

APPENDIX V

Coastal Management Program – Federal Consistency Assessment Form

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

Federal Consistency Assessment Form

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

A. APPLICANT

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

B. PROPOSED ACTIVITY

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

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

	<u>YES</u>	<u>NO</u>
1. Will the proposed activity <u>result</u> in any of the following:		
a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 41, 43)	<u>X</u>	___
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)	<u>X</u>	___
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1).....	___	<u>X</u>
d. Reduction of existing or potential public access to or along coastal waters? (9, 20).....	___	<u>X</u>
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10) ...	___	<u>X</u>
f. Siting of a facility essential to the exploration, development, and production of energy resources in coastal waters or on the Outer Continental Shelf? (29).....	___	<u>X</u>
g. Siting of a facility essential to the generation or transmission of energy? (27).....	<u>X</u>	___
h. Mining, excavation, or dredging activities or the placement of dredged or fill material in coastal waters? (15, 35).....	<u>X</u>	___
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)...	___	<u>X</u>
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33).....	<u>X</u>	___
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39).....	___	<u>X</u>
l. Adverse effect upon land or water uses within the State’s small harbors? (4).....	___	<u>X</u>
2. Will the proposed activity <u>affect</u> or be <u>located</u> in, on, or adjacent to any of the following:	<u>YES</u>	<u>NO</u>
a. State designated freshwater or tidal wetland? (44).....	<u>X</u>	___
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17).....	<u>X</u>	___
c. State designated significant fish and/or wildlife habitat? (7).....	<u>X</u>	___
d. State designated significant scenic resource or area? (24).....	___	<u>X</u>
e. State designated important agricultural lands? (26).....	___	<u>X</u>
f. Beach, dune, or barrier island? (12).....	___	<u>X</u>
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3).....	___	<u>X</u>
h. State, county, or local park? (19, 20).....	___	<u>X</u>
i. Historic resource listed on the National or State Register of Historic Places? (23).....	<u>X</u>	___

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| 3. Will the proposed activity <u>require</u> any of the following: | <u>YES</u> | <u>NO</u> |
| a. Waterfront site? (2, 21, 22)..... | <u>X</u> | ___ |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)..... | ___ | <u>X</u> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)..... | ___ | <u>X</u> |
| d. State water quality permit or certification? (30, 38, 40)..... | <u>X</u> | ___ |
| e. State air quality permit or certification? (41, 43)..... | ___ | <u>X</u> |
| 4. Will the proposed activity <u>occur within</u> and/or <u>affect</u> an area covered by a State approved local waterfront revitalization program? (see policies in local program document)..... | ___ | <u>X</u> |

TBD= to be determined

ADDITIONAL STEPS

- 1 .If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

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

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

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

Address: 950-A Union Road, Ste. 20

Telephone: (716) 675-0751

Applicant/Agent's Signature:

Date:

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Division of Coastal Resources, 41 State Street - 8th Floor, Albany, New York 12231.
 - a. Copy of original signed form.
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency.

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

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

(518) 474-6000.

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

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

Coastal Zone Assessment

Background

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

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

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

The principal function of the New York State Coastal Management Program is to provide a framework for government decision-making processes in the coastal zone. The Coastal Management Program is based on 44 policies which are grouped into 11 categories that address: 1) Development, 2) Fish and Wildlife, 3) Flooding and Erosion Hazards, 4) General Safeguards, 5) Public Access, 6) Recreation, 7) Historic and Scenic Resources, 8) Agricultural Lands, 9) Energy and Ice Management, 10) Air and Water Resources, and 11) Wetlands.

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

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

The Hounsfield Wind Farm is located on Galloo Island which is within the designated coastal area of Lake Ontario. Neither Galloo Island nor components of the Project located within the coastal area within the Town of Henderson, are physically located within any LWRPs. Sackets Harbor, located just north of the Project area, has an approved LWRP. Since this Project is located in the designated coastal zone area, and requires Federal permits, the Project will need to be reviewed for consistency with the State's Coastal Policies. Because the Project is in the proximity of Sackets Harbor, located approximately twelve miles away, the Coastal Assessment will also address some applicable Sackets Harbor LWRP Policies even though the work is not located within the LWRP boundaries.

Project Description

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

From landfall in the Town of Henderson, the transmission line will extend southward to the Town of Mexico in Oswego County, New York. It will pass through the Coastal Zone area at north side of Stony Point. The onshore transmission line will be aboveground and will consist of a single-circuited, 230 kV line carried by a steel monopole structures. Monopoles will be constructed on concrete caisson foundations. The transmission line will be constructed within a 150 foot Right-Of-Way.

A detailed Project Description and analysis of Project impacts on the natural and socioeconomic environment are provided in the Draft Environmental Impact Statement prepared under the State

Environmental Quality Review Act (SEQR) for the Hounsfield Wind Farm and in the Upstate Power Transmission Line Article VII application to the Public Service Commission.

Analysis of Coastal Policies

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

Development Policies

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

This policy is not applicable. This policy relates to revitalization of once dynamic urban waterfronts and ensuring that proposals do not adversely affect any revitalization plans. The policy also views proposals that contribute to economic improvements. The work that will occur in the waterway and along the shorelines includes the submerged electric cable which is both a water-dependent and energy related activity. These types of activities are given priority under other CZM policies.

The Project will not adversely affect the Sackets Harbor Waterfront Revitalization Plan. As indicated above, and more fully discussed below, the work sites are not located within the boundaries of the Sackets Harbor LWRP. The visual effect of the wind turbine generators on the harbor area is minimal and will not affect revitalization efforts. While the Project will have regional and statewide economic benefits, the local economic impact will be beneficial but temporary and minor in nature. Galloo Island itself is almost entirely privately owned.

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

The Project is consistent with this policy. This policy states that water-dependent developments shall be given priority over non-water dependent actions and uses within and adjacent to coastal areas. Work and structures within Lake Ontario that are required for the wind farm on Galloo Island include the following:

- Electric sub-aquatic cable to carry electrical energy generated by the wind farm to the mainland,
- Geothermal system to provide heating/cooling to buildings on the island (will be upland and not within the waterway),
- Water intakes to provide water for fire protection and potable water,
- Sewage outfall pipeline and diffuser,

- A temporary and permanent offloading facility including a floating breakwater and mooring dolphins, and
- An entrance channel to the offloading facility that will involve removal of lake bottom immediately offshore of the island.

The electric sub-aquatic cable will traverse about 9.0 miles of Lake Ontario and make landfall at Stony Point at the Town of Henderson about 4.5 miles north of the El Dorado Beach and Black Pond Wetlands Significant Coastal Fish and Wildlife Habitat (SCFWH) and about 1.3 miles west of the Lyme Barrel Shoals SCFWH. The transmission line will be buried in a shallow trench or bored at the immediate shoreline of the island and at the mainland. The offshore portions of the submerged cable will be installed using jet plow embedment techniques. A portion of the upland transmission system from the mainland shoreline to eventual connection with the existing electrical grid will also be located within the coastal area at Stony Point.

Geothermal heating coils will be used to warm the maintenance building and residential units planned for the wind farm's onsite labor force. This system will be constructed on upland portions of the island and will not be located in the lake. Water intakes will transfer water from Lake Ontario for use in fire prevention and for use as potable water. A water treatment plant will be located on the island to provide water to the onsite labor force. The temporary and permanent docking facilities and entrance channel will be used for delivery of materials to the island during construction and operation. Once the temporary unloading facility is no longer needed (about 18 to 24 months) it will be entirely removed.

The sub-aquatic cable, water intakes, docking facility and entrance channel are all activities that are considered water-dependent or water-related since they must be located within or below the water surface to fulfill their intended purposes. The offloading facilities are activities that involve sea/land transfer of goods and structures or activities related to navigation as specified in *CZM Policy 2*. There are no publicly available water supplies on the island or sufficient groundwater resources making it necessary to construct the water intake system which depends on a reliable water source. The wind turbine generators (WTG), which are non-water dependent structures, will not be located within coastal waters but will be in the adjacent coastal area which covers the entire island. Although the WTG are not technically water-dependent or water-related activities, their location on the island makes the transmission of energy they produce dependent on passage through, or under, the water. The WTG location on the island due to frequent strong winds over the lake enhances the ability of the Project to generate electricity.

There are no known or potential water-dependent competitive uses for the sites. The only Project impact on other water-dependent uses is minor interference with recreational boating and fishing from construction barges/craft during the laying of the cable and deliveries of equipment and supplies to the island during operations. The proposed action does not require or place stress on any in-place facilities such as sewer lines, roadways, water lines, etc. The Project, once operational, will supplement the current in-place electrical transmission system in the regional area.

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

This policy is not applicable as it only applies to activities within the major commercial navigation ports of New York, Albany, Buffalo, Ogdensburg and Oswego. The only port within the regional area in which the Project is located is the Port of Oswego. The Hounsfield Wind Farm Project will utilize but will not adversely affect the Port of Oswego which is about 31 miles from the island. The wind farm may benefit the Port of Oswego since deliveries of materials to the island by barge will be made from this port. The Port of Ogdensburg is north of the island within the Saint Lawrence River and is about 62 miles below Lake Ontario.

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

This policy is not applicable as it pertains to strengthening the economic base of smaller harbor areas by encouraging and enhancing traditional uses. The Project is not located in a smaller harbor area. The nearest small harbor is Sackets Harbor. The Project will not have any long-term adverse effects on the visual appeal and social benefits afforded by Sackets Harbor nor will it adversely affect other amenities of the area such as fishing, recreational boating and other recreational and tourist related activities. Additionally, the Project will not prevent development of marinas or actions by others that may contribute to the unique maritime identity of Sackets Harbor nor will it lead to other development that would be out of character with existing development in the area. As a privately owned island there is no reasonably anticipated demand for water based recreational activities.

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

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

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

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

Fish and Wildlife

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

The Project is consistent with this policy. The SCFWH in this area include: Stony Island, Calf Island, Little Galloo Island, Gull and Bass Islands, Stony Point-Lyme Barrel Shoals and El Dorado Beach and Black Pond Wetlands. The route of the sub-aquatic cable has been designed to avoid these sensitive fish and wildlife habitats.

Potential impacts to the SCFWH from construction and installation of the sub-aquatic cable will be localized, temporary, and short-term resulting from direct or indirect sediment disturbance. The sub-aquatic cable system will, whenever practicable, be buried using an environmentally sensitive, low impact jet plow embedment methodology which will help to limit the amount of sediment disturbance. Exposure to turbidity generated from the hydraulic jet plow equipment to aquatic organisms will be limited and short-term. A more detailed discussion of this technique is provided in the NYS Article VII application and indicates that turbidity and sediment suspension during installation is not expected to have an appreciable effect on aquatic organisms..

In addition, the Project will commence sub-aquatic cable installation outside of important overwintering periods and spawning period restrictions for vulnerable fish species as suggested by the NYSDEC, NYSDOS CMP, USACE, USFWS and the National Marine Fisheries Service (NMFS). The sub-aquatic cable installation will avoid spring spawning

periods (March 31st to July 15th) and lake trout spawning from the second week in October through the second week of November. For a more detailed discussion of fish species and habitats, please refer to the aquatic resources section of the Article VII application and Section 2.5.6 of the SEQRA Draft EIS.

With respect to the overland transmission line portion of this Project, the route is north of the piping plover critical habitat barrier beach area and the NYSDEC Eastern Lake Ontario Marshes Bird Conservation Area which includes the Black Pond WMA, Lakeview Marsh WMA, Sand Pond Beach Natural Area and Deer Creek Marsh WMA. All of these areas will be avoided by the Project.

Finally, with respect to the wind farm itself, an assessment of bird and bat collision impacts with WTG (on Galloo Island) has been conducted, and the results are addressed in the SEQRA Draft EIS. Radar studies indicate that mean seasonal target flight height, as well as mean seasonal targets below turbine height, observed at Galloo Island are within the range of other similar regionally based studies and tend to support indications of a lowered risk of collision at the site due to the fact that much of the seasonal migration occurs at heights well above the turbine heights.

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

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

For those operations and maintenance activities at the Project that require use of hazardous materials, appropriate storage, transport, treatment, and disposal will occur in accordance with Federal and state requirements. Discharges associated with the Project

will comply with applicable laws and regulations and would not degrade water quality criteria.

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

This policy is not applicable. This Project does not involve any activities that result in the consumptive use of fish and wildlife resources nor are there any plans to expand the use of recreational resources. Additionally, the Project will not adversely affect any non-consumptive recreational activities nor will it impede existing or future utilization of the State's recreational fish and wildlife resources.

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

This policy is not applicable to the construction and operation of the Project. The Project would no develop or impact existing commercial fisheries or facilities, nor would the Project adversely affect finfish, shellfish, or crustacean resources.

Flooding and Erosion Hazards

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

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

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

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

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

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

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

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

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

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

This Project, with the exception of a temporary offloading facility, does not include construction of any solid structures that extend out from shore into the lake such as solid docks or groins which could trap littoral drift and starve adjacent shoreline areas. The temporary offloading facility includes a small stone groin about 90 feet in length that will be in place for about 18 to 24 months. It is located in an area relatively devoid of sediment. Secondly, there does not appear to be large movement of any littoral drift materials along either the Galloo Island shoreline or the Stony Point shoreline. Most of the shoreline is cobble, gravel and large stones. Thus, the excavated entrance channel is not expected to have any measurable effects on the natural shoreline processes. Most if not all of the channel will be blasted and the material (stone and rock) will be removed by clamshell directly to a barge and be offloaded at the temporary offloading facility. No actual dredging is anticipated. Refer to the surface water section 2.4.1 of the SEQRA Draft EIS for more detail on the channel construction procedures.

The water intake structure has a small diameter pipe (12-inches) that will be bored or encased within the first 10 vertical feet (near the shoreline) and low intake flow and will not affect natural shoreline processes. The sub-aquatic to upland cable transition will be accomplished by a horizontal directional drill (HDD) or by open cut excavated which would be backfilled to preconstruction contours. This will not affect shoreline processes or increase erosion. Refer to the Article VII application for more details of the sub-aquatic cable construction process.

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

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

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

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

General Safeguards

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

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

Public Access

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

The Project is consistent with this policy. The Hounsfield Wind Farm will not interfere with any public water-related recreational resources or facilities nor will it have effects on the capacities or access to such facilities. Galloo Island is privately owned, and there are no public beaches, parks or marinas. Although there may be temporary impacts associated with installation of the submerged electric cable, the submerged electric cable and aerial transmission lines on the mainland will not adversely affect any recreational facilities or activities. A notice to mariners will be issued and the installation operation

will comply with reporting requirements of the Vessel Traffic Service (VTS). Please refer to the Article VII application for more detail. The transmission facilities will not reduce public parking at recreational resources or affect any public transportation to the resources and facilities. Also see *Policy 20* discussion.

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

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

Recreation

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

The Project is not in conflict with this policy. This policy places emphasis on the use of coastal areas for water dependent and water enhanced recreational uses as a priority over non-water dependent activities. Although the proposed work associated with the wind farm that will occur within the waters and shorelines of the coastal area is not recreational in nature, the docking facility/entrance channel, water intakes, and the sub-aquatic cable crossing are water-dependent activities. The WTG while not water-dependent or water-related are enhanced by proximity to the water due to frequent strong winds along the lake. These structures and the channel will not restrict the use of the waters for recreational activities such as boating, fishing and water skiing. There will be some temporary restrictions on recreational activities, but only during the time that in-water work is being performed. Because the cable will be buried under the lake bed, fishing

lines and small craft anchors would not become snagged on the sub-aquatic cable. Sub-aquatic cables to islands in this end of the Great Lakes system are very common and provide electrical and telephone services to island residents. Numerous cables have been placed on the natural lake bottom by Niagara Grid (formerly Niagara Mohawk Power Corp) and by various telephone service providers.

The cable will be installed utilizing HDD techniques or possibly buried in a trench then backfilled in nearshore areas and will not adversely affect pedestrian use of the shoreline for recreational activities.

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

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

Historic and Scenic Resources

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

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

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

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

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

The proposed work within the Coastal Area is not expected to have any adverse effects on the scenic quality of the area. The sub-aquatic cable, water intakes and the entrance channel leading to the docking facility will be below the surface of the water. Consequently, none of these activities will be visible. Construction will have only temporary aesthetic effects on scenic quality of the area. Docks and docking facilities are located throughout the eastern Lake Ontario region and the proposed docking facilities will not detract from the scenic resources of the island or the mainland. The SEQRA Draft EIS and Article VII application include a review of the WTG and transmission line impacts on scenic resources.

Agriculture

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

The Project is consistent with this policy. This policy protects prime and unique farmlands along with farmland of statewide importance in the Coastal Zone area. Prime farmlands are based on soil associations, unique farmlands are all fruit and vegetable farms, farmlands of statewide importance are based on soil associations. Galloo Island itself does not represent prime and unique farmland. The overland portion of the transmission line has been sited to avoid, as much as practicable, agricultural lands, and will traverse primarily over shared rights-of-way. The SEQRA Draft EIS and Article VII application detail further any potential impacts to agricultural lands.

Energy and Ice Management

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

The Project is totally consistent with this policy. The proposed Hounsfield Wind Farm will generate approximately 252 megawatts of clean renewable energy and will connect to the existing power grid system on the mainland. Public Service Law 68 and the Article VII proceedings conducted by the NYS Public Service Department will assess the need for and environmental effects of the wind farm and the transmission system. Article VII policy is entirely consistent with the general coastal zone policies. The proposal is considered an alternative technology to the traditional systems involving nuclear and fossil fuels. The state expects energy needs to be met through a mix of conservation measures and both traditional and alternative technologies including renewable-based

energy (NYS Energy Master Plan). Siting of the windfarm on an island in Lake Ontario takes advantage of the strong frequent winds over the lake enhancing the generation of renewable electrical energy. Additional details may be found in the Project description section of the SEQRA Draft EIS and the Article VII application.

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

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

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

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

Water And Air Resources

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

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

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

A Stormwater Pollution Prevention Plan (SWPPP) for construction and operation of the wind farm, including a concrete batch plant, will be designed and implemented. A Draft SWPPP may be found in the Draft EIS. The SWPPP includes Erosion and Sediment Control Plans. Additionally, a spill prevention, control and countermeasures plan (SPCC) will also be developed to account for WTG gear box oil storage and maintenance vehicle fuel storage associated with the Project. These plans will be in conformance with Federal and New York State regulations. The plans will be coordinated with and must be approved by the New York State Department of Environmental Conservation (NYSDEC). The concrete batch plant and measures relating to any oil storage will require separate SPCC and SWPPP from that developed for construction activities. The SWPPP for the overland transmission line is contained in the Article VII application.

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

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

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

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

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

Upstate Power will comply with all effluent limitations specified in the SPDES permit when issued by NYSDEC. The treatment systems will be entirely funded by Upstate Power and will therefore have no effect on costs to local governments and there will be no adverse effects on the Town of Hounsfield tax base.

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

The Project is consistent with this policy. A Stormwater Pollution Prevention Plan (SWPPP) for both construction and operation will be designed and implemented to ensure that the Project does not result in the release of contaminants to the coastal waters from runoff. A draft SWPPP is contained in the Draft EIS and Article VII application for this Project. Septic systems will be constructed to accommodate sanitary wastes from the living quarters and maintenance building. Upstate Power will comply with all effluent limitations and any other discharge criteria specified by the NYSDEC.

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

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

sewage. Additional details may be found in the surface water section (2.4.1) of the SEQRA Draft EIS.

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

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

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

Similarly, excavation to a depth of 14 feet below ordinary high water will be needed to provide an entrance channel for barges to deliver material to the island. Most of the excavated material from the channel will also consist of limestone and some cobble and will need to be blasted. The excavated material will be transported directly to shore by barge and will be used for concrete and/or road repairs. The area of excavation for the entrance channel is approximately 32,000 square feet. Excavation will take place from the shore to about 175 feet offshore.

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

There is no reason to believe that any small pockets of sediment in the nearshore area would be contaminated. The excavation areas are not near any known industrial or municipal outfall structures or other known point sources of pollution that could

contaminate the sediment. Because the lake bottom consists mainly of limestone and cobble, there will be very little turbidity or sedimentation that would affect benthic invertebrates and fish. Preliminary geotechnical surveys show that the work areas do not contain any measurable amounts of sediment.

No dredging or filling in streams is anticipated for the overland transmission line.

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

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

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

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

The Project is consistent with this policy. See discussion in response to *Policy 30 (Pollutant Discharges)* concerning the use of best management practices to reduce soil erosion and properly direct site drainage during construction of the Project. More details may be found in the draft SWPPP found in the SEQRA Draft EIS and Article VII application.

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

The Project is consistent with this policy. As indicated in *Policy 30* above, the work is not expected to cause water quality problems. In addition the work will not affect any primary source aquifers or municipal water supplies. Additional information is contained in the surface water section (2.4.1) and groundwater section (2.4.4) of the SEQRA Draft EIS.

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

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

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

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

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

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

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

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

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

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

The global community's increased and urgent focus on clean and renewable sources of energy is largely due to the negative environmental effects of burning fossil fuels. The growing consensus among scientists is that the burning of fossil fuels and the associated release of carbon dioxide and other greenhouse gases stoke global climate change, intensify droughts in some parts of the world, floods and storms in others, and add to the deterioration of air quality, among other negative health and environmental consequences. One of these other negative consequences from burning of fossil fuels is the generation of acid rain precursors. Automobile emissions and emissions from the use of fossil fuels in stream electric generating stations (as well as other industries) are major sources of acid rain precursors. As indicated in *Policies 18 and 41*, the Wind Farm will help reduce emissions to the atmosphere, such as acid rain precursors, by reducing or offsetting the need to use fossil fuels in the generation of electrical power.

Wetlands

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

The Project is consistent with this policy. WTGs, maintenance facilities, residential structures and other Project features will not be placed in freshwater wetlands regulated by the Department of the Army under Section 404 of the Clean Water Act and by the NYSDEC under Article 24 ECL. Upstate Power has designed the work to avoid wetland disturbance to the greatest extent practicable. The only potential involvement with freshwater wetlands on Galloo Island will be during placement of the electrical collection

system and construction of permanent roads. Impacts from ECS in non-forested wetlands will be temporary as the cable system would be buried and the areas will be restored to preconstruction condition after installation. Permanent losses of wetland habitat on Galloo Island are anticipated where clearing occurs in forested wetlands for overhead lines since there will be a long-term change in cover type from forested to open successional field or scrub-shrub wetland. Permanent losses of wetlands also occur where fill is placed in wetlands to construct permanent roads. The losses from this Project include 0.0004 acres of temporary disturbances to wet meadow and scrub-shrub wetland and permanent impacts to about 0.643 acres of wooded and non-wooded wetlands. Impacts to NYSDEC wetland buffer zones on Galloo Island include 0.697 acres from access roads, 0.005 acres from electric poles, 0.039 acres of open field from underground lines and 0.716 acres of wooded upland areas from underground lines for a total of 1.457 acres.

Upstate Power will provide mitigation on Galloo Island to account for the unavoidable losses of freshwater wetlands. A draft mitigation plan that shows the only potential area on the island that is suitable for wetland creation may be found in the SEQRA Draft EIS. The USACE typically requires a 2:1 or greater ratio (wetland creation: wetland impacts) for impacts to wetlands. Procedures for identification of wetlands for the overland transmission line are found in the Article VII application. Mitigation will also be provided by Upstate Power for any unavoidable losses of wetland habitat associated with construction, operation and maintenance of the transmission line.

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

Village of Sackets Harbor Local Waterfront Revitalization Program

The Village of Sackets Harbor has a Local Waterfront Revitalization Program that was approved by the New York State Department of State in October 1986. The LWRP boundary is generally within the corporate boundary of the Village and the Village Historic District. It is bounded by Lake Ontario, Adams Road, Broad Street, Monroe Street, Dodge Street, Old Military Road, and Mill Creek but also includes the Historic District boundaries.

The Project is not located within the LWRP boundaries. The electric sub-aquatic cable will make landfall at Stony Point in the Town of Henderson which is about 7.0 statute miles (11.3

kilometers) across Henderson Bay in a west southwest direction from the LWRP. The WTG will be on Galloo Island almost 17 statute miles (27.4 kilometers) from Sackets Harbor LWRP.

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

Policy 1- Underutilized Waterfront

LWRP Policy 1A-Restore, revitalize and redevelop the core area for commercial, cultural, residential, recreational and other compatible uses,

LWRP Policy 1B-Support the unified development of the Madison Barracks complex,

LWRP Policy 1C- Maintain and improve publicly-owned lands and buildings to improve the atmosphere for private investment,

LWRP Policy 1D-Promote the maintenance and improvement of housing stock throughout the village waterfront area.

The Project will not affect the core area, Madison Barracks or existing housing stock throughout the village waterfront area. All work is between 7 and 17 miles from the LWRP. Spinoff benefits from the electrical energy will be economically beneficial on a regional and statewide basis. However, the proposal will not result in spinoff projects that will adversely affect the local waterfront revitalization area nor will it set precedent for future projects in the local area. Housing will be provided on Galloo Island for the temporary and permanent workforce.

It would not be prudent to locate the cable landfall or wind farm within the LWRP boundaries due to potential adverse visual and noise effects and impacts that would occur on recreational use of the LWRP should the Project be sited in the underutilized and deteriorated areas. The proposed location of the Project avoids adverse effects on development policies for the LWRP.

Policy 2- Siting of Water Dependent Uses

LWRP Policy 2A-Encourage development of the core area harborfront in accordance with a unified harborfront development and harbor management plan

The docking facility and channel, submerged cable, water intakes, sewage outfall, and geothermal heating coils are water-dependent activities. However, location of these structures outside of the LWRP allows the shoreline in Sackets Harbor to be used for other water dependent

activities related to recreational and tourism. Recreational and tourism uses provide better utilization of the shoreline and more economic benefits to the local revitalization area; thus, location of the cable landfall and other structures well outside of the LWRP is appropriate.

Policy 3- Major Ports

Not Applicable to this LWRP. The work will not adversely affect the Port of Oswego

Policy 4- Economic Base of Small Harbors

No specific LWRP sub-policies

This policy pertains to strengthening the economic base of smaller harbor areas by encouraging and enhancing traditional uses. Traditional uses of Sackets Harbor that have made it appealing as a destination for recreational and residential areas include cultural resources, boating, fishing, marinas and other compatible uses. Locating the cable route well away from the LWRP insures that the Project does not interfere with these coastal zone uses by others. In addition, the Project will not cause visual or noise impacts that will adversely affect the visual appeal of the area for these uses. The extensive distance of the WTG from the LWRP (17.0 miles/27.4 kilometers) will attenuate noise and visual effects, and the cable will be submerged beneath the lake.

Policy 5- Public Services and Facilities

LWRP Policy 5A-Encourage compatible development to locate in the historic village core area where facilities are adequate

LWRP Policy 5B-Encourage development which would not be suitable in the historic area to locate southwest of the core area, in close proximity to streets, sewer lines, and water supply

Location of a wind farm project and transmission lines within the core area would not be compatible with other LWRP policies; however the Project will be located 7 -17 miles away. The Project will have its own water supply, solid waste storage area, and sewage services along with housing for the workforce and does not need to be located in the area of concentrated development within the LWRP. This Project will not adversely affect any public utilities on the mainland or encourage additional land development in the coastal areas.

Policy 6- Expedite Permit Procedures

LWRP Policy 6A-Expedite permit procedures in the harbor area by conformance to a memorandum of understanding between the Army Corps of Engineers, the NYS Department of Environmental Conservation, and the Village of Sackets Harbor.

This policy is appropriate to regulatory agencies and calls for expedited permit procedures for siting of development activities at suitable locations. The policy does not apply to developers but rather local and state agencies that promulgate or administer programs and regulatory procedures. Upstate Power anticipates that the proposed action will not fall into any minor work categories that the U.S. Army Corps of Engineers (USACE) and NYSDEC currently use to expedite permit actions and that a standard individual permit review will be required by USACE. Additionally, preparation of a Draft EIS under SEQRA is required.

Policy 7- Significant Coastal Fish and Wildlife Habitats

The LWRP indicates that this policy is not applicable

Policy 8- Policy 8: Fish and Wildlife Resources and Hazardous Waste

LWRP has no specific sub-policies

This policy requires the protection of fish and wildlife resources from hazardous waste materials. The Project will not cause any adverse effects on fish and wildlife from hazardous waste generation. Also refer to Policy 8 in the discussion of the State's 44 Coastal Policies as it pertains to the general coastal area.

Policy 9- Expansion of Recreational Uses of Coastal Fish and Wildlife Resources

No specific sub-policies for the LWRP

This Project does not involve any activities that result in the consumptive use of fish and wildlife resources nor are there any plans by Upstate Power to expand the use of existing recreational resources. The Project will not adversely affect any non-consumptive recreational activities nor will it impede existing or future utilization of the State's recreational fish and wildlife resources. The exceptional fishing resource of Lake Ontario at Sackets Harbor will not be adversely affected by the Project. There will be no effects on efforts to expand public access to and recreational use of this resource.

Policy 10- Commercial Fishery Development

Policy is not applicable to the LWRP

Policy 11- Flooding and Erosion

LWRP has no specific sub-policies

The Project does not require the construction of any buildings or other structures in the LWRP area or in adjacent areas that would cause damage to property or endanger human lives cause by flooding and erosion. Also refer to Section I (Federal Consistency Assessment Form Section C) which addresses *Policy 11* as it pertains to the general coastal zone in this area.

Erosion is generally not a significant problem in Sackets Harbor. The LWRP states that there are no Coastal Erosion Hazard Areas as determined under Article 34 of the Environmental Conservation Law (ECL).

Policy 12- Minimize Damage to Natural Resources and Property by Protecting Natural Protective Features

There are no LWRP sub-policies.

The natural protective features of Sackets Harbor include beaches, limestone bluffs and other features that protect the shoreline from erosion. The Project will not adversely affect any natural protective features at Stony Point, Henderson Bay or at Sackets Harbor. Any excavation at the shoreline of the mainland for installation of the electric cable, water intake pipeline, and geothermal coils will be designed in a manner that will not result in permanent changes in the bottom contour of the Lake. Installation work will not result in the loss of any littoral drift either through changes in deposition and movement along the shoreline or through interception of drift.

Policy 13- Construction/Reconstruction of Erosion Control Structures

LWRP has no specific sub-policies

This Project does not require the construction or rehabilitation of erosion control structures. The shorelines at the landfall areas of the proposed sub-aquatic electric cable consist of rock, stone and cobble which naturally protect the shorelines. The cable landfall is not within Henderson Bay and could not affect the erosion rates at Sackets Harbor.

Policy 14- Erosion Protection Design

LWRP has no specific sub-policies

As indicated in Policy 13, there are no plans to construct erosion control structures. The Project will not involve the construction of any structures in floodways.

Policy 15- Dredging and Coastal Processes

LWRP indicates this policy is not applicable

Previous text in this document addresses the applicability of this policy on coastal areas outside of the LWRP.

Policy 16- Public Funds and Erosion Protection

LWRP has no specific sub-policies

This Project will not use public funds to construct shore protection devices.

Policy 17- Use of Non-structural protective measures

LWRP has no specific sub-policies

The shoreline at the mainland landfall area is not located within the LWRP area. It is naturally hardened with limestone, cobble and rock. Since the cables will be installed using HDD there is no need to construct any structural shore protection for this Project. There will be no impacts on the LWRP which is over 7.0 miles (11.3 kilometers) away from the landfall area.

Policy 18- Proposed Major Actions

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

This policy requires consideration of vital economic, social and environmental effects of major actions situated in the Coastal Zone. The Project will not adversely affect coastal natural resources, water levels and flows, shoreline damage, hydroelectric power generating facilities

and recreation nor will it adversely affect the social, economic or environmental interests of the State and its citizens. Specifically, cultural resources, public access to the shoreline and recreational water uses are recognized as highly important to the economy of Sackets Harbor, and this Project will not adversely affect the attributes of these valuable resources. The Project will provide beneficial economic impacts and increase electrical power availability in the State.

Policy 19- Public Water-related Recreation Resources and Facilities

LWRP has no specific sub-policies

The Project will not interfere with any water-related recreational resources or facilities nor will it have effects on the capacities or access to such facilities. During the installation of the sub-aquatic cable, there will be no measurable interference with boating, fishing, or access to LWRP marinas since the work barges will only be in the Lake for a short period of time and will be over 7.0 miles (11.3 kilometers) from Sackets Harbor.

Policy 20- Access to Publicly Owned Foreshore and Adjacent Lands/ Water's Edge

LWRP has no specific sub-policies

The proposed Project will maintain existing public access ways and will not interfere with the public's use of existing resources. The work is designed to avoid Robert G. Wehle State Park on Stony Point and all other publicly owned lands. A lease, grant or easement to use underwater lands to lay the cable, water intake and the geothermal heating coils will be obtained from the New York State Office of General Services (NYSOGS). As previously indicated, the affected publically owned bottomlands of Lake Ontario that will be occupied by the cable, water intake and coils are well outside of the LWRP boundaries. The cable route is designed to avoid significant fishery habitats and all underwater work will be carried out in compliance with Section 106 of the National Historic Preservation Act of 1966.

Policy 21- Water dependent/enhanced recreation

LWRP has no specific sub-policies and refers back to policies 2, 19 and 20

This policy places emphasis on the use of coastal areas for water dependent and water enhanced recreational uses as a priority over non-water dependent activities. Although the proposed work associated with the wind farm, which will occur within the waters and shorelines of the coastal area is not recreational in nature, the docking facility/entrance channel, geothermal heating coils, water intakes and the sub-aquatic cable crossing are water-dependent activities. These structures and the channel will not restrict the use of the waters for recreational activities such as boating,

fishing and water skiing. There will be some temporary restrictions on recreational activities but only during the time that in-water work is being performed. Although it is possible that fishing lines and small craft anchors could become snagged on the sub-aquatic cable, these occurrences are expected to be rare. Sub-aquatic cables to islands in this end of the Great Lakes system are very common and provide electrical and telephone services to island residents. Numerous cables have been placed on the natural lake and river bottom by Niagara Grid (formerly Niagara Mohawk Power Corp) and by various telephone service providers.

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

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

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

Policy 23- Historic Resources

LWRP has no specific sub-policies

A study of cultural and archeological resources will be conducted and the results included in the SEQRA DEIS. Impacts on the Galloo Island Lighthouse (listed on the National Register of Historic Places) will be included in the cultural resource study. Upstate Power will comply with requirements of the State Historic Preservation Office, Tribal Historic Preservation Officer and those of the Advisory Council on Historic Preservation. There are three historic districts and individual properties in Sackets Harbor listed on the National Register of Historic Places while Sackets Harbor is a State Heritage Area. Given the location of the work associated with the Project and the distance from historic, archeological and architectural resources of Sackets Harbor, no impacts on these resources are anticipated. The distances (7.0 miles from cable landfall, 17.0 miles from Galloo Island) will attenuate any visual and noise impacts on cultural resources. As part of the SEQRA DEIS, a visual impact analysis of the Project is being undertaken.

Policy 24- Scenic Resources of Statewide Importance

The LWRP states that this policy is not applicable.

There are currently no known listed or proposed Scenic Resources of Statewide Importance along this section eastern of Lake Ontario.

Policy 25- Scenic Resources

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

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

The proposed work within the Coastal Area will not have any adverse effects on the scenic quality of the area. The sub-aquatic cable, geothermal coils and water intakes will be below the surface of the water as will the entrance channel leading to the docking facility. Neither of these activities will be visible and construction will have only temporary aesthetic effects on scenic quality of the area. Docks and docking facilities are located throughout the eastern Lake Ontario region and the proposed docking facility will not detract from the scenic resources of the island or mainland. All of the proposed work is well outside of the Sackets Harbor area. The SEQRA Draft EIS will include a review of the WTG impacts on scenic resources through an assessment of aesthetic effects and visual impact analyses.

Policy 26- Conservation of Agricultural Lands

LWRP has no specific sub-policies

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

Policy 27- Siting a Major Energy Facility

Not included in the LWRP

See previous text in this documentation for applicability of this policy to the general coastal zone.

Policy 28- Ice Management

LWRP has no specific sub-policies

This Project does not involve any ice management practices such as ice-booms or ice-breaking.

Policy 29- Oil and Gas Lease Sales

Not included in the LWRP

This policy applies to development of energy resources of the Outer Continental Shelf, Lake Erie and in other bodies and requires environmentally safe development. The proposed Project is not a gas or oil resource development action

Policy 30- Discharge of Pollutants

LWRP has no specific sub-policies

There are no proposed discharges associated with the Project within the LWRP or located in any area that would affect the LWRP. See previous text in this document for information on discharges within the general coastal zone outside of the LWRP.

Policy 31- Coastal Water Classifications and Water Quality Standards

LWRP has no specific sub-policies

The waters of Lake Ontario in the vicinity of the Project, with the exception of Black River Bay and Oswego Harbor (both Class C), are classified by NYSDEC as Class A with a standard of quality and purity for Class A. (6 NYCRR Part 847) Class A waters have best usages as a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The Class A waters must be suitable for fish propagation and survival. All of the narrative and numerical water quality standards for Class A waters apply to this reach of Lake Ontario.

This Project does not affect the classifications given to waterbodies by State agencies or as influence by Local Waterfront Revitalization Plans. Implementation of this Project would not

change the water quality standards applicable to Lake Ontario including its “best usage” designation. The Project would have no bearing on whether or not a waterway is classified as “water quality limiting” or “effluent limiting.” This policy is actually one that pertains to setting of standards by State agencies such as the Department of Environmental Conservation.

Policy 32- Sewage Treatment

LWRP has no specific sub-policies

Sewage treatment facilities associated with the maintenance building and a twelve unit living quarters will be on Galloo Island and will be designed to meet State and local laws and ordinances. These will both be served by septic systems for sanitary sewage. A separate treatment system will be required for any solvents, etc. that are used in the maintenance building. Conventional systems owned and operated by the local government(s) do not exist on Galloo Island, and septic systems constitute the practicable alternative to protect water resources. Galloo Island is 17 miles (27.4 kilometers) from the LWRP, and there will be no effects on Sackets Harbor.

Policy 33- Stormwater Drainage

LWRP has no specific sub-policies

A Stormwater Pollution Prevention Plan (SWPPP) for both construction and operation will be designed and implemented to ensure that the Project does not result in the release of contaminants to the coastal waters from runoff. The SWPPP will comply with all NYSDEC SPDES permit requirements and the Federal Phase II requirements for stormwater. Septic systems will be constructed to accommodate sanitary wastes from the living quarters and maintenance building.

Policy 34- Discharge of Waste to Coastal Waters from Vessels

LWRP has no specific sub-policies

Watercraft used in this Project will consist of vessels and barges to lay the submerged electric cable, water intake pipeline and geothermal heating coils and to construct a docking facility and entrance channel. These vessels will not discharge sewage, rubbish, and other solid and liquid wastes into State regulated waters. All vessels must be in compliance with New York State and U.S Coast Guard regulatory requirements.

Policy 35- Dredging and Disposal

LWRP has no specific sub-policies

Dredging or excavation, and blasting, will be required for construction of the nearshore trenches in the lake bottom to protect the cable on the island and mainland from ice damage. Excavated material, expected to be mostly limestone and some cobble, will be side-cast and then replaced into the trench over the installed sub-aquatic cable. The bottom will be restored to preconstruction condition. Any excess material will be removed and deposited upland well away from the lake and/or wetland areas. None of these activities will occur in proximity to the LWRP. See previous sections of this documentation for more information on impacts of dredging on the general coastal zone. The Town of Hounsfield has jurisdiction over the coastal waters; not the Village of Sackets Harbor.

Policy 36- Shipment and Storage of Petroleum and Other Hazardous Wastes

LWRP has no specific sub-policies

The shipment or storage of petroleum products will occur during the construction phase of the proposed Project and for maintenance activities. These shipments will be for the fuels used in construction equipment. Currently, it is anticipated that petroleum products will be shipped via the St. Lawrence Seaway or will originate from Oswego Harbor, a deepwater port. Vessels transporting fuels must be certified by the U.S. Coast Guard. Additionally, Upstate Power will prepare a Spill Prevention, Control, and Countermeasures Plan to account for oil and fuel storage on the Island. There will be no impact on the Sackets Harbor LWRP area.

Policy 37- Best Management Pollutant Control

LWRP has no specific sub-policies

See discussion for policy 30 (*Pollutant Discharges*) concerning the use of best management practices to reduce soil erosion and properly direct site drainage during construction of the Project. The Project will not result in the discharge of pollutants that would affect the LWRP area.

Policy 38- Water Quality and Supply

LWRP has no specific sub-policies

As indicated in policy 30 above, the work is not expected to cause water quality problems in the LWRP area. In addition the work will not affect any primary source aquifers or municipal water supplies.

Policy 39- Solid Wastes

LWRP has no specific sub-policies

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

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

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

Developed Coast Policies

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

Natural Coast Policies

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

Public Coast Policies

-Improve public access and recreational uses

Working Coast Policies

-Protect water dependent uses

-Promote sustainable use of fish and wildlife resources

-Protect agricultural lands, and

-Promote appropriate use and development of energy and mineral resources

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