should be expanded to include other preconstruction mitigation measures such as turbine elimination or relocation and post-construction mitigation measures such as automatic shutdown of turbines that cause excessive shadow flicker impacts.	Additional mitigation measures will be discussed in the Application.
47	Heather P. Behnke, New York State Department of Public Service	2.15	Public Health and Safety - Proposed Monitoring	Exhibit 15: Public Health and Safety	The Applicant should include monitoring of shadow flicker in the scope.	Prior to construction of the Facility, the Applicant will conduct an additional shadow flicker analysis to confirm that the Facility to be built (based on the actual turbine models and locations) is modeled to operate in accordance with the 30 hour per year threshold. To the extent there are minor shifts in turbine locations during construction, the final as-built locations will also be modeled. However, the Applicant is not aware of any means to monitor operational shadow flicker and therefore such monitoring will not be proposed.
48	Heather P. Behnke, New York State Department of Public Service	2.17	Air Emissions	Exhibit 17: Air Emissions	DPS Staff recommends that the application include a characterization of emissions from emergency generators that may be sited in association with collection or interconnection substation facilities.	The Application will provide a discussion on this topic.
49	Heather P. Behnke, New York State Department of Public Service	2.17	Air Emissions	Exhibit 17: Air Emissions	The reference in Section 2.17(d) to "New York Standards and Specifications for Erosion and Sediment Controls" (NYSDEC, 2005) should be updated to the recently revised 2016 publication by the New York Department of Conservation available at: http://www.dec.ny.gov/chemical/29066.html .	Comment Noted.
50	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration – Sensitive Sound Receptor Map	Exhibit 19: Noise and Vibration	This section states that "[r]esidences on participating parcels are not considered sensitive receptors and impacts to such receptors will not be included in the analyses presented in Exhibit 19." DPS Staff, however, recommends that all participating receptors be included in the analysis of noise impacts with consideration of health effects such as sleep disruptions, annoyance and any other potential health effects. In addition, this section differentiates "non-participating-residences" from "non-participating seasonal homes." DPS Staff requests the Applicant to explain the basis and justification for establishing this distinction. In addition, as required by 16 NYCRR §1001.19, the scope in section 2.19(a) should be expanded to include public areas and public facilities as sensitive sound receptors.	The Application will include modeling for all receptors which will be presented in Exhibit 19. The Application will explain the basis and justification for establishing a distinction between "non-participating residences" from "non-participating seasonal homes". In addition, the Application will include any identified public areas and public facilities as sensitive sound receptors.
51	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Sensitive Sound Receptor Map	Exhibit 19: Noise and Vibration	Section 2.19(a) states: "For sensitive receptors outside the Facility Site boundary, only aerial imagery and limited field verification will be used to identify those receptors within 1 mile of the nearest turbine. If access for field verification is not possible and aerial imagery cannot provide an obvious classification of a structure (i.e. residential vs. non-residential) then the structure will be classified as a sensitive sound receptor (i.e. residential)." DPS Staff recommends that the Applicant coordinate with local authorities to identify any existing or proposed sound, vibration or flicker sensitive receptor within the Facility Area.	The Applicant will consult with local municipalities regarding the potential presence of sensitive receptors within the Facility Area.
52	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19: Noise and Vibration	The acronym "RSG" used on page 78 is not defined.	RSG is the acronym for Resource Systems Group, Inc., the sound consultant for the project.
53	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19: Noise and Vibration	Section 2.19(b) explains that the L90 statistical noise descriptor was summarized in 10-minute intervals. The scope should explain how the L90 noise descriptor will be calculated for the purposes of 16 NYCRR §1001.19(f), Exhibit 19 (f).	The 10-minute L90s are used for charting sound levels over time. The L90, under 19(f) is calculated for daytime in (1), summer nighttime in (2), and winter nighttime in (3). These will be calculated from the 1-second Leq data

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						collected at each monitoring location. For example, the daytime L90 is the sound level exceeded 90% of the time between 7 am and 10 pm derived from the 1-second Leq measurements taken at a location.
54	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19: Noise and Vibration	The scope of studies should document the accuracy of the anemometers utilized for the pre-construction surveys with information from the manufacturers.	The manufacturer specification of the anemometer is ± 1.1 m/s (2.4 mph) or $\pm 4\%$ of reading whichever is greater.
55	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19: Noise and Vibration	The scope of studies should explain how the L50 one-third octave band summaries were obtained and be expanded to include the results of the one-third octave band noise levels for the L90 statistical descriptor as well.	The L50 is the median sound level over the subject period. A chart of the overall spectral L90 can be produced for the application.
56	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Ambient Pre-Construction Baseline Noise Conditions	Exhibit 19: Noise and Vibration	The Applicant should provide a justification for calculating temporal accuracy for the Ldn noise descriptor. DPS Staff notes that 16NYCRR §1001.19, Exhibit 19, requires reporting results of the pre-construction ambient noise levels based upon the L90 and the Leq noise descriptors for the daytime, nighttime, summer, winter, and for a year (see 16NYCRR §1001.19(f) for details). Therefore, temporal accuracy should be estimated at a minimum for the L90's and Leq's based upon daily value results for the seasonal measurement period and the two seasons as well. (Daytime, nighttime, day and night). Results of the analysis should include the mean, and the lower and upper limits for the 95% confidence intervals.	ANSI S12.9 Part 2 is the methodology use to estimate the temporal accuracy of long-term average sound levels using the day-night level descriptor (L_{dn}) or day-night sound exposure level (DNSE). There is no ANSI standard for calculating L90 or Leq temporal accuracy. Note that temporal accuracy is not required under Exhibit 19(f).
57	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	This section specifies that noise contours for the maximum one-hour equivalent average (Leq 1-h) sound levels for the highest wind turbine sound power levels will be provided by using computer modeling under the ISO 9613-2 conditions relating to a moderate nighttime inversion or, equivalently, downwind propagation, and the least attenuation due to temperature and humidity. The scope of studies should:	See below.
58	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	Briefly describe the specifications of the computer model that is proposed to be used for evaluation of operational noise impacts;	The Cadna /A computer model will be used, made by Datakustik GMBH. The model directly implements the ISO 9613-2 standard.
59	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	Include the range of frequencies that will be evaluated;	The model uses a range of frequencies between 31.5 Hz and 8,000 Hz.
60	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	Specify whether the model calculations will be performed in full octave or one-third octave bands;	The model uses 1/1 octave bands for sound power input.
61	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	Discuss the ground absorption values that are intended to be used;	Ground absorption will be set to 50% hard/50% soft ($G=0.5$).
62	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	Specify how the meteorological corrections will be assumed or calculated under ISO 9613-2 modeling; and	No meteorological correction will be used.
63	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Estimated Sound Levels to be Produced by Operation at the Facility	Exhibit 19: Noise and Vibration	Explain whether the maximum one-hour-equivalent- average sound levels (Leq 1-h) as determined by the two methods (ISO-9613-1 and CONCAWE) are expected to be the same, similar or which one is expected to be more conservative.	The Concauwe model method will be calibrated such that the maximum one-hour sound level is the same as the ISO 9613-2 modeling.

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64	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Future Noise Levels During Operation	Exhibit 19: Noise and Vibration	This section limits predicting future un-weighted full-octave-band "low frequency levels at all sensitive sound receptor." DPS Staff recommends reporting predictions of mid- and high-frequency noise levels as well. In addition, the calculations and reporting of sound levels should not be limited to sensitive sound receptors but include all participant receptors as well.	To the extent that mid- and high-frequency sound is relevant to a particular analysis or standard, then these octave bands will be reported. For example, the Composite Noise Rating uses octave band sound levels. However, where these data are not relevant for showing impacts, they will not be reported.
65	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Tonal Evaluation	Exhibit 19: Noise and Vibration	The scope of studies in this section should include a definition and methodology for evaluation of prominent tones from turbines and transformers. DPS Staff notes that:	See below
66	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Tonal Evaluation	Exhibit 19: Noise and Vibration	Section 9.5 of IEC 61400-11 (Wind Turbines –Part 11- Acoustic noise measurements techniques) has a method for determination of prominent tones for wind turbines. The scope should report whether this information is available from potential manufacturers;	Tonal audibility according to IEC 61400-11 will be reported if available from wind turbine manufacturers.
67	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Tonal Evaluation	Exhibit 19: Noise and Vibration	Annex A from ANSI Standard S1.13-2005 has different methods for identification and evaluation of prominent tones; and	Annex A from ANSI Standard S1.13 is a method based on narrowband measurements of the spectra of the sound source. This method is not proposed to be used.
68	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Tonal Evaluation	Exhibit 19: Noise and Vibration	Annex C from ANSI Standard S12.9- 2005/Part 4 has a simplified method for evaluation of sounds with tonal content that could be applied under some specific circumstances. DPS Staff requests the Applicant to specify a definition of tonal prominence for the purposes of evaluation of tones under the requirements of 16 NYCRR §1001.19, Exhibit 19, and to identify provisions for tones in local noise codes, if any.	The definition of tonal sound from any municipality will be used if it exists. If not, the method from Annex C from ANSI S12.9-2005/Part 4 will be used with the following prominence values: 15 dB in low-frequency one-third-octave bands (25-125 Hz), 8 dB in middle-frequency bands (160-400 Hz), and 5 dB in high-frequency bands (500-10,000 Hz).
69	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Turbine Model Selection and Avoidance/Mitigation Measures	Exhibit 19: Noise and Vibration	This section specifies that noise modeling will be "performed for the turbine model with the highest sound power levels presented in the Application." DPS Staff notes that although the evaluation of turbines with the highest sound power levels may provide an estimate of the maximum sound impacts, the scope should also include an evaluation of quieter wind turbine options, alternative layouts and greater setbacks, as part of the assessment of alternatives that may avoid or minimize noise impacts from the Facility. DPS Staff notes that the intent of Article 10 regulations is to avoid or minimize environmental impacts. In addition, 16 NYCRR §1001.19(j) requires an "identification and evaluation of reasonable noise abatement measures for the final design and operation of the facility including the use of alternative technologies, alternative designs, and alternative facility arrangements."	Consistent with its Cassadaga application, the Applicant believes the reasonable and efficient way to analyze potential noise impacts is to model the turbine with the highest sound power levels presented in the Application. Turbine models sound power levels are constantly changing and therefore it is not cost effective or efficient to analyze every single turbine model presented in the Application much less try to predict future sound power levels for modeling. Further, the Applicant does not agree with the commenter that additional turbines must be modeled in order to evaluate noise abatement measures or to discuss avoidance and minimization measures for noise impacts. The Application will contain an identification and evaluation of reasonable noise abatement measures for the final design and operation of the facility including the use of alternative technologies, alternative designs, and alternative facility arrangements.
70	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Amplitude Modulation Generation Estimates	Exhibit 19: Noise and Vibration	This section discusses estimates for amplitude modulation generation. The scope of studies should: <ul style="list-style-type: none"> be expanded with a summary of the procedures and formulae to be utilized in the analysis; and specify whether manufacturer sound data is available for assessing amplitude modulation, wind shear or turbulent conditions. 	The Application will contain additional details on the methodology to estimate wind shear and turbulence. Manufacturer sound data related to amplitude modulation, wind shear or turbulent conditions is not typically available.
71	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	The scope of studies should be expanded to: <ol style="list-style-type: none"> include all the requirements from 16 NYCRR §1001.19(f)(1) - (9); 	The Application will address all sections of 19(f)(1) through (9).
72	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	<ol style="list-style-type: none"> specify how the information obtained from pre-construction ambient noise levels will be used to evaluate change in noise levels for each evaluated receptor; 	Pre-construction ambient noise levels will be used to compare with post-construction noise levels in a general sense and not to determine compliance with project design goals or regulatory limits. Due to the possibility of anomalous acoustical and/or meteorological conditions, a comparison of pre- and post-construction ambient noise levels may not provide conclusive information on project

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						noise impacts. The preferable method for determining project noise impact post-construction is performing turbine shutdowns to determine project sound level contribution during specific periods.
73	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	c. specify whether single numbers will be applied to a particular receptor or a group of receptors with consideration of spatial accuracy;	The background sound level is a single number that will be applied to all receptors within the representative soundscape.
74	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	d. specify whether the evaluation of future noise levels during operation of the facility, related facilities and ancillary equipment required by 16 NYCRR §1001.19(e) will exclude the periods of time when the turbines will not be operating (Wind speed lower than the cut-in speed or higher than the cut-off speed). DPS Staff recommends excluding the periods of time when the turbines will not be operating from calculation of operational noise levels (L10, L50). If the Applicant believes that the inclusion of periods of time when the turbines will not be operating is necessary for the calculation of any specific noise descriptor either for the analysis of a specific noise related topic, or for the purpose of comparing results with any specific methodology, guideline or regulation, the issue should be discussed in the stipulation process or alternatively be considered in a case-by-case analysis for further discussion in the Application;	The turbines are continuously operational, even when the winds are not blowing resulting in the turbine blades not spinning. Therefore, it is clear that the requirements to evaluate annualized sound levels include times when the turbine blades are not spinning due to low winds and this is the planned approach for analyzing the annualized sound level estimates in the Application.
75	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	e. specify how the information obtained from pre-construction ambient noise levels will be used to evaluate change in noise levels for each evaluated receptor;	See Comment 71, above.
76	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	f. specify whether single numbers will be applied to a particular receptor or a group of receptors with consideration of spatial accuracy; and	See Comment 72, above.
77	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	g. specify whether the evaluation of future noise levels during operation of the facility, related facilities and ancillary equipment required by 16 NYCRR §1001.19(e) will exclude the periods of time when the turbines will not be operating (wind speed lower than the cut-in speed or higher than the cut-off speed). DPS Staff recommends excluding the periods of time when the turbines will not be operating from calculation of operational noise levels (L10, L50). If the Applicant believes that the inclusion of periods of time when the turbines will not be operating is necessary for the calculation of any specific noise descriptor either for the analysis of a specific noise related topic, or for the purpose of comparing results with any specific methodology, guideline or regulation, the issue should be discussed in the stipulation process or alternatively be considered in a case-by-case analysis for further discussion in the application.	See Comment 73, above.
78	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	Report the results in graphical and tabular format in the scope of studies. DPS Staff recommends, at a minimum, reporting noise levels as follows: a. Variation of preconstruction ambient noise levels at each measurement location may be reported in graphical format as a function of time (and season).	Measured 10-minute sound level metrics of L90 and Leq will be reported as a function of time for each measurement season, as defined in the scope.
79	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	b. Single numbers that identify pre-construction ambient noise levels (L90, Leq) for daytime, nighttime, winter, summer and full-year may be reported in tabular format but also depicted in the graphs indicated above by using horizontal lines.	These overall levels will be presented in tabular format. The applicant feels that the ambient sound level over time charts would lose readability if several horizontal lines were added.

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80	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	c. Predicted sound levels (L10, L10 plus L90, L50, Leq plus L50) for daytime and nighttime, summer, winter and full-year may be reported in tabular format for each evaluated receptor. Receptors should be labeled with TAX ID numbers.	These values will be presented in tabular format for each receiver, as identified by its tax ID number to the extent this information is available.
81	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	d. Any other identified noise level or threshold may be reported in tabular format for each evaluated receptor by using the applicable noise descriptors (e.g. L8, Leq 1-h, Leq-8 h, Leq 9-h, Leq 1-year, etc.) as required by any local regulation, identified standard, goal, threshold or guideline.	The results will be presented in tabular format.
82	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	e. Predicted sound levels at the Facility including property lines and evaluated receptors may be reported in graphical format (sound contours) for the ISO 9613-2 modeling as specified above.	Sound contours from the ISO 9613 modeling will be presented in a figure. The figure will include symbols for receivers and turbines, and will show the property boundaries.
83	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Predicted Sound Levels Table	Exhibit 19: Noise and Vibration	f. The Applicant should specify whether predicted sound levels at the Facility Site can be also reported in both graphical (sound contours) and tabular format as calculated with the CONCAWE meteorological corrections for the most critical sound/wind-speed conditions.	It is not possible to present the CONCAWE-adjusted results with isolines, as these results are only calculated at discrete receivers.
84	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Applicable Noise Standards/Noise Standards Comparison	Exhibit 19: Noise and Vibration	1. The scope of studies listed in these sections should include full citations for the references and specify: a. the WHO guideline(s) these sections are referring to. (e.g., WHO-1999, WHO-2009, both);	World Health Organization (WHO) guidelines will be referenced in the Application, including a summary of applicable guidelines.
85	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Applicable Noise Standards/ Noise Standards Comparison	Exhibit 19: Noise and Vibration	b. the EPA guideline(s) these sections are referring to (e.g., EPA-1974, EPA-1978, both) along with the noise impacts that are proposed to be evaluated under EPA guidelines;	Applicable EPA guidelines will be referenced in the Application.
86	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Applicable Noise Standards/ Noise Standards Comparison	Exhibit 19: Noise and Vibration	c. a summary of the National Academy of Sciences document that section 2.19(g) is referring to; and	A summary can be provided in the Application.
87	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Applicable Noise Standards/ Noise Standards Comparison	Exhibit 19: Noise and Vibration	d. a summary of the Federal Interagency Task Force document section 2.19 (f) is referring to.	A summary can be provided in the Application.
88	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Applicable Noise Standards/ Noise Standards Comparison	Exhibit 19: Noise and Vibration	e. Section 2.19(g) of the PSS includes the NYSDEC Standards for evaluation of noise impacts for the Facility. DPS Staff requests that the Applicant identify the specific impacts that are proposed to be analyzed under the NYSDEC noise policy DEP-00-1 and specify how the policy is planned to be applied including the noise descriptors that will be used to describe ambient and operational sounds along with a summary of the procedures and criteria that will be followed for its application.	The project will be evaluated relative to guidelines specified in Section V.B.1.c of the NYSDEC noise policy DEP-00-1. Precedent for previously-permitted projects will be followed in comparing the overall equivalent average background sound level (L _{EQ}) with the project-only equivalent average sound level (L _{EQ}). Recommendations in the NYSDEC document, referenced from the EPA's "Protective Noise Levels" guidance and using the Day-Night Average Sound Level (L _{DN}) metric will also be used as a comparison with project-only sound levels. These are not necessarily regulatory noise limits.
89	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Applicable Noise Standards/ Noise Standards Comparison	Exhibit 19: Noise and Vibration	2. DPS Staff recommends that estimates of the population (or number of households) that will exceed any identified limit, threshold, goal, guideline or recommendation be reported in the application. (In terms of absolute and percent values).	As the number of residents per residence is not known with precision, any exceedances of a limit will be expressed as "households" or receivers in terms of absolute number and percentages of households in the modeling area.
90	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Noise Abatement Measures for Construction Activities	Exhibit 19: Noise and Vibration	The scope of studies should specify whether noise levels will be monitored or measured in response to complaints related to construction noise.	No monitoring is proposed in response to construction noise, as no noise limits are proposed for this temporary activity. If sound complaints are received during construction, the Applicant will investigate through its compliant resolution process to determine whether the Applicant or Applicant's contractor is using properly muffled equipment, is within the permitted hours of operation, etc.

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91	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	1. The scope of the evaluation is limited to locations within 1 mile of the Facility Site. DPS Staff advises that the scope of studies should contain four subjects that need to be evaluated separately: a. Potential for some construction activities (such as blasting, pile driving, excavation, horizontal directional drilling (HDD) or rock hammering, if any) to produce any cracks, settlements or structural damage on any existing proximal buildings, including any residences, historical buildings and existing infrastructure;	The Applicant believes its proposed setbacks are suitable to protect against any of the impacts discussed in the comment. The Applicant does not plan to conduct any additional studies or analysis to evaluate the potential for some construction activities (such as blasting, pile driving, excavation, horizontal directional drilling (HDD) or rock hammering, if any) to produce any cracks, settlements or structural damage on any existing proximal buildings, including any residences, historical buildings and existing infrastructure. The Application will discuss literature on this topic to the extent reasonably available to the Applicant.
92	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	b. Potential for low-frequency noise including infrasound and vibration from operation of the facility to cause any interference with the closest seismological and infrasound monitoring systems. For this subject DPS Staff recommends that the application include a map in proper size and scale to show the location of the closest seismological and infrasound stations on both sides of the US- Canada border in relation to the Facility Site, and a table stating the approximate GPS coordinates and distances from identified stations to the Facility Site. DPS Staff recommends the following informational references:	The proposed wind farm site will be shown graphically in relation to the closest seismological and infrasound sites.
93	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	i. Technological Information and Guidelines on the Assessment of the Potential Impact of Wind Turbines on Radio Communication, Radar and Seism Acoustic Systems. Radio Advisory Board of Canada (RABC). Canadian Wind Energy Association (CanWEA). April 2007.	This information source will be consulted.
94	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	ii. <i>Micro Seismic and Infrasound Monitoring of Low Frequency Noise and Vibrations from Wind farms: Recommendations on the siting of Wind Farms in the vicinity of Eskdalemuir, Scotland</i> ; Styles, Stimpson, Toon, England, Wright; Applied and Environmental Research Group; Earth Sciences and Geography, School of Physical and Geographical Sciences, Keele University, 18 July 2005.	This information source will be consulted. To quote from this document, "Beyond 50 km, we do not anticipate ANY reasonable windfarm development will have an impact on the detection capabilities of Askdalemuir."
95	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	iii. For information about Seismic Stations in the U.S., the USGS website.	This information source will be consulted.
96	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	iv. For information about seismic stations in Canada, the NRCAN website.	This information source will be consulted.
97	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference	Exhibit 19: Noise and Vibration	v. For information about the existing and planned infrasound and seismic stations that are part of the International Monitoring System (IMS), the CTBTO	This information source will be consulted.

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			with Technological, Industrial, or Medical Activities that are Sensitive to Sound		(Comprehensive Nuclear Test Ban Treaty Organization) website www.ctbto.org.	
98	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	2. The scope of studies should propose a methodology for evaluation of potential for airborne induced vibrations from the operation of the Facility to generate annoyance, cause rumbles, vibration and rattles in windows, walls or floors of sensitive receptor buildings. DPS Staff recommends the following methodologies (please note this recommendation is based upon the requirements in 16 NYCRR §1001.19(e) for analysis of whether the Facility will produce significant levels of low frequency noise or infrasound and is also applicable to Section 2.19(e)(4) of the PSS): a. Hubbards' criteria ("Noise Induced House Vibrations and Human Perception," Noise Control Engineering Journal, Vol. 19, No.2, September-October 1982); and	The Hubbard methodology uses "peak" sound levels as a criterion. This was established mainly due to the unique characteristics of the sound from wind turbines with downwind towers, which are not being proposed for this Facility. We know of no manufacturer that provides peak audible or infrasound levels from their wind turbines, a prediction algorithm for peak sound levels, or any other measurements of modern wind turbines using peak sound level meter settings specific to infrasound. As a result, the Hubbard criteria will not be evaluated in the Application.
99	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	b. Outdoor criteria established in annex D of ANSI standard S12.9 - 2005/Part 4. Applicable portions of ANSI 12.2 (2008) may be used if it is expected that ANSI S12.9-2005/Part 4-Annex D guidelines are being met but still represent a potential for perceptible vibrations at indoor locations of sensitive sound receptors.	These ANSI methodologies will be evaluated in the Application.
100	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	3. Potential for ground-borne transmitted vibrations from the operation of the Facility to reach a noise sensitive receptor (e.g., residence) and cause vibrations of the floor or building envelope elements that may be perceived by the receptor or exceed guidelines or recommendations. a. DPS Staff recommends that the scope of studies include evaluation of the potential for ground-borne transmitted vibrations from the turbines to be perceptible at residential structures. This may require consideration of the technical variables related to the ground-borne transmission of vibrations such as oscillating/rotating masses, frequencies of rotation, vibration isolation, type of foundation, soil type and set-back distances.	The Application will discuss literature on the topic of ground-borne transmitted vibrations, to the extent reasonably available to the Applicant.
101	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	b. The Applicant should consider the guidelines, criteria, recommendations and procedures discussed in the following national and international standards: i. ANSI S2.71-1983 (Guide to the Evaluation of Human Exposure to Vibration in Buildings (R 2012)).	See previous response.
102	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	ii. ISO 2631-2-2003 (Evaluation of Human Exposure to Whole- body Vibration Part 2: Vibration in buildings (1 Hz to 80Hz)).	See previous response.

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103	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	iii. Additional information may also be found in ASHRAE Handbook- HVAC Applications 2011, chapter 48, Noise and vibration control, Vibration Criteria p.p. 48.43-48.44.	See previous response.
104	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	4. DPS Staff recommends that the discussion of infrasound levels be expanded in the scope of studies to include a review and summary of national and international recommendations, guidelines or regulations for infrasound levels including proposed limits that use the G- weighting scale. DPS Staff also recommends to estimate G-levels for the Facility and compare them with identified guidelines or limits.	Infrasound emissions data is typically not available from turbine manufacturers and there is no industry standard infrasound propagation modeling method. Estimates of infrasound emissions from the project will be performed for the worst case receptor, using a similar method to what was used for the Cassadaga wind farm Application.
105	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	5. The Sound Level Monitoring Report states that "various representative areas included rural residential, farming, small town, low and high traffic roads, and remote areas." The scope of studies should: a. Report GPS coordinates for all tested locations; and	The Application will include coordinates of test locations.
106	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	b. Report AADT traffic counts and traffic compositions for high- traffic roads close to any ambient monitoring stations.	Where this information is available from the County or NYSDOT, it will be provided. Otherwise, there is no plan to conduct traffic counts along project roads.
107	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	6. Some sound and wind speed monitoring measurement locations were selected within wooded areas. a. The scope of studies should provide justification for location selection and specify whether selected locations are representative of potentially impacted receptors. DPS Staff notes that 16NYCRR §1001.19(b) requires an "evaluation of ambient pre-construction baseline noise conditions ... at representative potentially impacted noise receptors" The scope of studies should identify whether it is possible to process collected data to remove sounds resulting from the interaction between wind and wooded areas including leaf sounds.	The Application will provide justification for monitoring location selection. The Application will also include discussion on what sounds are appropriate or inappropriate to remove from monitoring data. Locations were chosen within wooded areas to represent receptors that are also located within or near wooded areas. Monitoring was performed during both leaf-on and leaf-off periods, so no compensation is necessary to take into account leaf-off periods.
108	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	b. DPS Staff also notes that outdoor open areas far from reflective objects are preferred for the installation of sound level meter microphones. In addition, open areas far from wind flow obstacles are preferred for wind speed monitoring locations. Typically, wind speed profiles are affected by surface roughness and vary with elevation. In addition, if anemometers are affected by nearby obstacles, this may result in underestimating wind speeds and potentially affect the process for exclusion of sound readings based upon wind speed criteria. The Applicant should specify whether the wind speed information from anemometers in wooded	The anemometers are used to assess wind speed at the microphone. Therefore, they are co-located with the microphone. Their purpose is to assess the potential for pseudo sound from wind. Therefore, if a microphone is in a wooded area, the appropriate location for the anemometer is immediately adjacent to it, and not some distance away in an open area. Therefore, project met towers will not be used to exclude periods based on wind speed.

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					areas could be potentially analyzed in conjunction with wind speed information from the meteorological stations for validation of the sound and wind exclusion process and pre-construction ambient noise monitoring results.	
109	Heather P. Behnke, New York State Department of Public Service	2.19	Noise and Vibration - Potential for Structural Damage and Interference with Technological, Industrial, or Medical Activities that are Sensitive to Sound	Exhibit 19: Noise and Vibration	7. Section 3.2.2 of the Sound Level Monitoring Report (Appendix E) reports the sound level meter frequency response and settings for the different models of sound level meters. The minimum frequency evaluated was either 6.3, 10 or 20 Hz. DPS Staff recommends that the scope include the collection of baseline infrasound levels at Facility Site locations to cover the range between 0.8 and 20 Hz, which may be compared to estimates of infrasound levels from the Facility at the closest sound sensitive receptors in the application.	The Applicant does not plan to conduct background ambient infrasound monitoring. The Applicant conducted ambient infrasound monitoring for its Cassadaga Wind Farm and found that ambient infrasound was well below the level of human perception, which is consistent with the literature on this topic and further we are not aware of any reports in the area where existing infrasound sources have created issues. Given the similar geography and landscape setting between the Cassadaga Wind Farm and this Facility and the literature on the topic, the Applicant does not believe the time and expense for infrasound monitoring is necessary. The Application will provide estimates of infrasound emissions from the Facility for the worst case receptor, using a similar method to what was used for the Cassadaga wind farm Application.
110	Heather P. Behnke, New York State Department of Public Service	2.20	Cultural Resources - Phase 1B Cultural Resources Study	Exhibit 20: Cultural Resources	DPS Staff requests that the Applicant provide a copy of the Phase 1B Archeological Survey, as referenced on page 86, and the Phase 1A Archeological Resources Survey and Phase 1B Fieldwork Plan, as referenced at page 87, for review in development of scoping.	The Phase 1A Archeological Survey and Work Plan and the Phase 1A Historic Architectural Survey and Work Plan have already been provided to DPS Staff as PSS Appendices F and G, respectively. As indicated in the PSS, "In a letter dated July 25, 2016 the NYSOPRHP concurred with the work plan (see Appendix F). The completed Phase 1B Archeological Survey Report will be submitted as part of the Article 10 Application." Therefore, the Applicant intends on conducting the archaeological survey in accordance with the NYSOPRHP-approved work plan. With respect to historic architectural resources, the PSS states, "NYSOPRHP, through a post on CRIS, recently concurred with EDR's work plan. Specifically, NYSOPRHP stated 'We concur with the Architectural Survey Work Plan...'. Therefore, the Applicant intends on conducting the architectural survey in accordance with the NYSOPRHP-approved work plan.
111	Heather P. Behnke, New York State Department of Public Service	2.20	Cultural Resources - A complete Historic Architectural Survey	Exhibit 20: Cultural Resources	The discussion of potential effects on historic properties at page 89 is limited to visual setting changes. The introduction of noise impacts and changes in audible elements of NRHP eligible or registered properties are considered potentially adverse impacts under 9 NYCRR §428.7(3). The scope should be revised accordingly.	Comment Noted.
112	Heather P. Behnke, New York State Department of Public Service	2.21	Geology, Seismology and Soils - Suitability for Construction	Exhibit 21: Geology, Seismology and Soils	The PSS states that the Application will include the results of a Preliminary Geotechnical Investigation. The final scope should include a Preliminary Geotechnical Investigation Plan in order to allow parties an opportunity to review and provide feedback to the Applicant regarding the scope of investigations. The Preliminary Geotechnical Investigation Plan should provide a full description of the proposed geotechnical investigations proposed for evaluating the subsurface conditions in the Facility Area and include test borings in representative locations of turbine foundations, road construction, underground collection line and interconnection line installation, substation location, and areas where trenchless methods, including horizontal directional drilling (HDD) will be considered.	A detailed description of the scope of the geotechnical investigation is included in PSS Section 2.21. However, in response to this comment additional detail is provided as an attachment to this comment/response matrix to supplement the information provided in the PSS. Select test borings will be conducted at a subset of turbine/substation locations. However, test borings are not proposed along access road or interconnection lines.
113	Heather P. Behnke, New York State Department of Public Service	2.21	Geology, Seismology and Soils - Potential Blasting Impacts	Exhibit 21: Geology, Seismology and Soils	This section of the PSS states that "approximately four natural gas wells" are located within the Facility Area. The application should confirm the number of wells, identify the location of each well and associated existing access roads on maps, and describe the status of each well (e.g., active, abandoned). The application should include a discussion indicating how Facility construction activities will avoid disruption or damage to existing gas wells within the Facility vicinity. Where feasible, the Applicant should	Comment Noted. Any natural gas wells (and associated infrastructure) identified during field studies will be documented. The Application will also discuss construction activities in relation to gas wells.

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					consult with existing landowners and well operators regarding the potential for shared use of existing gas well access roads for construction and maintenance of the wind facility components.	
114	Heather P. Behnke, New York State Department of Public Service	2.21	Geology, Seismology and Soils - Characteristics of Each Soil Type and Suitability for Construction	Exhibit 21: Geology, Seismology and Soils	1. According to the PSS, the application will "extensively characterize the soil conditions in the proposed locations of Facility components, and address the suitability of these soils for construction of the Facility." The application should include a characterization of soil conditions for the entire Facility Area, describing: <ul style="list-style-type: none"> a. the locations of access roads and cut and fill areas for final grading; 	The location of access roads will be identified in the Application. Cut and fill will be approximately quantified (based on the preliminary location of project components and publicly available topographic information).
115	Heather P. Behnke, New York State Department of Public Service	2.21	Geology, Seismology and Soils - Characteristics of Each Soil Type and Suitability for Construction	Exhibit 21: Geology, Seismology and Soils	<ul style="list-style-type: none"> b. the suitability and limitations of existing soils for the proposed site development, including: <ul style="list-style-type: none"> i. excavation stability; ii. erosion hazard for access road development; and iii. the potential for corrosion of steel and concrete, as defined by the USDA NRCS Web Soil Survey; and iv. the measures for reducing the risk of degradation of foundation structures. 	The geotechnical analysis will sufficiently address these items, albeit in general terms, with an emphasis on published information of specific soil types. These discussions will be supported by the findings of a limited drilling program (data including soil consistency, composition, density, presence of water/bedrock, etc.) at approximately 10% of the turbine locations. Additionally, these items will also be addressed with discussions pertaining to BMP's that should be employed by the designer/contractor to help minimize potential risks/hazards.
116	Heather P. Behnke, New York State Department of Public Service	2.22	Terrestrial Ecology and Wetlands - Plant Communities – Agricultural Land	Exhibit 22: Terrestrial Ecology and Wetlands	1. The application should include a map of the Facility Area showing all locations designated as "prime farmland," "prime farmland if drained," "unique farmland," "farmland of statewide importance" and "farmland of local importance." In addition, the application should include a discussion describing how the siting, construction and operation of the Facility will avoid or otherwise minimize impacts to farmland with these designations, including a description of the proposed methods for soil stripping, storage and replacement upon the completion of construction where disturbance to such areas cannot be avoided.	To the extent all the soil classifications referenced in the comment are readily available in public databases, this information will be included in the Application.
117	Heather P. Behnke, New York State Department of Public Service	2.22	Terrestrial Ecology and Wetlands - Plant Communities – Agricultural Land	Exhibit 22: Terrestrial Ecology and Wetlands	2. Methods for identifying the locations of drainage tile in designated farmland should be included in the application, along with a description of the proposed practices for restoration of farmland drainage systems following construction.	Comment noted.
118	Heather P. Behnke, New York State Department of Public Service	2.22	Terrestrial Ecology and Wetlands - Plant Communities – Vegetation, Wildlife, and Wildlife Habitats	Exhibit 22: Terrestrial Ecology and Wetlands	DPS Staff requests that reports of avian studies described at page 108 of the PSS be provided to DPS Staff for review and development of scoping comments.	Comment noted. The reports are provided as an attachment to this comment/response matrix.
119	Heather P. Behnke, New York State Department of Public Service	2.22	Terrestrial Ecology and Wetlands - Plant Communities – Avian and Bat Impacts	Exhibit 22: Terrestrial Ecology and Wetlands	DPS Staff requests that reports of avian and bat studies described at page 111 be provided to DPS Staff for review and development of scoping comments.	Comment noted. The reports are the same as those referenced in the comment immediately above, and therefore are provided as an attachment to this document.
120	Heather P. Behnke, New York State Department of Public Service	2.22	Terrestrial Ecology and Wetlands - Plant Communities – Map Showing Delineated Wetland Boundaries	Exhibit 22: Terrestrial Ecology and Wetlands	DPS Staff recommends that the description of information sources for interpretation of wetlands, at 2.22(i) page 112, and at 2.22(l) page 114, also include soils survey information regarding hydric soils presence.	Comment noted.
121	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	1. The application should indicate the anticipated source of water that will be used for concrete mixing operations during construction.	The source(s) of water will ultimately be identified by the BOP contractor. However, the Application will generally discuss likely sources.
122	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	2. Any proposed temporary or permanent water wells should be identified and a description of the anticipated maximum and average withdrawal rates should be provided in the application.	No water wells are planned as part of the Facility, and this will be confirmed in the Application.

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123	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	3. The application should include a plan for minimizing impacts to well usages in the area. Such a plan should include: a. a complete inventory of all known shallow aquifer and deep aquifer wells near the Facility Area;	Wells will be identified as described in the PSS. The Applicant cannot guarantee that a “complete inventory of all” wells will be included in the Application because that is dependent on comprehensive data sets provided by other parties.
124	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	b. information on the depth and usages of these wells, as available from the well owners; and	Comment noted.
125	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	c. plans to minimize impacts to well productivity and water quality.	Comment noted.
126	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	4. Plans for notifying well owners of any proposed blasting operations and plans for monitoring well productivity and ground water quality should be included in the Blasting Plan (if Blasting is ultimately proposed).	Comment noted.
127	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology – Groundwater	Exhibit 23: Water Resources and Aquatic Ecology	5. The Blasting Plan (if Blasting is ultimately proposed) should include measures for minimizing potential impacts to productivity and water quality of private and public water wells and provide 24 hour contact information for well owners to report impacts to well productivity and water quality during and following blasting operations.	Comment noted.
128	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology	Exhibit 23: Water Resources and Aquatic Ecology	A detailed description of all proposed dewatering practices and a demonstration of how dewatering will avoid and/or minimize flooding, surface water runoff, transport of fine-grained soils into existing surface water bodies, and impacts to local water well usages of the shallow aquifer;	Comment noted.
129	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology -	Exhibit 23: Water Resources and Aquatic Ecology	Identification of any locations where permanent dewatering will be required and a detailed description of permanent dewatering practices;	The best information available at the time of Application submittal will be provided, which will be based on the preliminary geotechnical analysis (i.e., subsurface borings conducted at a subset of turbine/substation locations).
130	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology	Exhibit 23: Water Resources and Aquatic Ecology	Identification of the location of all proposed HDD operations within 500 feet of surface waters, wetlands or existing water supply wells; and	The best information available at the time of Application submittal will be provided, which will be based on the preliminary geotechnical analysis (i.e., subsurface borings conducted at a subset of turbine/substation locations).
131	Heather P. Behnke, New York State Department of Public Service	2.23	Water Resources and Aquatic Ecology	Exhibit 23: Water Resources and Aquatic Ecology	A description of mitigation measures to minimize impacts of HDD operations on surface water quality and the hydrologic flow patterns and groundwater quality of the shallow aquifer.	Comment noted.
132	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts	Exhibit 24: Visual Impacts	DPS Staff advises that the steps, procedures, analysis and showings required by 16 NYCRR §1001.24 should be the principal methods for this assessment; and	Commented noted. The Applicant requests more clarity on this comment, especially if there are specific items of 16 NYCRR §1001.24 not properly addressed in the PSS.
133	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts	Exhibit 24: Visual Impacts	The U.S. Army Corps of Engineers (ACOE) Visual Impact Assessment method cited (Smardon, et al., 1988) is likely of limited applicability in the Facility analysis because that document is primarily focused on assessing impacts of major water resources-related projects and waterfront locations.	Comment noted.
134	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Visibility of Above-ground Interconnections and Roadways	Exhibit 24: Visual Impacts	DPS Staff advises that overhead collection lines and transmission lines proposed for the Facility should be modeled and simulated based on preliminary design information as of the time the application is filed.	Representative photographs will be provided in the Application, and if design of overhead electric lines is advanced to allow for modeling/simulation, one or two such simulations will be included in the Application.
135	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts – Lighting	Exhibit 24: Visual Impacts	DPS Staff advises that exterior lighting at other Facility sites such as the O&M facility, and substations or switchyards, should be addressed in the application.	Comment noted.
136	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Nature and Degree of Visual Change from Operation/	Exhibit 24: Visual Impacts	DPS Staff requests that the Applicant provide the written instructions and descriptions of the review methods that will be provided to the visual rating	Comment noted – the requested information is provided as an attachment to this comment/response matrix.

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			Simulation Rating and Assessment of Visual Impact		and review panelists. This information will assist DPS Staff in development of final project scoping and stipulations.	
137	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Nature and Degree of Visual Change from Operation/ Simulation Rating and Assessment of Visual Impact	Exhibit 24: Visual Impacts	Please see DPS Staff comments on the analysis of shadow flicker above in comments on Exhibit 15 – Public Health.	Please see responses above.
138	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Description of Visual Resources to be Affected	Exhibit 24: Visual Impacts	DPS Staff advises that federally designated resources in the area should be identified, including the ACOE Almond Lake Recreation Area; the North Country National Scenic Trail (coincident with the Finger Lakes Trail in the Facility vicinity); and nearby National Rivers Inventory Study Rivers including the Cohocton River, and the Canisteo River south-easterly of Hornell. The scenic overlook at Route I-86 west of Hornell provides views to the Almond Lake Federal Recreation Area and potentially to the Facility Area.	Comment noted.
139	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Description of Visual Resources to be Affected	Exhibit 24: Visual Impacts	DPS Staff will stipulate that Adirondack Park Scenic Vistas and Palisades Interstate Park will not be affected by any activities or development in the Facility Area.	Comment noted.
140	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Viewshed Maps	Exhibit 24: Visual Impacts	DPS Staff recommends that Distance Zone designations should be represented on the viewshed maps described in this part.	Comment noted.
141	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Viewshed Maps	Exhibit 24: Visual Impacts	DPS Staff advises that line-of-sight profiles are useful in assessing vegetation screening potential, and in designing mitigation measures to minimize impacts at significant receptor locations. Line-of-sight profile analysis should not be categorically excluded from consideration, particularly due to the requirement of the relevant regulation at 16 NYCRR §1001.24(b)(1).	The Applicant looks forward to discussing this topic in more detail with DPS Staff as the visual analysis advances.
142	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Sensitive Viewing Areas	Exhibit 24: Visual Impacts	DPS Staff advises that the list of visually sensitive resources in the NYS DEC Program Policy DEP-00-2 is not inclusive of all important resource categories. DPS Staff has identified other resources that occur in the Facility vicinity in comments above. Furthermore, the DEC Policy does not account for locally important resources or consideration of community character impacts.	The PSS clearly indicates that additional sources will be reviewed. Specifically, the following is provided on PSS pages 134 and 135: <i>"To identify visually sensitive resources within the visual study area, a variety of data sources will be consulted including digital geospatial data (shapefiles) obtained primarily through the NYS GIS Clearinghouse or the Environmental Systems Research Institute (ESRI); numerous national, state, county and local agency/program websites as well as websites specific to identified resources; the DeLorme Atlas and Gazetteer for New York State; USGS 7.5-minute topographical maps; and web mapping services such as Google Maps. Aesthetic resources of statewide significance will be identified within 10 miles of the Proposed Facility, and locally significant aesthetic resources and areas of intensive land use will be identified within five miles of the proposed Facility. In addition, per the requirements set forth in 16 NYCRR § 1000.24(b)(4), the Applicant will conduct a systematic program of public outreach to assist in the identification of visually sensitive resources. A detailed summary of this process will be included in the VIA."</i>
143	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Viewpoint Selection	Exhibit 24: Visual Impacts	DPS Staff recommends that the preliminary inventory list and map of known resource locations to be provided to stakeholder groups include known local resource locations (parks, cultural resources, etc.).	Comment noted.
144	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Viewpoint Selection	Exhibit 24: Visual Impacts	DPS Staff recommends that the Applicant give consideration to whether "on-line meetings" will be sufficient to effectively confer with all municipal stakeholders. One in-person workshop may be appropriate in addition to one or more on-line sessions.	Comment noted.

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145	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Viewpoint Selection	Exhibit 24: Visual Impacts	DPS Staff advises that the list of six criteria at page 136 should also include representation of all Landscape Similarity Zones, representation of all distance zones, and a variety of orientations.	Comment noted.
146	Heather P. Behnke, New York State Department of Public Service	2.24	Visual Impacts - Additional Simulations Illustrating Mitigation	Exhibit 24: Visual Impacts	DPS Staff advises that mitigation of impacts due to tall turbines at particular viewpoints is potentially achievable by alternative arrangement of facilities, or implementation of screening near to receptor locations. Furthermore, there are Facility components other than turbines that may warrant consideration of mitigation. Therefore, depiction of potential mitigation effectiveness in additional simulations should not be excluded from the final scope of studies or stipulation.	Comment noted. The Applicant notes that there are a very large number of siting constraints placed on wind farm development, which significantly limit the area of suitable land on which turbines can be constructed and operated. It is extremely difficult to consider Facility re-arrangement based on visibility impacts given the subjective nature of the impact. The Applicant agrees that this is a mitigation measure but in practice is not always feasible or practical. The Applicant and its consultants will determine if depiction of potential mitigation effectiveness is warranted based on their experience, the project-specific impact analysis, and professional judgement.
147	Heather P. Behnke, New York State Department of Public Service	2.25	Effect on Transportation	Exhibit 25: Effect on Transportation	Paragraph (2) Route Evaluation Study on page 141 of the PSS notes that an evaluation of the adequacy of the road system to accommodate projected traffic will be conducted after the Facility is operational. However, there is no information regarding an analyses of this during construction. Per 16 NYCRR §1001.25(d)(2), the application should include: <ul style="list-style-type: none"> a. an evaluation of the road system to accommodate the projected traffic; b. a separate analyses conducted for the peak construction impacts of the facility; and c. identification of the extent and duration of traffic interference during construction of the facility and interconnections. 	PSS Section 2.25 page 141 discusses in multiple locations the analyses that will be conducted and provided in the Application, including: " <i>Synchro and HCS software will be utilized to determine levels of service for linear segments of highways used by construction and delivery vehicles.</i> <i>As indicated above, the Article 10 Application will identify the anticipated haul routes to be utilized, and the adequacy of these routes to accommodate construction and operation of the Facility. A detailed description of potential haul routes will be provided, and will include information associated with roadway condition, width, bridges, culverts, and any observed potential obstacles such as low hanging branches or distribution lines.</i> <i>The Route Evaluation Study will include turning radii requirements of anticipated delivery vehicles, and a review of aerial photography and online street view maps in conjunction with driving all potentially impacted roads will be conducted to identify physical restrictions. Anticipated temporary improvements will be identified and a location map will be developed and included in the Article 10 Application.</i> "
148	Heather P. Behnke, New York State Department of Public Service	2.27	Socioeconomic Effects	Exhibit 27: Socioeconomic Effects	Section 2.27 should state that Exhibit 27 of the application will contain an estimate of the peak construction employment level, as required by the regulations.	Comment noted.
149	Heather P. Behnke, New York State Department of Public Service	2.27	Socioeconomic Effects	Exhibit 27: Socioeconomic Effects	Section 2.27 should also state that that Exhibit 27 of the application will contain an estimate of the number of jobs and the on-site payroll, by discipline, during a typical year, once the plant is in operation, as required by the regulations.	Comment noted.
150	Heather P. Behnke, New York State Department of Public Service	2.29	Site Restoration and Decommissioning	Exhibit 29: Site Restoration and Decommissioning	In its response to these comments, the Applicant should provide an explanation of the basis for establishing two years of turbine inoperability as the basis for triggering decommissioning of the turbine.	The Applicant clarifies this statement and indicates that one (1) year is needed.
151	Heather P. Behnke, New York State Department of Public Service	2.31	Local Laws and Ordinances	Exhibit 31: Local Laws and Ordinances	DPS Staff advises that the listed laws appear to only address Wind Energy Facilities (except the Town of Dansville Road Preservation Law; and the Town of Wayland provisions for Road Preservation, and Protection and Conservation and Development). The application should include a review of all local legal provisions including zoning or other land use criteria, any requirements or standards for use and development that relate to buildings (O&M building), substations or switchyards, roads, fences, lot sizes, setbacks, etc.	The Application will include a review of all applicable local laws that relate to all Facility components including the O&M building, substations or switchyards, roads and fences.
152	Heather P. Behnke, New York State Department of Public Service	2.31	Local Laws and Ordinances	Exhibit 31: Local Laws and Ordinances	DPS Staff requests that complete copies of all Facility Area local laws and ordinances and other applicable provisions be provided as soon as possible for review and development of the scope and stipulations.	Comment noted, the requested information will be provided.

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153	Heather P. Behnke, New York State Department of Public Service	2.32	State Laws and Regulations	Exhibit 32: State Laws and Regulations	The NYS Department of Transportation (DOT) permits should be fully cited and described in the application.	Comment noted.
154	Heather P. Behnke, New York State Department of Public Service	2.33	Other Applications and Filings	Exhibit 33: Other Applications and Filings	The application should address any current or pending filing related to participation in a competitive market for energy delivery, renewable energy credits, tariffs, tax abatement or PILOT agreements, or related provisions that may affect the degree or nature of Facility benefits.	Comment noted. Exhibit 33 requires a statement whether the Applicant has pending, or knows of others who have pending...any application or filing which concerns the subject matter of the proceeding before the Board. For such applications or filings, the Applicant is required to disclose whether such filing will have any effect on the grant or denial of the certificate and whether the grant or denial of the certificate will have an effect on the filing. Therefore, the Application will address any current or pending applications or filings which concern the subject matter of the proceedings and whether such filing will have any effect on the grant or denial of the certificate.
155	Heather P. Behnke, New York State Department of Public Service	2.33	Other Applications and Filings	Exhibit 33: Other Applications and Filings	DPS Staff advises that identification of additional local permitting, as cited in the PSS at Sections 2.38 – Water Interconnection and 2.39 – Wastewater Interconnection (pg. 172) should be addressed in Exhibit 33 of the application.	Comment noted.
156	Heather P. Behnke, New York State Department of Public Service	2.36	Electric and Magnetic Fields	Exhibit 35: Electric and Magnetic Fields	The study for Exhibit 35 of the application should include results of calculations performed at 1.05 times the nominal line voltage.	The Article 10 regulations specify for the analysis to occur at rated voltage and the Applicant does not see the need to increase this to 1.05 times the line voltage
157	Heather P. Behnke, New York State Department of Public Service	2.36	Electric and Magnetic Fields	Exhibit 35: Electric and Magnetic Fields	The study for Exhibit 35 of the application should include results of calculations performed at the summer normal and winter normal conductor ratings provided by the manufacturer for the conductor specified.	- The Applicant notes that conductors can always handle more load than what is actually flowing through them so to use the manufacturer ratings would lead to an artificially higher EMF output than would be experienced in reality since the wind farm output in the realistic maximum case. The Applicant believes its Cassadaga analysis appropriately met the requirements for this section by studying the maximum output of the wind farm and wishes to discuss with DPS any questions related to how that analysis was performed as the Applicant plans to conduct the analysis for the Facility in the same manner.
158	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	-	General Comment	-	The Project, as described in the PSS, would likely result in impacts to DEC-regulated freshwater wetlands and the 100-foot DEC-regulated wetland adjacent areas. DEC staff will ask the Baron Winds to first avoid or second to minimize impacts to these wetlands and adjacent areas.	Page 115 of the PSS states, "The Article 10 Application will discuss measures to be implemented to avoid and mitigate wetland impacts. It is anticipated that direct impacts to wetlands/streams will be minimized by utilizing existing or narrow crossing locations whenever possible. Additional measures may include special crossing techniques, equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures."
159	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	-	General Comment	-	The Project, as described in the PSS, would impact numerous protected small streams. Baron Winds will need to first avoid or second to minimize impacts to these small streams.	Pages 120 and 121 of the PSS state, "Direct impacts to surface waters will be minimized by designing the Facility layout to avoid surface water impacts where practicable, and other measures such as utilizing existing or narrow crossing locations whenever possible. Upgrading existing crossings that are under-maintained/undersized will have a long-term beneficial effect on water quality, as it will help to keep farm equipment or other vehicles out of surface waters. Special crossing techniques, equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures will be utilized to reduce adverse impacts to water quality, surface water hydrology, and aquatic organisms. In addition, clearing of vegetation along stream banks will be kept to a minimum."
160	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	-	General Comment	-	Construction and operation of this Project must meet the substantive requirements of 6 New York Code Rules and Regulations ("NYCRR") Part 182.	Comment noted.

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161	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	1.4	Potential Impacts		Baron Winds states (PSS, page 6) that habitat fragmentation and other impacts from the construction of the project "will be addressed through detailed multi-year studies that will assess potential impacts to wildlife and terrestrial habitats associated with the construction of the Facility." DEC expects that the Baron Winds will consult with DEC staff to determine the need for and scope of such studies.	The Applicant wishes to refer the commenter to PSS Section 2.22, which discusses the scope of such studies, including bird/bat studies that have already been developed in consultation with the DEC.
162	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	1.4	Potential Impacts		Direct impacts to wildlife (mortality) as a result of the operation of the project is mentioned. DEC staff expects that Baron Winds will commit to multi-year post- construction monitoring studies to evaluate the impact on wildlife, specifically birds and bats. Baron Winds should consult with DEC staff in the design of these studies.	Page 111 of the PSS states, "The Article 10 Application will provide information associated with a proposed post-construction monitoring program to be implemented to assess direct and indirect impacts of the wind facility on avian and bat species. The monitoring program will ultimately be developed in consultation with the NYSDEC and USFWS."
163	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	1.4	Potential Impacts		To ensure an accurate assessment can be made of potential impacts the project may have on natural resources, GIS data and other information should be provided to DEC for all aspects of the project as detailed in Section 2c of DEC's 2016 Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects, June 2016. Additionally, Baron Winds should provide shapefiles showing the location of all bird and bat survey points and transects.	The requested shapefiles of survey points and transects are being provided under separate cover. The Applicant is not aware of further GIS data on natural resources from its wildlife studies. The Applicant notes that the Facility was developed and is operating under the 2009 NYSDEC Guidelines and Facility and Site information can be found in the PSS and/or will be provided in the Application with respect to Section 2c of the 2009 Guidelines. With respect to the study methodology, as indicated in PSS Section 2.22(d), the protocols for these surveys were developed in consultation with the NYSDEC and USFWS. Specifically, a draft <i>Work Plan for Pre-construction Avian and Bat Studies</i> was provided to the USFWS and the NYSDEC in June 2013 and subsequently revised to incorporate agency comments. The work plan and minutes from the various agency consultations were all provided as Appendix H to the PSS.
164	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	1.5	Impact Avoidance Measures		This section should include impact avoidance, minimization and mitigation measures for direct and indirect loss of habitat, and direct mortality state and federally listed threatened and endangered species (T&E), New York State Species of Special Concern (SCC), and State Species of Greatest Conservation Need (SGCN). Examples of such measures include date restrictions on construction activities to avoid impacts to breeding birds and bats, and turbine curtailment at certain times and under certain environmental conditions to minimize direct impacts to bats.	The Applicant wishes to refer the commenter to PSS Section 2.22, which discusses the scope of such analyses.
165	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.9	Alternatives	Exhibit 9: Alternatives	On page 47 of the PSS, the list of factors considered during the layout design process should also include wildlife and wildlife habitat, particularly habitat known or suspected to be utilized by state and federally listed T&E species, SCC, and SGCN.	Comment noted.
166	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	The bat survey outlined in the 2013 work plan predated the listing of the Northern Long- Eared Bat (NLEB) as threatened by US Fish and Wildlife Service (USFWS) and DEC in April 2015. DEC staff recommends a summer presence-absence survey for listed bat species using methods following the latest USFWS guidance for Indiana Bat summer surveys. The Baron Wind project is also located between a known NLEB winter hibernaculum and summer maternity roost sites.	Comment noted. The Applicant will consider the value of conducting this survey. The Applicant would be interested to see the data DEC has on the NLEB summer maternity roost sites and a known NLEB winter hibernaculum so that this information can be included and discussed in the Application as appropriate.
167	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	In addition to the sources of information mentioned in this section regarding birds occurring in or near the project area, DEC and USFWS staff should also be consulted for any records or knowledge of state listed T&E, SCC, or SGCN that may be utilizing the project area at some point during the year.	Comment noted.
168	Lawrence H. Weintraub Assistant Counsel	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	When referencing and evaluating species of greatest conservation need (SGCN) in this section and all others of the application, the SGCN list found in the 2015 State Wildlife Action Plan (SWAP) should be used. The	Comment noted.

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	New York State Department of Environmental Conservation				SWAP is available at: http://www.dec.ny.gov/animals/7179.html Baron Winds should consult with DEC regarding potential presence of and impacts to state listed T&E, SCC and SGCN species.	
169	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	Baron Winds should include in this section measures to minimize operational impacts to wildlife, including but not limited to turbine curtailment at certain times and under certain environmental conditions. Baron Winds should also include a plan addressing the control of invasive species during development, construction, operation and maintenance of the project.	The Application will contain the Applicant's measures to minimize operational impacts to wildlife, including but not limited to turbine curtailment at certain times and under certain environmental conditions. With respect to the control of invasive species, the Applicant wishes to refer the commenter to the following on page 107 of the PSS: " <i>The Article 10 Application will include an Invasive Species Control Plan (ISCP), which will describe methods for conducting a pre-construction invasive plant survey. This survey will not be conducted prior to the Article 10 Application, but rather will take place as close to the start of construction data as possible, in order to accurately identify conditions existing at the commencement of construction. The ISCP included in the Article 10 application will describe measures to control the spread of invasive species, including construction materials inspection; target species treatment and removal; construction equipment sanitation; and restoration. The ISCP will also outline post-construction monitoring to take place after the Facility is operational. The complete ISCP will be provided in the Application.</i> "
170	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	A discussion and evaluation of all potential direct and indirect cumulative impacts to birds, bats, and other wildlife, and their habitats, as a result of the construction, operation and maintenance of the project should include an estimate of bird and bat fatalities, as well as direct habitat loss (development/clearing/change in vegetation) and indirect habitat loss (avoidance/edge effects). In addition to conducting a cumulative impact analysis utilizing data from across New York State and the region, Baron Winds should separately consider all data from operating and proposed wind energy projects located in the vicinity of the proposed project.	The Application will include a discussion and evaluation of cumulative wildlife impacts similar to that presented in the Cassadaga Application. Cumulative impacts will be limited to nearby wind farms (existing or proposed) in Steuben County. With respect to "other wildlife" this will be limited to a general discussion of land mammals along with a discussion of habitat impacts.
171	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	Baron Winds should have a multi-year post-construction monitoring plan designed to evaluate the direct and indirect impacts of the project.	Please see response to comment 158 above.
172	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.22	Terrestrial Ecology and Wetlands	Exhibit 22: Terrestrial Ecology and Wetlands	This section should note that construction and operation of the project must comply with the substantive requirements of 6 NYCRR Part 182 for impacts to state listed threatened and endangered species.	Comment noted.
173	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.23	Water Resources and Aquatic Ecology	Exhibit 23: Water Resources and Aquatic Ecology	Baron Winds should describe how facility components will be sited to avoid or minimize impacts to surface waters, especially to C(t) and C(ts) streams. A decision matrix should be used to avoid sites that will require numerous or particularly destructive crossings and to choose sites with the fewest crossings or those using already established roads. There are 14 protected streams within the project area. There are also five class C streams in which wild trout populations were recently documented as follows: <ul style="list-style-type: none"> • Reynolds Creek (PA-3-58-44) • Oilwell Hollow Creek (PA-3-58-44-3) • Fairbrothers Brook (PA-3-58-40) • Page Brook (PA-3-58-38-7) 	Comment noted.

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					<ul style="list-style-type: none"> Stony Brook (ONT-117-66-25) <p>All of the protected streams and these five additional streams should be avoided whenever possible. The PSS addresses BMP's that will be used to minimize impacts to these streams. Specific project details would be needed to assess avoidance but nearby wind projects have utilized the tops of ridges and avoided most streams. It appears that the same could be done in this project area depending on the project layout.</p>	
174	Lawrence H. Weintraub Assistant Counsel New York State Department of Environmental Conservation	2.23	Water Resources and Aquatic Ecology	Exhibit 23: Water Resources and Aquatic Ecology	<p>The PSS states that special crossing techniques will be utilized. Baron Winds will need to specify the crossing techniques. Baron Winds should investigate the practicability of the use of directional drilling for collection line drilling, as well as the probability of a frack out given the substrate types in this area. If Baron Winds chooses to utilize directional drilling, a detailed frack out plan must also be in place. In addition, this section should also note that date restrictions may apply to work in C(t) and C(ts) protected waters.</p>	Comment noted.