

**February 3, 2016**

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**Save Ontario Shores president writes to Governor Cuomo**

*Calls for more local input in industrial wind turbine decision-making process*

The president of Save Ontario Shores (SOS), the citizens coalition opposing plans to install more than seventy, 620-foot tall industrial wind turbines in Niagara and Orleans counties, has written to Governor Andrew Cuomo. An appointment of a second local resident to the Article 10 Siting Board, which decides the siting of the turbines, has been requested.

In her letter, Pamela Atwater noted that the New York State Assembly failed to make its appointment to the Article 10 Board, so it is up to the governor to fulfill the Assembly's obligation.

"The Article 10 Board, even with two local appointees, is already heavily skewed against local government and community Home Rule," she wrote. "To enter the next phase of the siting process with one local representative position unfilled would be unfair, a further insult to the concept of Home Rule and would send a signal that the entire Article 10 process is preconfigured to ignore legitimate local and regional concerns."

Apex has proposed the installation of the industrial wind turbines in the two counties. Regional opposition to the project continues to mount. The town boards in Yates and Somerset, the Erie, Niagara and Orleans county legislatures, have all gone on record in unanimous opposition to the project. Among the elected officials lining up against the industrial wind turbines are: Congressman Chris Collins, New York State Senator Rob Ort and Assemblyman Stephen Hawley.

In separate surveys, the majority of Somerset and Yates residents and taxpayers have also voiced their opposition to the industrial wind turbines.

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<http://www.lakeontarioturbines.com>

# Save Ontario Shores, Inc.

PO Box 216 Lyndonville, New York 14098

January 25, 2016

The Honorable Andrew M. Cuomo  
Governor of the State of New York  
NYS State Capitol Building  
Albany, New York 12224

Dear Governor Cuomo:

For the past several months, our organization, Save Ontario Shores (SOS), has sent correspondence to your office, numerous departments of New York State government and the Article 10 Siting Board communicating our opposition to a proposal by Apex Clean Energy to construct approximately 70 wind turbines (up to 620 feet tall) along the shores of Lake Ontario.

The reasons for our opposition are numerous but can be summarized into the following areas:

- The United States Fish and Wildlife Service is on record that these structures will be located in a major bird migration path and would do serious harm to bird life, especially large raptors.
- The Great Lakes Seaway Trail, a National Scenic Byway, is on record opposed to the visual pollution these huge industrial wind turbines would have on the waterfront and shoreline and would work directly against the State's efforts (investment of over \$2.5 million) to enhance the Trail as a tourist attraction.
- The potential for ground water and lake water pollution resulting from the chemical composition of the huge concrete foundations these structures must rest on being so close to Lake Ontario.
- The Niagara Frontier Transportation Authority's concern that a change in bird migration routes, brought on by the presence of these industrial wind turbines, could move into the take - off and landing paths used by commercial flights from the Niagara Falls International Airport, creating a very dangerous situation.
- The Niagara Military Affairs Council (NIMAC) is on record expressing concern that these industrial wind turbines would be located in the "Military Operating Area" (MOA) of the Niagara Falls Air Reserve Station (NFARS) and would constitute an "encroachment" on flight and radar operations. This concern was recently validated in a letter sent to you by three retired United States Air Force colonels (two pilots and a navigator) and past commanders of the 914<sup>th</sup> and 107<sup>th</sup> Air Wings. Encroachment of this nature could put the future of NFARS and its 3200 jobs at risk when the next round of base closures is commenced.
- Every local government affected by this project – The Town Boards of Yates and Somerset along with the County Legislatures of Erie, Niagara and Orleans Counties, representing **1.3 million** people, have all **UNANIMOUSLY** gone on record opposed to this project, making united opposition to this project truly regional in nature.

The decision on whether or not this project goes forward now rests in the hands of the Article 10 Siting Board, a creature of state government which constitutes a direct assault on the concept of Home Rule by removing local decision making on the siting of industrial wind turbines. The board consists of five state government officials and two representatives from the impacted municipalities, chosen from lists submitted by the respective municipalities. One of these appointments is made by the State Senate and the other by the State Assembly.

Recently the State Senate fulfilled its role and made a selection, however the Assembly decided **NOT** to make its appointment. Under the Article 10 law, if either house fails to make an appointment, the Governor has a 45 day period to choose a local representative. If the Governor does not act within this time period, the seat goes vacant.

SOS would urge you to rectify the Assembly's dereliction of its statutory duty by choosing a representative from the recommendations made to the Assembly to fill one of the two local positions. The Article 10 Board, even with two local appointees, is already heavily skewed against local government and community Home Rule. To enter the next phase of the siting process with one local representative position unfilled would be unfair, a further insult to the concept of Home Rule and would send a signal that the entire Article 10 process is pre-configured to ignore legitimate local and regional concerns.

Please, Governor, fill this appointment and allow some level of local input to be allowed into a decision making process that could have detrimental and long lasting effects on our entire region.

Sincerely,

Pamela Atwater, President  
Save Ontario Shores, Inc.  
PO Box 216  
Lyndonville, NY 14098