



January 11, 2016

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, New York 12223-1350

Re: Case No. 14-F-0485; Lighthouse Wind Project; Preliminary Scoping Statement Comments

Dear Hon. Burgess:

The New York State Department of Agriculture and Markets (NYSDAM or Department) submits the following comments regarding the Preliminary Scoping Statement (PSS) for the Lighthouse Wind Project (Project), a proposed 201 MW wind powered electric generating facility located in the Town of Somerset, Niagara County and the Town of Yates, Orleans County, New York. As a statutory party to this case, the Department will evaluate this Project in accordance with Public Service Law (PSL) Article 10.

Section 1.4 Location and Environmental Setting of the Proposed Facility

The PSL Article 10 application must include a preferred project description which includes all permanent and temporary ground disturbance activities. This should include, but is not limited to, turbine sites, crane pads, met towers, O&M building, temporary and permanent access roads, laydown areas, temporary and permanent stormwater management practices, buried electrical interconnect lines, interconnection substation and overhead transmission lines. The Department is primarily concerned with temporary and permanent impacts to agricultural resources from the Project. Active agricultural land likely includes parcels which may not be located in a County-adopted, State-certified Agricultural District. Agricultural land uses should be identified and designated accordingly regardless of a parcel's inclusion in an Agricultural District. Since the PSS does not include the proposed location of Project facilities, the Department is unable to perform a detailed route assessment and other related analyses typically conducted by technical staff during the review of a commercial wind energy generation project. Therefore, the Department's comments are generic in nature until more detailed analyses can be performed. The Department strongly recommends that the Applicant provide the Department with a detailed project layout plan to allow for staff to conduct its field review prior to filing an Application with the Siting Board.

Section 2.1.2.1 Construction

This section describes potential impacts to agricultural lands during construction. Due to overall abundance of agricultural land in the Project area, the Department strongly recommends that the Applicant develop and incorporate an Agricultural Monitoring Plan that provides for an independent [Agricultural] monitor to ensure that agricultural mitigation activities are properly implemented during Project construction and site restoration activities. The Agricultural Monitor must possess a working knowledge of soils, soil science, agronomy and agricultural restoration requirements as set forth by the Department¹ and be familiar with construction activities in agricultural settings. In addition to the *Department Guidelines*, the Agricultural Monitor must also be able to ensure adherence to any special conditions, construction design plans and specifications; have stop work authority and have the ability to direct contractors to make on the spot corrections when non-compliance is observed.

¹ New York State Department of Agriculture and Markets *Guidelines for Wind Power Projects*; Rev. 7-10-13.

Section 2.1.5 Proposed Measures to Mitigate Unavoidable Impacts

This section contains mitigation measures to be performed in temporarily disturbed agricultural areas of the Project. Much of the Project is underlain by lacustrine soils (lake –laid sands, silts and clays) which may require slight deviation from the typical sequence of subsoil decompaction and deep shattering during agricultural restoration. In addition, much of the site is underlain by platy shale and poorly sorted fragments of sandstone and limestone. Special provisions for excess rock removal and disposal and supplemental backfill material in agricultural lands will be required as no rock can be backfilled to within two feet of the top of the subsoil working surface. This requirement is intended to prevent waste rock migration to the soil surface with each subsequent yearly freeze/thaw cycle. Waste rock content will need to be closely planned for and monitored by the Agricultural Monitor.

Due to the relatively flat nature of most of the active agricultural fields within the Project, most of the fields are artificially drained by a series of shallow surface ditches. Subsurface drain systems are likely present as well but to a lesser extent. The Department recommends that the Applicant contact each County Soil & Water Conservation District office, the offices of the USDA Natural Resources Conservation Service (NRCS) as well as each affected farm owner and/or operator to determine the location of potential drainage features stated above along with other potential conservation practices which may be permanently impacted by project facilities—particularly areas in agricultural fields where excavation is required. Work associated with the implementation of these types of conservation practices is usually documented in the form of “as-built” drawings in agency “cooperator files” for each participating farmer. Department staff are willing to assist the Applicant in identifying individual farms and individual crop fields where engineered conservation practices and/or drainage features have been installed. These features are usually identified during the Department’s routing assessment conducted in the field allowing for timely decisions to be made on avoidance routing and/or conservation practice mitigation and repair planning. It is recommended that this be done in conjunction with Department staff prior to the submission of the final Application.

The Department looks forward to providing technical input and comments on avoiding and mitigating potential agricultural resource impacts associated with the construction and operation of the proposed Project. I encourage the Applicant to contact the Department at its earliest convenience so that field visits can be coordinated. Please direct any questions regarding the contents of this letter to the undersigned at (585) 427-0200.

Very truly yours,

/s/ Michael J. Saviola

Michael J. Saviola, M.P.S.

New York State Dept of Agriculture & Markets
Division of Land & Water Resources
Agricultural Protection Unit
1530 Jefferson Road
Rochester, NY 14623
t. 585.427.0200
f. 585.424.1248
c. 607.351.7954
e-mail: michael.saviola@agriculture.ny.gov