

DEIS Informal Scope and Content For the Proposed Marble River Wind Power Project

The Draft Environmental Impact Statement (“DEIS”) should include all elements required by 6 NYCRR 617.9. The following sections will be included in the DEIS.

- i. **DEIS Cover Sheet** All draft and final EISs must be preceded by a cover sheet stating: whether it is a draft or final EIS; the name or descriptive title of the action; the location (county and town, village or city) and street address, if applicable, of the action; the name and address of the lead agency and the name and telephone number of a person at the agency who can provide further information; the names of individuals or organizations that prepared any portion of the statement; the date of its acceptance by the lead agency; and in the case of a draft EIS, the date by which comments must be submitted.
- ii. **DEIS Table of Contents** including listings of tables, figures, maps, appendices/attachments and any items that may be submitted under separate cover (and identified as such).

1.0 Executive Summary

The executive summary will include a brief description of the proposed action and a listing of potential environmental impacts and proposed mitigation measures. A summary will be provided of the approvals and permits required, and the alternatives to the proposed action that are evaluated in the DEIS.

2.0 Description of the Proposed Action

This section of the DEIS will provide a comprehensive description of the site in a regional and local context and provide a detailed discussion of the proposed action.

2.1 Site Description

Depict the regional and local context of the project area, defined as properties owned or under lease by the project developer.

Define the size, geographic boundaries, and physiographic characteristics of the project area.

Describe the number of participating landowners and the general terms and conditions of lease/easement agreements with these landowners.

Discuss the dominant land use within and adjacent to the project area. Describe any other pending developments (including wind power projects) within or adjacent to the project area.

Briefly discuss the relationship of the project area to wetland areas, streams courses, residential areas, schools, parklands, historic properties, or any other recognized or protected natural or man-made features.

2.2 Detailed Description of the Proposed Action

Describe the size, generating capacity and layout of the proposed project.

Provide maps, graphics, and plans showing the location of the components of the proposed project including the turbines, access roads, electrical interconnect system, transmission line, substation, meteorological (met.) towers, operations and maintenance (O&M) facilities, construction parking areas, storage/laydown areas and any associated lands, easements

and/or rights-of-ways. Describe these project components and indicate which are permanent parts of the project and which are temporary (i.e., for construction purposes only). Illustrate the proposed wind turbines, substation, O&M building, and other visible components of the project. Provide dimensions and/or to-scale drawings. Provide specifications for anticipated turbine make and model, including proposed FAA lighting.

Describe proposed off-site improvements (e.g., to town roads), if any, that will be necessary to build and operate the project.

2.3 Project Purpose, Public Need and Benefits

Provide a background and history of the project, including record of appearances and discussions before the Town Board and with other agencies, and a statement of the objectives of the project sponsor.

Describe the public need for the project, including a brief overview of the environmental, social and/or economic benefits anticipated due to the proposed action.

2.4 Construction and Operation

Describe construction of the proposed project, including construction schedule/duration, anticipated construction employment, construction sequencing, and routing of construction traffic along local roads. Provide summary description of construction activities including clearing and grubbing, treatment of natural products to be removed during construction (e.g. removal of brush, disposal of cut material, etc.), civil work (roads, foundations and underground cable), tower/turbine installation, and site restoration. Identify sources and quantities of construction materials to be obtained from local sources (concrete, gravel, etc.). Describe any safeguards to be taken to protect local citizens from any construction-related hazards.

Describe the intended long-term ownership, operation, inspection, and maintenance requirements of all project components/improvements, both on-site and off-site. Provide information on annual rate of power generation, routine maintenance requirements, long-term employment, lease/easement arrangements with landowners, effect on local electric rates, and useful life of the project.

2.5 Reviews, Approvals and Other Compliance Determinations

List the governmental entities having approval over the project, including the nature of their jurisdiction and the approvals required from each entity, whether or not such governmental entities are subject to the State Environmental Quality Review Act (SEQRA) process. Cite the basis of the approval authority of each jurisdiction.

3.0 Existing Conditions, Potential Impacts and Mitigation Measures

This section of the DEIS will identify the existing environmental conditions, potential impacts of the proposed action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. The format or organization of this section will include the following subsection headings for each topic discussed:

Existing Condition
Potential Impacts

Mitigation Measures

This format provides for a more meaningful presentation of the environmental issues in a reader-friendly form and will allow the reader to focus on individual impact issues.

This section should be supplemented with documentation of existing conditions and the evaluation of potential for adverse impacts by including information, maps, illustrations or graphics that support each topic area including aerial photographs, topographic maps, agency correspondence, Geographic Information System (GIS) data, completed support studies, etc. This documentation must be appended to the DEIS. Both temporary (construction-related) and permanent (operational) impacts should be addressed.

3.1 Geology, Soils and Topography

Evaluate surface and subsurface soils and bedrock conditions within the project area. Constraints imposed by existing soils, geology and topographic conditions will be evaluated. Soil types should be identified and soil characteristics relating to soil texture, soil-bearing capacity, depth to water table, hydric and non-hydric soils should be identified and evaluated. Prime agricultural soils within the project area should be identified. A description should be provided of prominent and/or unique features including large boulders, ledges, and rock outcroppings. Soil and geological maps should be provided to supplement the DEIS narrative evaluation. Impacts to surface and subsurface soils and bedrocks should be addressed including total area of disturbance (temporary and permanent), sediment and erosion, disturbance of steep slopes, blasting, and other impacts to shallow bedrock. Mitigation for impacts should be presented including proposed mitigation for blasting (if anticipated), an erosion and sediment control plan, and a plan to protect and restore agricultural soils in accordance with NYS Department of Agriculture and Markets guidelines.

3.2 Water Resources

Based on existing data, and/or site-specific studies, describe groundwater resources within the project area, including depth to groundwater, known aquifers, and existing water supply wells/springs. Evaluate the potential for impacts to groundwater resources that may be caused by installation of subsurface facilities, including tower foundations and buried electrical lines (e.g. blasting, sedimentation, stormwater runoff, chemical spills, etc), along with proposed means of avoiding or mitigating such impacts.

Locate and describe all surface waters within the project area, including wetlands, streams, rivers, lakes, and ponds within the project area or adjacent thereto, including state and federal classification. Utilize available mapping to illustrate where state or federally-regulated wetlands and streams occur within the project area. Describe the results of any on-site surveys undertaken to inventory and delineate the boundaries of state and federal jurisdictional wetlands and streams occurring within the project area. Potential impacts to surface water resources resulting from installation of all project components, and project operation, shall be described, along with proposed measures to avoid, minimize and/or mitigate these impacts.

Identify any FEMA-regulated floodplain areas, and provide an assessment of potential project-related impacts to floodplains, if any.

Analyze the impact of the proposed action on storm-water management within the vicinity of the project area. Describe proposed stormwater management plan or compliance with state

regulations pertaining to such a plan, including the related erosion control plan. Include appropriate mitigation measures for managing the rate, quantity and quality of stormwater runoff during and after construction.

3.3 Biological, Terrestrial and Aquatic Ecology

Provide data on the project area's terrestrial and aquatic ecological resources and assess the extent to which the proposed action would have an impact on those resources. Describe proposed measures to avoid, minimize or mitigate for impacts to ecological resources.

Describe the dominant plant species and communities within the project area and provide a map depicting vegetative communities.

Describe the general wildlife community and habitat of the project area, based on existing data and field observations. Include the results of any species-specific wildlife studies (e.g., avian and bat studies). Describe the potential wildlife impacts associated with construction and operation of the project (e.g., mortality, loss of habitat, disturbance/displacement, etc.) and appropriate measures to mitigate these impacts.

Describe the results of agency consultation, and identify any state or federally-listed endangered, threatened or special concern species occurring within or near the project area on a seasonal or year-round basis. Discuss mitigation measures designed to offset, reduce, or eliminate losses of listed species and associated habitat.

3.4 Climate and Air Quality

Describe the existing air quality status within the region of the proposed action and discuss the affects of the proposed action (during both construction [temporary] and operation [permanent]). Identify proposed means of mitigating construction-related impacts to local air quality. Compare the effects of the proposed action to the effects of a conventional electric generating facility on air quality and climate.

3.5 Aesthetic/Visual Resources

Describe the visual character of the area within a 5-mile radius of the project area (the visual study area). Identify visual/aesthetic resources within this area that are considered sensitive from a statewide and local perspective. Evaluate potential project visibility and visual impact using objective analytical techniques, including:

- Describe short-term visual impacts associated with project construction.
- Determine the extent of potential project visibility within the visual study area, based on viewshed mapping, line-of-sight cross sections, and field verification.
- Evaluate the change in visual character that will result from implementation of the proposed action, based on the preparation and evaluation of computer-assisted visual simulations (up to 10).
- Describe night time impacts associated with FAA lighting.
- Recommend measures to minimize impacts to aesthetic resources.

As part of the visual impact analysis, provide a study of potential shadow flicker impacts on nearby residences, including number of potential receptors and predicted annual hours of shadow flicker at each. Mitigation of shadow flicker impacts shall be addressed in the DEIS.

3.6 Historic, Cultural and Archaeological Resources

Identify and describe sites, structures, and districts with significant historic and archaeological value (i.e., listed on the National Register of Historic Places) within a 5-mile radius of the project area. The applicant shall conduct a stage 1A and 1B archeological investigation and a historic structures survey in consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Potential adverse impacts on historic and archaeological resources, either within the project area or its visual study area, will be addressed. Mitigation measures for direct disturbance and visual impact will be discussed.

3.7 Noise

The DEIS will document ambient noise conditions within the project area, describe anticipated construction-related noise, and calculate the increase over ambient that will result from operation of the proposed turbines. The DEIS will evaluate low frequency noise. And document noise levels at property lines. Compliance with noise thresholds as defined in the local wind power ordinance will be addressed, including predicted noise levels at the nearest adjacent residences. Proposed means of mitigating potential construction and operational noise impacts will be addressed.

3.8 Traffic/Transportation

Describe the existing road system and identify those roads that will be used for construction of the proposed project. Describe also, the transportation requirements of the project (e.g., turning radii, vehicle widths, vehicle weight). Present any limitations/deficiencies that affected roads, culverts and bridges may have. Address impacts anticipated to occur during the construction period including temporary damage to road surfaces, temporary traffic delays (due to slow-moving or parked vehicles), and widening/upgrades to existing roads and intersections to accommodate construction vehicles. Describe the affects, if any, these impacts may have on local businesses. Discuss the applicant's responsibility for remediating all damage to local roads that result from the proposed action, including pre- and post-construction documentation of road conditions and the issuance of a public improvement bond prior to construction activities.

3.9 Socioeconomics

Present the economics and local budgetary considerations of the proposed action, including a property value analysis, long-term and short-term employment, payments to landowners, and the proposed terms of the payment-in-lieu-of-taxes (PILOT) agreement.

3.10 Public Safety

The DEIS will address potential public safety issues associated with the proposed project, including, stray voltage, tower collapse, lighting strikes, and ice throw. Restrictions on public access and other means of avoiding or minimizing public safety risks will be discussed, along with proposed plans to respond to public safety incidents.

3.11 Community Facilities and Services

Describe existing community services, including fire departments, emergency services, and parks and recreation facilities. Such information will be based on personal communications with service providers and/or review and confirmation of pertinent literature. The DEIS should identify how the proposed action will impact or benefit the above services and the resources of the entity providing the services. The adequacy of existing services and facilities will be evaluated, along with the potential economic benefits to these services and facilities resulting from project implementation. Any required mitigation measures to offset or lessen potential impacts shall be identified, including a fire protection and emergency response plan developed in consultation with the local fire departments/emergency service providers.

3.12 Communication Facilities

Identify existing wireless communication facilities within and adjacent to the project area. Evaluate potential project impacts on microwave beam paths, as well as television, radio, and cellular phone reception and transmission. Mitigation measures to avoid and minimize impacts on communication facilities will be proposed.

3.13 Land Use and Zoning

Evaluate the existing conditions and anticipated impacts regarding the proposed action's compatibility with the character and development trends in the area, as well as with surrounding land uses and community resources. The DEIS shall evaluate the relationship of the proposed action to existing land use and the surrounding community. Specifically, the evaluation will include:

- Existing and proposed land use within and adjacent to the project area.
- Compliance/consistency with requirements of the local wind power ordinance (including all thresholds and set-backs).
- Consistency with local Comprehensive Plans and/or development goals.
- The compatibility of the proposed action with surrounding land uses, and its potential impact on property values.

4.0 Unavoidable Adverse Impacts

This section of the DEIS will identify impacts that are likely to occur despite mitigation measures, and will compare the beneficial and adverse implications of these unavoidable impacts.

5.0 Alternatives Analysis

In accordance with 6NYCRR Part 617.9(b)(5)(v), the DEIS will include a description and evaluation of the range of reasonable alternatives to the proposed action. Alternatives to be considered will include alternate project size, alternate project location, alternate project layout, alternate turbine size and the "no action" alternative. The evaluation and comparison will include a quantitative and qualitative comparison of unavoidable impacts associated with each alternative.

6.0 Irreversible and Irretrievable Commitment of Resources

This section of the DEIS will identify those natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action.

7.0 Cumulative Impacts

The DEIS will evaluate the potential cumulative impact of the proposed project, along with other wind power projects that have been proposed within the region. The potential for, and impact of future wind power projects, or expansion of the proposed project, will also be addressed.

8.0 Growth-Inducing Aspects

This section of the DEIS will describe potential growth-inducing aspects the proposed action may have, particularly the potential for additional development of wind power projects in the vicinity of the project area.

9.0 Effects on the Use and Conservation of Energy Resources

This section of the DEIS will describe the effect of the proposed action on the use and conservation of energy resources.

10.0 References

This section of the DEIS will list any sources of relevant information cited directly in the report text.

APPENDICES TO ACCOMPANY DEIS

To supplement the information required in each topic section, include the following:

- Relevant technical maps, figures and exhibits
- Project plans, specifications, or construction information
- Visual Impact Analysis
- Wetland and Stream Inventory/Delineation Report
- Shadow Flicker Analysis
- Phase 1A Cultural Resources Investigation
- Communications Study
- Noise Study
- Transportation Study
- Avian and Bat Studies
- Agricultural Protection Measures
- Ecological Study
- Property Value Analysis
- Geotechnical Study
- Relevant agency correspondence
- List of firms and persons responsible for both overall preparation of the DEIS and the underlying plans and other exhibits relied upon.