



April 20, 2016

Attorney General Eric Schneiderman
New York State Attorney General
120 Broadway, 25th Floor
New York, New York 10271

Re: Apex Clean Energy's False Claims Regarding Save Ontario Shores, Inc.

Dear Attorney General Schneiderman:

On March 7, 2016, an Apex representative, Bo Shuff, made a presentation to the Buffalo Sierra Club Climate and Clean Energy Writers Group entitled "Wind Energy – Yes or No." Mr. Shuff made many assertions during this session that were either misleading or untrue. These deceptive practices must not be allowed to continue. I would like to be clear that Mr. Shuff was aware of my presence at this meeting, as well as the two other members of the local opposition group, Save Ontario Shores, Inc. (SOS). We sat in the second row of chairs in plain sight. Two of us have spoken on several occasions at various town meetings in Somerset and Yates when Mr. Shuff has been in attendance.

When asked about the opposition to the Lighthouse Wind Project, Mr. Shuff said that the "objectors" do not own large amounts of land and/or have not lived in the area as long as the farmers who have signed leases. The "objectors" are relative newcomers to the area and own small parcels of land. As a member of this community for over 30 years, I know this is not accurate. There are farmers and landowners who own large tracts of land and do not support the project. Some multigenerational farming families are either divided on this issue or opposed to the project.

Mr. Shuff stated that Save Ontario Shores pressured Somerset Town Supervisor Daniel Engert to conduct a survey regarding local support or opposition to the project. Mr. Shuff also stated that the majority of the town did not answer the survey. *Both these statements are untrue.* Supervisor Engert sent out a survey, with no direction from SOS, to all individuals who receive a water bill in the Town of Somerset. The return rate was an astounding 56%, with 61% of respondents reporting that they were strongly opposed to the project. The Town of Yates also sent a survey to their residents. The return rate was 47% and 66% of respondents opposed the project. Mr. Shuff did not mention the outcome of these surveys which indicate the overwhelming participation of the residents in the survey and opposition to the project.

Mr. Shuff spoke about the issue of birds in the proposed project area with incomplete data and half-truths. He stated that the data collected from Apex's bird studies will be proprietary but the "good news" is that there is less bird activity in the area than expected. He also stated that the birds are able to fly over the approximately 600 foot tall industrial wind turbines and that the national average of bird kills is one bird per turbine per year. He made no reference to the concerns brought up by the United States Fish and Wildlife Service (USFWS) and numerous birding organizations. The corridor along the southern shore of Lake Ontario represents the highest migratory pathway for raptors in North America. In a response to Apex's Preliminary Scoping Statement, the USFWS stated that this proposed project

would have a severe impact on birds and bats living in or passing through the area. A multiple year stopover study supports local concerns and USFWS statements that birds do not fly over this area in migration season but instead land and takeoff.

The portion of Mr. Shuff's presentation which addressed the origins of Save Ontario Shores was shocking. He claimed that our group is not an independent group but part of a larger national anti-wind effort that involves 23 groups, all with similar websites and Facebook pages. He stated that SOS is comprised of "migratory people" who move from place to place to battle wind projects. Mr. Shuff also claimed that the group offers no alternatives to this project and as a whole is opposed to renewable energy. He also claimed that SOS is supported by people "whose name begins with K and ends in h" who have more money than Apex has to fight this "unfair battle." As the president of SOS, I know all of these claims to be false.

Apex is a corporation with paid employees working on this project. According to an Apex employee speaking at a Somerset Town Board meeting on April 13, 2016, they first attended a town board meeting in November of 2013. It is false and completely unacceptable to claim that Save Ontario Shores, with its group of local, dedicated volunteers has more money than Apex, a Virginia based privately held corporation. SOS originated in December 2014, when a few people first heard of this industrial wind project. The group is a self-funded, independent grassroots organization comprised of local residents and property owners. Some of our members have been in the area for generations, others have come more recently. SOS's ongoing goal is to inform the public of the economic, environmental, health, and safety issues that result from improperly sited industrial wind turbines. The group is made up of people of all ages, political affiliations, careers and backgrounds who are not as a whole opposed to renewable energy. We are not funded by the Koch brothers or anyone else whose name starts with "K and ends in h." Save Ontario Shores has solicited contributions from the residents of the Towns of Somerset and Yates and from others who have direct connections to the area.

Attorney General Schneiderman, there are growing concerns among local residents about the tactics that Apex Clean Energy is using in their attempts to sway public opinion and their use of false information about this project and false information regarding the dedicated New York State residents who are raising their voices against it. Residents face of an array of legislative barriers in the Article 10 process including insufficient funding, corporate managed studies, lack of access to information and technological and procedural hoops that make it difficult to participate. Additionally, they have almost no actual authority to approve or disapprove of the project. These residents should not have to endure rumors and falsehoods that assault their integrity and dedication to the wellbeing of their towns and indeed to the State of New York. Save Ontario Shores supports the Town of Somerset's request for immediate and thorough investigation into the practices of Apex Clean Energy.

Thank you for your time. Please do not hesitate to contact me should you need any further information.

Best regards,

Pamela Atwater, President
Save Ontario Shores, Inc.
pamatw155@gmail.com

Enclosures (8)

Flyer from Buffalo Sierra Club Writers Group

Town of Somerset Wind Survey Results

Town of Yates Wind Survey Results

United States Fish and Wildlife Service Response to Apex Clean Energy's Preliminary Scoping Statement

Lake Ontario Migratory Bird Stopover Project

Affidavit from Pamela Atwater

Affidavit from Christine Bronson

Affidavit from Dale Nikitas