



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
REGION SEVEN  
317 WASHINGTON STREET  
WATERTOWN, N.Y. 13601  
[www.nysdot.gov](http://www.nysdot.gov)

RECEIVED  
JUL 31 2012

Mark E. Frechette, P.E.  
ACTING REGIONAL DIRECTOR

Joan McDonald  
COMMISSIONER

July 24, 2012

Mr. Mark G. Gebo  
Hrabchak, Gebo & Langone, P.C.  
216 Washington Street, Suite 300  
Watertown, NY 13601

**RE: LEAD AGENCY STATUS FOR COPENHAGEN WIND FARM, LLC**

Dear Mr. Gebo:

Thank you for sending Part 1 of the Full Environmental Assessment Form (EAF) for the above referenced project.

After reviewing the form, the New York State Department of Transportation (NYSDOT) concurs that the Town of Denmark Planning Board should serve as lead agency for the project.

Enclosed for your records is the Department's concurrence in lead agency status.

If the project comes to life, NYSDOT will need to review the final design plans and engineering report for the project. The purpose of this review is to evaluate the need for permits and identify the requirements necessary for construction on the State's right-of-way.

It is imperative that you contact Mr. Michael J. Graham, Operations Supervisor, at (315)785-2321 and Mr. Brian Baxter, Regional Utilities Engineer, at (315)785-2340 to discuss the requirements for work on the State's right-of-way and the need to obtain a highway work permit prior to construction.

Please keep NYSDOT informed of your progress on this project. If you have any questions regarding the enclosed, please contact Michael Zimmermann of the Regional Planning & Program Management Office at (315)785-2531.

Sincerely,

Scott A. Docteur, PE  
Director, Regional Planning and Program Management



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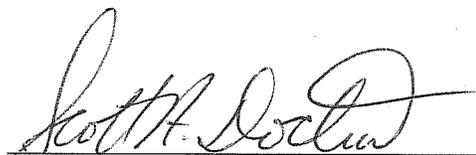
Dear Sir:

I have received Part 1 of the Full Environmental Assessment Form for the above referenced project.

The New York State Department of Transportation concurs that the Town of Denmark Planning Board should serve as lead agency under the State Environmental Quality Review Act (SEQRA) for the proposed project.

By: Scott A. Docteur, P.E.

Director, Regional Planning & Program Management Group

  
\_\_\_\_\_  
(Signature)



## New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

Andrew M. Cuomo  
Governor

Rose Harvey  
Commissioner

August 2, 2012

Mr. Mark G. Gebo  
Hrabchak, Gebo & Langone, PC  
216 Washington Street  
Suite 300  
Watertown, New York 13601

RE: CORPS  
Copenhagen Wind Farm  
Copenhagen, Lewis County  
12PR02853

Thank you for the recent correspondence regarding the proposed Copenhagen Wind Farm. It is our understanding that this undertaking may require a permit by the US Army Corps of Engineers and the NYS Department of Environmental Conservation, which may make it subject to Section 106 of the National Historic Preservation Act of 1966. We also anticipate that the project will require a review at the local municipal level under the New York State Environmental Quality Review Act (SEQRA).

As the state agency responsible for the assessment of the state's historic and cultural resources, it will be our role to provide expert analysis in these areas to the involved local and state agencies. In order to fully assess the potential direct and indirect effects associated with the development of this industrial wind power project we recommend that a minimum level of cultural resource survey be undertaken.

The minimum level of cultural resource survey associated with the development of industrial scale wind projects in New York is outlined in the attached document title, *Guidelines for Wind Farm Development Cultural Resource Survey*.

Please refer to the Project Review number (PR) in any future correspondence regarding this project. If you have any questions, please call me at (518) 237-8643 x3278.

Sincerely,

Anthony Opalka  
Historic Preservation Program Analyst

## New York State Historic Preservation Office Guidelines for Wind Farm Development Cultural Resources Survey Work

The New York State Historic Preservation Office has established the following guidelines for the assessment of historic and cultural resources associated with the development of wind farm projects in New York State.

### Survey for Historic Buildings

1. Establish a five-mile Area of Potential Effect (APE) around the project site.
  - i. Establish boundary of APE using topographic survey to determine where project may be visible from.
2. Conduct field survey within the positive visual APE as defined by topographic study.
3. Using NYSHPO data, the survey will initially identify all buildings/sites within the study area that were previously determined eligible for inclusion in or are already listed in the New York State and National Registers of Historic Places.
4. The survey will assess all buildings 50 years old or older within the study area. Surveyors will determine potential State and National Register eligibility of each resource using the National Register Criteria for Evaluation.
  - i. Surveyor will schedule a meeting with NYSHPO staff prior to undertaking survey work to verify the APE.
  - ii. Surveyor will schedule a meeting with NYSHPO staff after completion of survey of mile-1 "ring" of study area to verify eligibility determination methodology. Meeting will review properties determined eligible and will provide a sampling of resources determined not-eligible.
  - iii. After evaluation methodology is verified by the NYSHPO, survey of remaining APE area will be completed.
  - iv. All properties previously listed in the State and/or National Registers in addition to all properties determined eligible prior to the survey and as part of the project survey are to be marked using a single GPS point. The single point should be taken at the edge of the property generally at the mid-point of the property's street frontage.
  - v. The GPS data will be linked to the street address and/or SHPO Unique Site Number (if one already exists).
  - vi. All survey data will be provided to the NYSHPO in a standardized format that will be discussed at the initial pre-survey meeting.

## Archaeological Survey

1. Phase I Archaeological Survey is recommended for all wind farm project areas.
2. Archaeological Survey will be limited to the *Archaeological* Area of Potential Effect (APE) associated with the construction of the project. This smaller core of the project APE is composed of areas that will experience ground disturbing activity during the construction phase of the project. These areas include but are not limited to:
  - i. Turbine sites
  - ii. Construction staging areas
  - iii. Borrow pits
  - iv. New/Access Roads
  - v. Utility corridors
  - vi. New building locations
  - vii. Other areas where the current ground surface may be modified as a result of the project.
3. Phase I survey will be conducted by sampling Environmental Zones. Necessary steps in this process include:
  - i. Determining the total acreage of the *Archaeological* APE.
  - ii. Determining the total number of shovel tests recommended for the *Archaeological* APE by multiplying the acreage by 16 shovel tests per acre.
  - iii. Identifying the various environmental zones within the *Archaeological* APE following Robert E. Funk's 1993 work, *Archaeological Investigations in the Upper Susquehanna Valley, New York State* (Chapter 5).
4. Once the zones are defined, the archaeological consultant will divide up the total number of shovel tests previously determined and apply an equal percentage of tests to each defined environmental zone. Any previously identified archaeological site(s) or map documented structure (MDS) must be included in the Phase IB testing.
5. Within each zone shovel testing will be conducted using a five meter interval or other acceptable methods such as plowing/disking for previously plowed farm land.
6. Prior to implementing a proposed testing methodology the project consultant will schedule a meeting with SHPO staff to consult on the proposed plan. A copy of the plan will be provided for SHPO staff review in advance of the meeting.
7. Sites, identified as part of the survey process will be documented using standard practices (such as site forms or approved data bases) and will all be located using a single GPS point.
8. Once the Phase I survey is completed a report will be provided to the SHPO using the established New York SHPO Phase I Archaeological Report Format Requirements and the Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State.

## Electronic Survey Data

1. Project sponsors will provide the following data sets to the SHPO as part of their submission. Sponsors or their consultants should contact the SHPO staff to verify specific data requirements.
  - i. GIS data coverage defining the five-mile survey area.
  - ii. GIS data locating (as best as practical) each of the proposed tower locations.
  - iii. GPS data locating by single point each building, structure, object or site identified as being eligible for or listed in the New York State and/or National Registers of Historic Places.
  - iv. GIS data locating the boundary of all archaeologically tested areas.
  - v. Final archaeological reports should be provided in bound format (see New York SHPO Phase I Archaeological Report Format Requirements) as well as in PDF format on CD.
  
2. Project's consultant should contact SHPO staff to determine exact format of data to be submitted.

For more information about the New York State Historic Preservation Office, please call us at 518-237-8643 or visit our web site at <http://nysparks.state.ny.us> then select **HISTORIC PRESERVATION**. Select the **On Line Resources** option to find specific information regarding historic and cultural resources in any community in the state.



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August 2, 2012

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# **HRABCHAK, GEBO & LANGONE, P.C.**

ATTORNEYS AT LAW

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mgebo@gebolaw.com

MARK G. GEBO  
EUGENE J. LANGONE, JR.

ROBERT R. HRABCHAK  
(1957-1995)

June 27, 2012

New York State Division for  
Historical Preservation  
Peebles Island State Park  
PO Box 189  
Albany, New York 12188-0189

Re: Copenhagen Wind Farm, LLC - SEQR  
Determination of Lead Agency

Dear Sir/Madam:

Please be advised that this office represents the Town of Denmark Planning Board on the above application. Copenhagen Wind Farm, LLC, is proposing to construct a wind power generating project in the Town of Denmark, Lewis County, New York. Part I of an Environmental Assessment Form (EAF), and figures showing the proposed project location and the layout of facility components are attached. The current Project design consists of up to 63 GE 1.6MW wind turbines (or similar) with a 100-meter (328 foot) rotor diameter mounted on an 80 or 96-meter (262 foot) tall tubular steel towers. The Project will also involve upgrade or construction of approximately 16 miles of gravel access roads approximately 23 miles of buried or and overhead electrical collection lines, an dup to three permanent, free-standing 100-meter tall meteorological towers. To deliver power to the New York State power grid, the Applicant proposes to construct substation/switchyard facility that connects to the power grid via a newly constructed 115kV electrical interconnection line connecting to the National Grid East Watertown substation located in the Town of Watertown. The interconnection route will be comprised of approximately 9 miles of overhead line on wooden or steel pole structures, and located within the interconnection corridor located in the Towns of Rutland, Champion and Watertown, Jefferson County.

The purpose of this letter is to inform you, as a potential interested or involved agency, that the Town of Denmark Planning Board proposes to act as Lead Agency for the State Environmental Quality Review (SEQR) process pursuant to 6 NYCRR Part 617. Unless you object to this proposal within thirty (30) Days of the postmark date of this letter, the Town of Denmark Planning Board will assume the role of Lead

# **HRABCHAK, GEBO & LANGONE, P.C.**

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216 WASHINGTON STREET  
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mgebo@gebolaw.com

MARK G. GEBO  
EUGENE J. LANGONE, JR.

ROBERT R. HRABCHAK  
(1957-1995)

Agency and proceed with the environmental impact review of this project in accordance with SEQR. If you consent to this, please so indicate by countersigning and returning a copy of this letter where indicated below.

Your agency's continued participation as an involved or interested agency is acknowledged and supported. Please advise the undersigned of any issues that you believe should be incorporated in the Denmark Planning Board's review, particularly those that might affect the Planning Board's "determination of significance" (positive or negative declaration of environmental impact).

Very truly yours,

**HRABCHAK, GEBO & LANGONE, P.C.**



Mark G. Gebo, Esq.

MGG:dec

Read and agreed to  
This \_\_\_\_ day of  
\_\_\_\_\_, 2012

\_\_\_\_\_  
New York State Division for  
Historical Preservation

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

[www.dps.ny.gov](http://www.dps.ny.gov)

## PUBLIC SERVICE COMMISSION

GARRY A. BROWN

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GREGG C. SAYRE

*Commissioners*



PETER McGOWAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

July 23, 2012

Mr. Marcus Wuerschmidt  
Town of Denmark Planning Board  
3707 Roberts Road  
Carthage, NY 13619

Mr. Mark G. Gebo, Esq.  
Hrabchak, Gebo & Langone, P.C.  
216 Washington Street  
Suite 300  
Watertown, NY 13601  
Email: [mgebo@gebolaw.com](mailto:mgebo@gebolaw.com)

Re: SEQRA Lead Agency Request Copenhagen Wind Farm, LLC  
Town of Denmark, Lewis County

Dear Mr. Gebo:

The Department of Public Service (DPS) has reviewed the request by the Town of Denmark Planning Board for designation as lead agency in the State Environmental Quality Review Act (SEQRA) review of the application submitted by Copenhagen Wind Farm, LLC (the Company) to develop an approximately 100 megawatt (MW) wind energy facilities (Project) in the Town of Denmark, Lewis County, New York.

DPS includes the Staff of the Public Service Commission (PSC) and will be an involved agency in the SEQRA review of the Project. Pursuant to Public Service Law (PSL) §68, the Company will be required to obtain a Certificate of Public Convenience and Necessity for construction and operation of the Project, since its generating capacity will exceed 80 MW. The §68 review includes consideration of the capacity of the developer to function as an electric corporation and to provide safe and reliable service.

DPS has participated as an involved agency in many SEQRA reviews of power production facilities; pursuant to its responsibility under PSL §68. The §68 review can only proceed following receipt of an application from the developer, including a verified statement by a responsible official of the company showing that it has received all legally required municipal consents giving it the right to use town property, such as the rights- of-way for public streets. Consideration of the §68 review will also require that DPS coordinate review with the Office of Parks, Recreation and Historic Preservation (OPRHP) pursuant to §14.09 of the Parks, Recreation and Historic Preservation law, unless there is a federal agency review that implements §106 of the National Historic Preservation Act.

DPS has reviewed the Company's Full Environmental Assessment Form (EAF). Since the Project has the potential to have a significant impact on the environment, a Draft Environmental Impact Statement (DEIS) should be required and the following concerns should be thoroughly addressed. DPS recommends that a scoping process be used to list the methods and extent of study and analysis appropriate for development of a DEIS.

The DEIS should address a range of potential impacts on land use including: utility and transportation resources, relevant impacts on cultural and natural resources, wildlife and wildlife management areas. The environmental impact assessment should consider the full scope of ancillary equipment and construction that will likely be required for the Project, including any upgrades to transmission facilities necessary to accommodate the interconnection of the Project's power output to the transmission grid. Further, any system communications facilities, such as fiber optic cables or microwave relays necessary for communication with upstream or downstream electric transmission substation, should be identified and addressed in the Project EIS.

#### Community Facilities and Utility Services

Construction and operation impacts on utility structures and services should be minimized through advance planning and coordination with utility service providers. Construction and Operation & Maintenance plans should address all local utility service providers, including: contact information; review of construction plans and practices near other utility structures; participation in Dig Safely New York program to avoid disturbance of underground facilities; and development of contingency or emergency plans to minimize duration and extent of utility service interruptions or customer outages.

#### Electric Transmission Line and Interconnection

The proposed interconnection to the National Grid East Watertown substation should be analyzed pursuant to the Order recently issued by the PSC in Case 09-E-0497.<sup>1</sup> Displacement of

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<sup>1</sup> Case 09-E-0497 – In the Matter of Generator-Specific Energy Deliverability Study Methodology. Order Prescribing Study Methodology; Issued and Effective October 20, 2009.

other energy generated from existing renewable facilities by the proposed Project warrants consideration in evaluating the potential impacts and benefits.

The DEIS should clearly identify, on a map, the appropriate offset distances of the turbines and substation from: roads, residences, transmission facilities designed to operate at 115 kV or more and any buried gas infrastructure. DPS notes that the wind turbine layout should comply with the PSC setback policy of at least 1.5 times their maximum height from electric transmission lines designed to operate at 115 kV or higher voltage.<sup>2</sup>

Effects on land use, including other utility transmission and distribution systems must be evaluated. Existing electric and gas transmission and distribution facilities are located within the project area and a portion of the proposed 9-mile 115kV interconnection line would be co-located in an existing overhead electric transmission facility. The company should develop procedures for coordinating its design and construction activities with owners and operators to avoid interference with existing utility service and reliability.

The proposed 115 kV transmission line appears to include areas of co-location of electric facilities with existing gas transmission pipeline facilities. Co-location effects, such as induced voltages due to EMF levels, and effects on pipeline integrity must be addressed in facility design and mitigation planning. The owner/operator of existing gas pipeline facilities should be contacted for appropriate design considerations.

The EIS should note that periodic vegetation maintenance methods, typically including cutting, mowing, and pruning of tall growing trees, should be anticipated for the life of the facility. Potential selective use of herbicides to discourage sprouting and rapid re-growth of cut vegetation may be proposed. All appropriate herbicide label restrictions would be applicable. Encouragement of desirable (low-growing) vegetation species (such as shrubs and herbaceous plants) is promoted. Compatible land uses, such as agriculture, pasture, or shared utility uses, are encouraged on the ROW where appropriate. The long-term ROW maintenance program would address these matters, as well as on-going maintenance of erosion-control features, control of adverse use, periodic inspections, and protection of electric system operations.

Ongoing management of the substation-switchyard location, including any use of herbicides or soil sterilants to preclude vegetation establishment within the areas of high-voltage electrical equipment, should be based on measures to avoid off-site impacts including discharge to the receiving water body. Soil sterilants are susceptible to rapid translocation during rainfall events following application of these materials to surface cover gravel-aggregate material.

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<sup>2</sup> Case 07-E-0213 – Sheldon Energy, Order Granting Certificate of Public Convenience and Necessity, and Providing For Lightened Regulation; Issued and Effective January 17, 2008.

Siting considerations for the substation should include analysis of soils and bedrock limitations on system grounding and possible interference with other electric and communication facility grounding and protection systems. The suitability of the soil and the bedrock depth should be identified for the substation site. The DEIS should include switch yard and substation design drawings and preliminary site plans. Substation site accessibility should be documented with preliminary road design criteria, including slopes and alignment limitations. Substation lighting should be designed to avoid off-site light trespass and glare, avoid up-ward directed lighting and use of task lighting where feasible. A noise assessment, including pure-tone analysis, should be performed for the proposed substation.

#### Communications facilities

Assessment of potential effects on existing communication systems from facility siting will also be necessary. Microwave communication facilities and antenna structures occupy locations within or in close proximity to the southwest portion of the Project area. Turbine layout should avoid disruption of microwave communication facilities.

DPS staff recommends that the developer should consult with the Radar Operation Center (ROC) / National Telecommunication Information Administration (NTIA) regarding potential interference of the wind turbines, with the signals emitted from the Doppler Radars. Wind Projects reportedly have adverse effects on NOAA Doppler Radar, inducing false feedback on radar imaging indicative of storm conditions. Mitigation should be explored as appropriate. More information on the ROC/NTIA can be found at <http://www.roc.noaa.gov/windfarm>.

#### Transportation impacts

Delivery of massive turbine components may necessitate considerable road, bridge or culvert improvements including grade changes, widening of roadways at critical intersections, raising or relocating overhead utility wires at road crossings and reinforcement of road surfaces. DPS recommends that traffic and transportation plans be thoroughly addressed with the NYS Department of Transportation (NYSDOT), Town Highway Departments and County Highway Departments. Heavy use of the local roads may cause disturbance to the roads. Seasonal limitations, restoration standards and possible financial assurances for roadway improvements and restoration may be appropriate mitigation for construction impacts. Consideration of above-ground and underground utility protection or relocation is typically involved where road shoulder widening or curve radius alteration is necessary for delivery of oversized loads.

### Natural Resources impacts

Potential environmental impacts on natural resources due to facility construction that should be considered include water resources, such as water quality effects of storm water runoff on wetlands and streams in the vicinity of wind turbines and down slope from construction sites and access roads. Specifically, potential impacts to Deer River, a source water stream for drinking water facilities in Copenhagen village and within the Project area, should be evaluated and discussed. Reasonable efforts should be made to avoid, minimize or mitigate the effects on wetlands and streams in accordance with DEC standards.

Bird and bat studies should indicate that an impact mitigation strategy will be included, to reduce project operational effects if significant effects are observed in the post construction monitoring plans.

Habitat characterization and evaluation of potential changes in habitat should be documented and analyzed. The DEIS should address clearing, forest fragmentation, and other effects of project construction and operation on forestlands, riparian corridors, vernal pools and other natural habitats in the project area. Use of existing access roads should be explored for feasibility in reducing the range of impacts and to minimize fragmentation of existing habitats. Co-location of electric gathering lines along access roads and existing cleared areas is encouraged, rather than creating new linear corridors. Setback buffer distances of 600 feet from isolated seasonal wetlands is recommended to minimize adverse effects on amphibian populations, which are vulnerable to forest fragmentation, site clearing and construction activity, and changes in drainage patterns.

An air quality impact assessment and any characterization of emission reductions for other generating facilities offset by output of the proposed project should be based on specific analysis of production and transmission system limitations. Analysis should account for all existing and other proposed generating projects in the region, including several wind energy projects in development or under review.

### Visual resources

EIS Scoping should identify additional details of a complete visual impact assessment protocol and propose impact assessment locations. Viewshed analysis should include consideration of short range through long range views on visual resources of State and local importance. The Company should document and analyze potential impacts in accordance with the list of visual resources included in the Department of Environmental Conservation's (DEC) Visual Policy Statement, and any locally important resources. Additionally, viewshed analysis should be performed for the stretch of the Black River passing to the east of and proximal to the project area. Areas of visibility in the river within 5 miles of the project area should be identified and evaluated. The Black River is included in the National Park Service's Nationwide River Inventory (NRI)

candidate listing and the segment between Carthage and Lyons Falls includes geologic, recreational, historic and other Outstandingly Remarkable Values (ORVs).

Visual impact analysis should address specific visual contrasts: contrasts should be assessed, characterized and described; visibility should be demonstrated through viewshed mapping, line of sight analysis and photo simulation. Strategies to avoid or minimize significant impacts through consideration of mitigation measures should be demonstrated. As appropriate, alternatives analysis should include consideration of alternative scale projects and alternative layouts to avoid specific direct impacts on significant resources. DPS advises that high quality, large-format (8.5 x 11 or 11 x 17 inch) simulation views are preferred to provide reviewing agencies with depictions at a scale appropriate to assessing Project appearance.

### Conclusion

DPS seeks to actively participate in the SEQRA review process, including review of scoping topics and methodologies, and review of alternatives and mitigation measures appropriate to avoid environmental and community impacts. Cultural resource evaluation must be contained in the DEIS, including consideration of potentially eligible resources.

DPS consents to the Town of Denmark Planning Board proceeding as Lead Agency, provided that it is able and willing to administer a comprehensive review of impacts, including assessment of cumulative impacts of the proposed wind project with other local development proposals. The Town Planning Board should require that the issues and regulatory requirements identified in this letter be addressed in adequate detail to demonstrate a hard look at impacts, and fully develop findings. Findings should be specific to address the issues identified in the EAF and in this correspondence to enable the PSC to adopt the environmental review and make requisite findings regarding the public interest, public convenience and necessity in its consideration of the developer's request pursuant to PSL §68. Attached is a set of standard questions DPS Staff considers while conducting its PSL §68 review for wind energy projects.

The SEQRA review should consider appropriate mitigation of potential adverse impacts, which may include alternative communication technologies, removal or relocation of individual wind energy structures and alternative routes for interconnection lines or access roads. Mitigation strategies for visual and historic resource impacts may be appropriate based on results of visual studies and further consultations. Mitigation of impacts on visual, cultural or community-defining elements may include facility relocations, development of screening or reduced project scale. Mitigation of impacts to the electric transmission system may include addition of significant transmission capability.

DPS will provide additional specific comments and recommendations for a formal scope of studies following conclusion of the determination of Lead Agency under SEQRA. DPS strongly

Department of Public Service – Copenhagen Wind Farm, LLC

encourages the Lead Agency to require full public scoping of topics and methodologies for Environmental Impact Statement analysis.

Please contact Andrew Davis at 518-486-2853 regarding further Project reviews and environmental assessment scoping. Thank you for consideration of these comments.

Respectfully,



Christina C. Palmero, Chief  
Renewable Energy and  
Environmental Compliance  
Office of Energy Efficiency and the Environment

Attachment

cc: J. Bonafide, OPRHP  
R. Edick, NYS DEC  
M. Brower, NYS Ag. & Mkts.

## **Standard information requests for Wind Energy Project §68 CPCN Review**

1. Provide a list of engineering codes, standards, guidelines and practices that the company intends to conform with when planning, designing, constructing, operating and maintaining the wind turbines, electric collection system, substation, transmission line, inter-connection, and associated buildings and structures.
2.
  - a. Provide a list of the permits, approvals and permissions the company will have to obtain to construct, operate, maintain and retire the wind turbines, electric collection system, substation, transmission line, inter-connection, and associated buildings and structures.
  - b. Provide an estimated schedule for the application and receipt of items in item "a." above.
3. Provide a Quality Assurance and Control plan, including staffing positions and qualifications necessary, demonstrating how applicant will monitor and assure conformance of facility installation with all applicable design, engineering and installation standards and criteria as indicated in question 1 above.
4. Provide a statement from a responsible company official that:
  - a. company and its contractors will conform to the requirements for protection of underground facilities contained in Public Service Law §119-b, as implemented by 16 NYCRR Part 753;
  - b. company will comply with pole numbering and marking requirements, as implemented by 16 NYCRR Part 217.
5. Provide plans and descriptions indicating design, location and construction controls to avoid interference with existing utility transmission and distribution systems. Indicate detailed locations and specify design separations of proposed facilities from existing electric, gas, and communications infrastructure. Indicate measures to minimize interferences where avoidances cannot be reasonably achieved.
6. Provide description and indicate details of plans to limit public access and assure security at substations, collection points, wind energy facilities and aboveground components of electrical collection system..
7. Explain how the design and operation of the facility will avoid interference with radio communications, including cell phones, AM/FM/SW radio, television, radar, GPS and LORAN, and microwave transmissions.
8. Provide transmission facility design and construction plans, indicating vegetation clearing and disposal specifications, structure locations, access requirements, grading and access improvements, and environmental control measures including stormwater and erosion control practices and facilities.

9. Provide facility maintenance and management plans, procedures and criteria. Specifically address the following topics:

- a. turbine maintenance, safety inspections, and tower integrity;
- b. electric transmission, gathering and interconnect line inspections, maintenance and repairs;
  - (i) vegetation clearance requirements;
  - (ii) vegetation management plans and procedures;
  - (iii) inspection and maintenance schedules;
  - (iv) notification and public relations for work in public right-of-way;
  - (v) minimization of interference with electric and communications distribution systems;
- c. vegetation management practices for switchyard and substation yards, and for danger trees around stations; specifications for clearances; inspection and treatment schedules; and environmental controls to avoid off-site effects.

10. If the company will entertain proposals for sharing above ground facilities with other utilities (communications, cable, phone, cell phone relays, etc. ) provide criteria and procedures for review of proposals.

11. Provide emergency response plans, notification and coordination procedures. Specify plans and procedures for addressing electric line outages, specification of 24-hours per day storm and emergency response situations. Include measures for communication and coordination with operators of existing utility facilities, and residents of adjoining or affected locations.

12. Specify commitments for addressing public complaints, and procedures for dispute resolution during facility construction and operation.

13. Specify commitments for end-of-life facility retirement and decommissioning, with specific references to electrical gathering and transmission system, interconnection and substation facilities.

14. Provide switchyard and substation design drawings and site plans, indicating:

- a. property lines and setbacks; access road location, width and gradient; site grading, cut and fill, drainage and environmental controls; all proposed improvements and equipment; fencing and gates; permanent erosion control measures;
- b. Indicate any station lighting needs, and appropriate design criteria;
- c. provide a statement indicating that any future lighting will be designed to avoid off-site lighting effects (i.e., avoid up-light direction except for as-necessary maintenance task-lighting; avoid drop-down optics to minimize light trespass);
- d. listing of all electrical equipment and specifications for substation and switchyard facilities;
- e. interconnection facility design plan and profile information.

15. Provide a status report on equipment availability and expected delivery dates for towers, turbines, transformers, and related major equipment.

16.
  - a. Specify turbine design setback requirements for the following structures: occupied structures (residences, businesses, and schools); barns and unoccupied structures; electric transmission lines.
  - b. Explain the rationale for the setback distances for each type of structure or facility.
  - c. Provide a detailed explanation as to why local setback provision from transmission lines cannot be accommodated in facility layout.
  
17. Provide an analysis of the electrostatic and electromagnetic fields for the proposed 115 kV electric transmission line. Include a cross-section diagram and chart showing the results of the field strength analysis at average annual and annual maximum conductor current flow (maximum conductor rating). The cross-section diagram should demonstrate the electrostatic and electromagnetic field strengths extending horizontally from facility centerline to a distance of 300 feet.
  
18. Please provide production estimates as follows:
  - a. How much power does the applicant expect the project to generate annually?
  - b. What daily, seasonal and annual variation in production is expected?
  
19. For the entire project provide a list of all local, state and federal development and production inducements, subsidies, tax reliefs; and provide an estimate of the dollar value of each for the life of the project.
  
20. Provide documentation regarding the status and results of third-party review and certification (type and project) of wind turbines proposed for construction and operation at the electric plant.

# HRABCHAK, GEBO & LANGONE, P.C.

ATTORNEYS AT LAW

216 WASHINGTON STREET  
SUITE 300  
WATERTOWN, NEW YORK 13601  
(315) 788-5900  
TELECOPIER (315) 788-6085  
mgebo@gebolaw.com

MARK G. GEBO  
EUGENE J. LANGONE, JR.

ROBERT R. HRABCHAK  
(1957-1995)

June 27, 2012

New York State Public Service Commission  
3 Empire Plaza  
Albany, New York 12223-1350

Re: Copenhagen Wind Farm, LLC - SEQR  
Determination of Lead Agency

Dear Sir/Madam:

Please be advised that this office represents the Town of Denmark Planning Board on the above application. Copenhagen Wind Farm, LLC, is proposing to construct a wind power generating project in the Town of Denmark, Lewis County, New York. Part I of an Environmental Assessment Form (EAF), and figures showing the proposed project location and the layout of facility components are attached. The current Project design consists of up to 63 GE 1.6MW wind turbines (or similar) with a 100-meter (328 foot) rotor diameter mounted on an 80 or 96-meter (262 foot) tall tubular steel towers. The Project will also involve upgrade or construction of approximately 16 miles of gravel access roads approximately 23 miles of buried or and overhead electrical collection lines, an dup to three permanent, free-standing 100-meter tall meteorological towers. To deliver power to the New York State power grid, the Applicant proposes to construct substation/switchyard facility that connects to the power grid via a newly constructed 115kV electrical interconnection line connecting to the National Grid East Watertown substation located in the Town of Watertown. The interconnection route will be comprised of approximately 9 miles of overhead line on wooden or steel pole structures, and located within the interconnection corridor located in the Towns of Rutland, Champion and Watertown, Jefferson County.

The purpose of this letter is to inform you, as a potential interested or involved agency, that the Town of Denmark Planning Board proposes to act as Lead Agency for the State Environmental Quality Review (SEQR) process pursuant to 6 NYCRR Part 617. Unless you object to this proposal within thirty (30) Days of the postmark date of this letter, the Town of Denmark Planning Board will assume the role of Lead

**HRABCHAK, GEBO & LANGONE, P.C.**

ATTORNEYS AT LAW

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Agency and proceed with the environmental impact review of this project in accordance with SEQR. If you consent to this, please so indicate by countersigning and returning a copy of this letter where indicated below.

Your agency's continued participation as an involved or interested agency is acknowledged and supported. Please advise the undersigned of any issues that you believe should be incorporated in the Denmark Planning Board's review, particularly those that might affect the Planning Board's "determination of significance" (positive or negative declaration of environmental impact).

Very truly yours,

**HRABCHAK, GEBO & LANGONE, P.C.**



Mark G. Gebo, Esq.

MGG:dec

Read and agreed to  
This \_\_\_\_ day of  
\_\_\_\_\_, 2012

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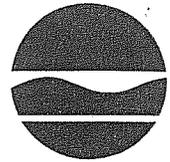
New York State Public Service Commission

**New York State Department of Environmental Conservation  
Division of Environmental Permits**

625 Broadway, Albany, NY 12233-1750

Phone: (518) 402-9167 • Fax: (518) 402-9168

Website: www.dec.ny.gov



Joe Martens  
Commissioner

July 16, 2012

RECEIVED  
JUL 19 2012

Mr. Marcus Wuerschmidt  
Planning Board Chairman  
Town of Denmark Planning Board  
3707 Roberts Road  
Carthage, NY 13619

**Re: State Environmental Quality Review (SEQR)  
Determination of Lead Agency  
Copenhagen Wind Farm, LLC  
Town of Denmark, Lewis County**

Dear Mr. Wuerschmidt:

The New York State Department of Environmental Conservation (DEC) has performed an initial review of the Full Environmental Assessment Form (EAF) and supplemental materials for the project identified above, provided with the Notice of Intent by the Town of Denmark Planning Board to act as Lead Agency for SEQR review, dated 27 June 2012. The project is described as a wind power project consisting of sixty-three (63) GE wind turbines, each with a nameplate capacity of 1.6 megawatts (MW), with a combined total electrical generation capacity of approximately 101 MW.

- 1) **Lead Agency.** DEC does not object to the designation of the Town of Denmark Planning Board as Lead Agency. The comments provided in this letter identify specific concerns DEC has with wind projects in general and the proposed project at this location in particular. The DEC requests that the SEQR process, as guided by the lead agency, address these concerns.
- 2) **Department Jurisdiction.** EAF "Proposed Project Layout Map", combined with a DEC GIS review, indicates that participating properties contain numerous areas of DEC-regulated wetlands, and that there are likely at least some state regulated wetland impacts. The GIS review of the National Wetlands Inventory (NWI) map indicate a number of wetland areas potentially under the jurisdiction of the U.S. Army Corps of Engineers (USACE), and it appears that the proposed project layout includes access roads or interconnect lines that would cross some of these wetlands. More detail regarding the project layout is necessary to determine if the project would directly impact any DEC-regulated wetlands or 100 ft adjacent areas. If that will happen, an Article 24 Freshwater Wetlands permit would be required. Additionally, more detail is necessary to determine the location and extent of direct impacts to any USACE-jurisdictional wetlands. If USACE authorization is required for the project, DEC will also need to issue a Clean Water Act Section 401 Water Quality Certification.

The EAF indicates that there are several streams within the project site. These may all carry a "C" classification under the DEC water quality classification system, which means that they are not protected under this category. Given the early stage of this project and the non-specific nature of the maps, the assessment of whether an Article 15 stream disturbance permit will be needed or not will require further

York State Office of Parks, Recreation and Historic Preservation (OPRHP) should be prepared, along with results of archeological and historic architecture investigations undertaken for the project. The State Historic Preservation Office (SHPO) has developed guidelines for wind farm development cultural resources surveys, available at: (<http://www.nysparks.com/shpo/environmental-review/documents/CulturalResourceSurveyGuideWindProjects.pdf>).

The extent of state or federal agency involvement with the project should be discussed and associated historic and cultural resource protection requirements described. A discussion of mitigation measures proposed to be applied to offset any identified adverse impacts should be included. This process should be conducted in concert with the visual assessment prepared in accordance with the DEC visual policy (see above).

e) Air Traffic Impacts. In addition to the potential environmental impacts of the project, the proposed towers may have an impact on operations at Fort Drum. Therefore, we urge you to include Fort Drum in your considerations, specifically, Julie Cupernall, Public Affairs Officer, at 10012 South Riva Ridge Loop, Fort Drum, New York 13602. Ms. Cupernall's email address is [julie.cupernall@conus.army.mil](mailto:julie.cupernall@conus.army.mil).

#### **4) Best Management Practices/Mitigation.**

a) Spills Management. DEC's experience with other wind farms shows that spills of petroleum and other chemicals can be expected during the construction and operational phases. Though many of these spills may be small, they must be properly reported, cleaned up, and documented. The project sponsor should prepare a spills management plan that describes procedures to address proper reporting, cleanup, and documentation of spills.

b) Environmental Restoration. An Environmental Restoration Plan should be prepared that describes re-grading and stabilization of temporary impacts to wetlands and streams, restoration of disturbed habitat, including re-planting suitable species in wetlands, adjacent areas and streams, wetland mitigation project construction, stabilization of disturbed areas subject to the SPDES Stormwater General Permit, removal and proper disposal of temporary road materials, and regrading soil in agricultural and forested areas in accordance with NYS Department of Agriculture and Markets guidelines or other Best Management Practices. Special attention should be given to the control of invasive species during project construction and restoration activities to minimize the spread of invasives in the project development area.

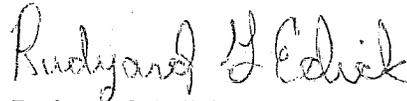
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A wind project of this type and its potential to generate jobs locally as well as electricity for export from the North Country, make it of importance to the North Country Economic Council and its strategy to make the North Country "the greenest energy economy in the state." We suggest you include the Economic Council, particularly the Energy Working Group, in your process. The contact person for that is Kate Fish, at the Adirondack North Country Association (ANCA). Her phone number is 518-891-6200, and her email is [kfish@adirondack.org](mailto:kfish@adirondack.org). Her mailing address is 67 Main Street, Suite 201, Saranac Lake, NY 12983.

In conclusion, DEC appreciates the opportunity to comment on the project at this early stage and looks forward to working with the Town of Denmark Planning Board throughout the remainder of the SEQR and permit review process. If you have any questions, you may contact me by phone at (518) 402-9150, or by email at [rgedick@gw.dec.state.ny.us](mailto:rgedick@gw.dec.state.ny.us).

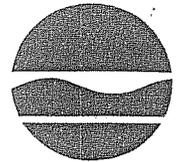
Sincerely,



Rudyard G. Edick  
Project Manager  
Major Projects Management Section

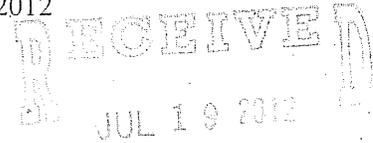
cc: T. Fleming, Town of Denmark Supervisor  
A. Davis, NYS DPS  
J. Bonafide, OPRHP  
M. Brower, Ag&Mkts  
M. Crawford, USACE  
T. Sullivan, USFWS  
Julie Cupernall, Fort Drum  
Kate Fish, ANCA  
Mark Gebo, Esq., Hrabchak, Gebo & Langone  
J. Drabicki, DEC Region 6  
L. Ambeau, DEC Region 6  
DEC Review Team

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Joe Martens  
Commissioner

July 16, 2012



Mr. Marcus Wuerschmidt  
Planning Board Chairman  
Town of Denmark Planning Board  
3707 Roberts Road  
Carthage, NY 13619

**Re: State Environmental Quality Review (SEQR)  
Determination of Lead Agency  
Copenhagen Wind Farm, LLC  
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The EAF indicates that there are several streams within the project site. These may all carry a "C" classification under the DEC water quality classification system, which means that they are not protected under this category. Given the early stage of this project and the non-specific nature of the maps, the assessment of whether an Article 15 stream disturbance permit will be needed or not will require further

study. Also, more detail needs to be provided regarding any stream segment where there is a proposed crossing or disturbance, to determine if the waterway meets the NYS definition of “navigable.” Under this definition, navigable waters include lakes, rivers and other waterways and water bodies on which water vessels with a capacity of one or more persons are operated or can be operated. If any stream segment meeting this criterion will be disturbed by project activities, a DEC permit will be required.

The EAF also indicates that a response from DEC’s Natural Heritage Program stated that listed avian species (Henslow’s sparrow, short eared owl, upland sandpiper, northern harrier, sedge wren, and bald eagle) are within 10 miles of the site and an Indiana bat colony is recorded within 40 miles from the site. Moreover, a listed plant species may be within the project area (rock cress). If construction or operation of the project will result in an impact to federal or state-listed endangered and/or threatened species, DEC will have jurisdiction under Article 11 of the Environmental Conservation Law.

The actual breadth of DEC’s jurisdiction cannot be determined definitively until all project components are fully described in a detailed site development plan, and any studies necessary to determine risk to listed species are completed.

In addition to any individual permits that may be required, the project sponsor will also be required to obtain coverage under and comply with the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

**3) Project Impacts.** Based on experience with existing and proposed wind farms, the following impacts are of primary concern to DEC:

a) Bird and Bat Impacts. DEC encourages the project sponsor to develop and submit a work plan for pre-construction bird and bat surveys as described in our Guidelines, available at: (<http://www.dec.ny.gov/energy/40966.html>), and to set up a meeting with DEC in the near future to discuss what studies may be warranted to characterize the wildlife habitat resources in the project development area.

b) Natural Resource Impacts. If unavoidable wetland impacts are expected to result from project construction activities, a discussion of compensatory mitigation being considered must be included. Proposed mitigation must conform to DEC wetland mitigation guidelines (see *Freshwater Wetlands Regulation Guidelines on Compensatory Mitigation*, available at: <http://www.dec.state.ny.us/website/dfwmr/habitat/wetlmit.pdf>.) Stream crossings should be designed with the goal of protecting stream continuity, as described in the DEC web page, *Stream Crossings: Guidelines and Best Management Practices*, available at: (<http://www.dec.ny.gov/permits/49066.html>).

c) Visual Impacts. DEC recommends that a Visual Impact Analysis (VIA) be conducted for the project, consistent with the DEC’s visual policy, *Assessing and Mitigating Visual Impacts, DEP-00-2*, available on DEC’s website at: (<http://www.dec.state.ny.us/website/dcs/policy/visual2000.pdf>). If the VIA results in a determination that adverse visual impacts may result from the project, and mitigation is warranted, direct mitigation such as vegetative screening should be explored. Where it is determined that direct mitigation is not practicable, DEC visual policy recommends consideration of visual offsets. This process is most appropriately conducted in concert with the cultural resources review prepared in accordance with state or federal historic preservation review processes (see below). This discussion should include impact to viewshed from public trails passing through and near the project area.

d) Cultural and Archeological Resources. Review of the DEC GIS database indicates that an area of archeological significance exists within the project development area. A record of consultation with the New

York State Office of Parks, Recreation and Historic Preservation (OPRHP) should be prepared, along with results of archeological and historic architecture investigations undertaken for the project. The State Historic Preservation Office (SHPO) has developed guidelines for wind farm development cultural resources surveys, available at: (<http://www.nysparks.com/shpo/environmental-review/documents/CulturalResourceSurveyGuideWindProjects.pdf>).

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life of the project beyond those required for restoration and mitigation, through cooperative partnerships with landowners, local governments, educational and conservation organizations.

e) Invasive Species Management and Control Plan. An acceptable invasive species plan must detail survey methods to identify currently existing invasive species listed in the DEC Interim List in the project area so that these areas can be avoided when possible and proper measures can be taken when they cannot. The plan must specify how imported fill will be certified to be free of invasive species, how fill leaving the site will be certified to be free of invasive species, and how fill within the site will either be free of invasives or only used within the area infested with the same invasive species. The plan must also address how site grading and erosion and sediment control will work together to prevent invasions. It should also address cleaning procedures for removing invasive species from equipment, preferably with a powerwasher and personnel, location of designated equipment cleaning stations, location of off-site disposal (if the material is not rendered incapable of growth or reproduction) which must be either a landfill-incinerator or State-approved disposal facility. The intent is that equipment should arrive at the site clean and leave clean. Equipment and clothing-cleaning stations must be constructed so that invasive species seeds and other viable plant parts cannot escape in runoff or through other means. The plan should describe the Best Management Practices or procedures that will be implemented to ensure that project activities do not result in introduction or spread of invasive species, especially in or near regulated areas of special interest to Natural Resources staff such as areas containing protected species or habitats within the project area. The plan should also provide measures for educating workers about IS and how to prevent their spread, identify work areas which will trigger cleaning activities (such as prior to using mats in streams and wetland and wetland adjacent areas) and identify methods to prevent and control the transport of IS as well as how to clean equipment and clothing using acceptable methods. The plan must list all planting and seeding materials to be used and specify mulch free of invasive species. The plan should also detail post-construction monitoring and survey approaches, preferably for at least 5 years which would ensure that the objective of no net increase in IS was accomplished. If areal coverage of invasive species in the ROW project area increases over the baseline survey level remedial action should be considered, with consultation with DEC and USACE. If the goals of the invasive species control plan are not met within five years post construction, a revised control plan containing additional control actions for an additional monitoring term will be submitted.

## **5) Alternatives Analysis.**

An alternatives analysis should be prepared that includes the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. Alternatives described should include those that avoid or reduce adverse impacts identified in the environmental review of the proposed action (e.g., can these impacts be avoided or reduced by reducing the project scale, re-configuring or re-locating project components?) Details to include in these evaluations should include the factors that led to the specific turbine layout for each alternative, such as wind resource evaluation, turbine spacing and/or orientation, wind turbine model selection, site constraints (setback requirements, avoidance of wetlands, landowner preference, etc.), access road and interconnect design considerations, and avoidance of identified adverse environmental impacts (e.g., archeological sites). The range of alternatives may also include, as appropriate, alternative sites, technology, scale or magnitude, design, timing, use, and types of action. An alternative for which no discretionary approvals are needed, or which largely avoids identified adverse impacts, should also be described. The range of alternatives must include the no action alternative. The no action alternative discussion should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action.

A wind project of this type and its potential to generate jobs locally as well as electricity for export from the North Country, make it of importance to the North Country Economic Council and its strategy to make the North Country "the greenest energy economy in the state." We suggest you include the Economic Council, particularly the Energy Working Group, in your process. The contact person for that is Kate Fish, at the Adirondack North Country Association (ANCA). Her phone number is 518-891-6200, and her email is [kfish@adirondack.org](mailto:kfish@adirondack.org). Her mailing address is 67 Main Street, Suite 201, Saranac Lake, NY 12983.

In conclusion, DEC appreciates the opportunity to comment on the project at this early stage and looks forward to working with the Town of Denmark Planning Board throughout the remainder of the SEQR and permit review process. If you have any questions, you may contact me by phone at (518) 402-9150, or by email at [rgedick@gw.dec.state.ny.us](mailto:rgedick@gw.dec.state.ny.us).

Sincerely,



Rudyard G. Edick  
Project Manager  
Major Projects Management Section

cc: T. Fleming, Town of Denmark Supervisor  
A. Davis, NYS DPS  
J. Bonafide, OPRHP  
M. Brower, Ag&Mkts  
M. Crawford, USACE  
T. Sullivan, USFWS  
Julie Cupernall, Fort Drum  
Kate Fish, ANCA  
Mark Gebo, Esq., Hrabchak, Gebo & Langone  
J. Drabicki, DEC Region 6  
L. Ambeau, DEC Region 6  
DEC Review Team

# HRABCHAK, GEBO & LANGONE, P.C.

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MARK G. GEBO  
EUGENE J. LANGONE, JR.

ROBERT R. HRABCHAK  
(1957-1995)

June 27, 2012

Ms. Judy Drabicki, Esq.  
New York State Department of  
Environmental Conservation  
Region 6  
317 Washington Street  
Watertown, New York 13601

Re: Copenhagen Wind Farm, LLC - SEQR  
Determination of Lead Agency

Dear Ms. Drabicki:

Please be advised that this office represents the Town of Denmark Planning Board on the above application. Copenhagen Wind Farm, LLC, is proposing to construct a wind power generating project in the Town of Denmark, Lewis County, New York. Part I of an Environmental Assessment Form (EAF), and figures showing the proposed project location and the layout of facility components are attached. The current Project design consists of up to 63 GE 1.6MW wind turbines (or similar) with a 100-meter (328 foot) rotor diameter mounted on an 80 or 96-meter (262 foot) tall tubular steel towers. The Project will also involve upgrade or construction of approximately 16 miles of gravel access roads approximately 23 miles of buried or and overhead electrical collection lines, an dup to three permanent, free-standing 100-meter tall meteorological towers. To deliver power to the New York State power grid, the Applicant proposes to construct substation/switchyard facility that connects to the power grid via a newly constructed 115kV electrical interconnection line connecting to the National Grid East Watertown substation located in the Town of Watertown. The interconnection route will be comprised of approximately 9 miles of overhead line on wooden or steel pole structures, and located within the interconnection corridor located in the Towns of Rutland, Champion and Watertown, Jefferson County.

The purpose of this letter is to inform you, as a potential interested or involved agency, that the Town of Denmark Planning Board proposes to act as Lead Agency for the State Environmental Quality Review (SEQR) process pursuant to 6 NYCRR Part 617. Unless you object to this proposal within thirty (30) Days of the postmark date of this letter, the Town of Denmark Planning Board will assume the role of Lead

**HRABCHAK, GEBO & LANGONE, P.C.**

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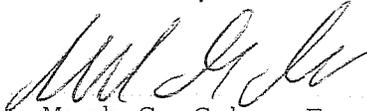
ROBERT R. HRABCHAK  
(1957-1995)

Agency and proceed with the environmental impact review of this project in accordance with SEQR. If you consent to this, please so indicate by countersigning and returning a copy of this letter where indicated below.

Your agency's continued participation as an involved or interested agency is acknowledged and supported. Please advise the undersigned of any issues that you believe should be incorporated in the Denmark Planning Board's review, particularly those that might affect the Planning Board's "determination of significance" (positive or negative declaration of environmental impact).

Very truly yours,

**HRABCHAK, GEBO & LANGONE, P.C.**



Mark G. Gebo, Esq.

MGG:dec

Read and agreed to  
This \_\_\_\_ day of  
\_\_\_\_\_, 2012

\_\_\_\_\_  
Judy Drabicki, Esq.  
New York State Department  
Of Environmental Conservation

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ROBERT R. HRABCHAK  
(1957-1995)

June 27, 2012

New York State Department  
Of Conservation  
625 Broadway  
Albany, New York 12233-0001

Re: Copenhagen Wind Farm, LLC - SEQOR  
Determination of Lead Agency

Dear Sir/Madam:

Please be advised that this office represents the Town of Denmark Planning Board on the above application. Copenhagen Wind Farm, LLC, is proposing to construct a wind power generating project in the Town of Denmark, Lewis County, New York. Part I of an Environmental Assessment Form (EAF), and figures showing the proposed project location and the layout of facility components are attached. The current Project design consists of up to 63 GE 1.6MW wind turbines (or similar) with a 100-meter (328 foot) rotor diameter mounted on an 80 or 96-meter (262 foot) tall tubular steel towers. The Project will also involve upgrade or construction of approximately 16 miles of gravel access roads approximately 23 miles of buried or and overhead electrical collection lines, an dup to three permanent, free-standing 100-meter tall meteorological towers. To deliver power to the New York State power grid, the Applicant proposes to construct substation/switchyard facility that connects to the power grid via a newly constructed 115kV electrical interconnection line connecting to the National Grid East Watertown substation located in the Town of Watertown. The interconnection route will be comprised of approximately 9 miles of overhead line on wooden or steel pole structures, and located within the interconnection corridor located in the Towns of Rutland, Champion and Watertown, Jefferson County.

The purpose of this letter is to inform you, as a potential interested or involved agency, that the Town of Denmark Planning Board proposes to act as Lead Agency for the State Environmental Quality Review (SEQOR) process pursuant to 6 NYCRR Part 617. Unless you object to this proposal within thirty (30) Days of the postmark date of this letter, the Town of Denmark Planning Board will assume the role of Lead

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Agency and proceed with the environmental impact review of this project in accordance with SEQR. If you consent to this, please so indicate by countersigning and returning a copy of this letter where indicated below.

Your agency's continued participation as an involved or interested agency is acknowledged and supported. Please advise the undersigned of any issues that you believe should be incorporated in the Denmark Planning Board's review, particularly those that might affect the Planning Board's "determination of significance" (positive or negative declaration of environmental impact).

Very truly yours,

**HRABCHAK, GEBO & LANGONE, P.C.**



Mark G. Gebo, Esq.

MGG:dec

Read and agreed to  
This \_\_\_\_ day of  
\_\_\_\_\_, 2012

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New York State Department of  
Environmental Conservation



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
10B Airline Drive  
Albany, New York 12235

*Land and Water Resources*  
518-457-3738  
Fax. 518-457-3412

RECEIVED  
JUL 10 2012

July 9, 2012

Mr. Mark G. Gebo, Esq.  
Hrabchak, Gebo & Langone, P.C.  
216 Washington Street, Suite 300  
Watertown, New York 13601

**RE: State Environmental Quality Review (SEQR) for the Copenhagen Wind Farm in the  
Town of Denmark, Lewis County**

Dear Mr. Gebo:

I received a copy of your letter concerning the lead agency and State Environmental Quality Review (SEQR) for the above mentioned project. The Full Environmental Assessment Form indicates that the project is not located in an agricultural district. The Department has been involved in the planning and construction of numerous wind farm projects in New York and has identified several impacts to the agricultural resources that can occur as the result of such projects. Below are the Department's comments concerning the agricultural impacts, for consideration during the review of the Copenhagen Wind Farm.

There are two types of agricultural impacts that result from the construction of wind farms on agricultural land. One impact is the permanent loss of productive land as a result of the installation of the access roads, turbine towers, and facilities needed for the interconnection between the wind farm and an existing electric transmission line. The other impact is the damage to the soil resources in areas disturbed during construction. Both of these impacts can be minimized with proper planning and communication.

The proper siting of the access roads and towers can significantly reduce the amount of land permanently lost from production as a result of this type of project. Constructing a permanent access road through the center of the field can significantly reduce the efficiency of the farm tillage and harvest operations. Generally, locating the roads and towers along the edge of fields results in the least amount of productive land being lost.

Another permanent impact to farming operations is the installation of overhead interconnect and transmission lines across agricultural fields. The structures to support such lines create obstacles for farming equipment and can significantly reduce the efficiency of the farm tillage and harvest operations. Loss of productive farmland can also occur at the point of connection between the wind farm and the electric transmission line. The overhead interconnect and electric transmission lines for some of the wind farm projects have been poorly designed and sited, which will result in significant impacts to agricultural resources and farming operations in the future. Good communication is critical between the Department, the project sponsor, the landowner, and the utility company concerning the location of all overhead lines and the transmission line interconnection. All parties need to fully understand the type and location of all electric lines required for the projects.

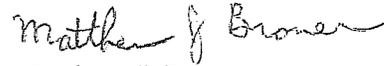
Another concern is the potential for permanent damage to the soil resource in areas disturbed during construction. Below are a few comments concerning the protection of the soil resource in agricultural fields.

1. The depth of the topsoil layer is generally quite shallow in New York. As a result, it is critical to protect this layer in order to achieve maximum crop production. The Department recommends stripping and stockpiling the topsoil from any areas disturbed by construction including along access roads, around tower sites, and any other areas where excavation is necessary. Following construction, the topsoil must be graded to the original depth. It is important for the project sponsor to negotiate adequate work space with the landowner in order to allow for proper protection of the topsoil resource.
2. The Department has observed that projects of this nature cause considerable compaction to the topsoil and subsoil layers. If not properly mitigated, the compaction can significantly reduce crop production for a number of years. The Department recommends deep soil tillage in agricultural areas during restoration.
3. Many of the soils in the areas where wind farms have been constructed, or are proposed, are shallow to bedrock and/or have a high concentration of rock in the subsoil. Extensive excavation in these types of soils can result in a higher than normal concentration of rock in the upper subsoil and topsoil layer. If not properly removed, this rock concentration can create difficulties for the farm operator for many years.
4. Changes in the natural surface and subsurface drainage patterns have also been observed at the existing wind farms. These changes can occur as a result of the construction of the access roads, as well as from other excavation. Drainage impacts need to be considered during the planning and construction phases and need to be properly mitigated during the restoration phase.

I have enclosed a copy of the Department's *Guidelines for Agricultural Mitigation for Windpower Projects* for your information. Proper implementation of these guidelines will help to minimize the impacts to the agricultural resources. The Town should consider requiring the

applicant to follow these guidelines as a condition of any permits issued by the Town. If you have any questions, feel free to contact me at (518) 457-2851.

Sincerely,

A handwritten signature in cursive script that reads "Matthew J. Brower".

Matthew J. Brower  
Agricultural Resource Specialist

Enclosure

cc: Stephen Tomasik, NYS DEC  
Andrew Davis, NYS DPS