

1 16-F-0328 and 16-F-0062 - Siting Board - 11-15-2021

2 NEW YORK STATE BOARD ON
3 ELECTRIC GENERATION SITING AND
4 THE ENVIRONMENT

5 CASE 16-F-0328 - Application of Number Three Wind LLC for
6 a Certificate of Environmental Compatibility and Public
7 Need Pursuant to Article 10 for Construction of a Wind
8 Project Located in Lewis County.

9 CASE 16-F-0062 - Application of Eight Point Wind, LLC for
10 a Certificate of Environmental Compatibility and Public
11 Need Pursuant to Article 10 to Construct a Wind Energy
12 Project. (Second and Third Amendments)

13

14 Siting Board Meeting

15 Date: Monday, November 15, 2021 @ 2:00 Pm

16

TAMMY MITCHELL, alternate of the Chair

17

LOUIS ALEXANDER, alternate of Basil Seggos, Department of
18 Environmental Conservation

19

DR. ELIZABETH LEWIS-MICHL, alternate of Dr. Howard Zucker,
Department of Health

20

JOHN WILLIAMS, alternate of Richard Kauffman, New York
21 State Energy Research and Development Authority

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2 CHAIR ALTERNATE MITCHELL: Good
3 afternoon. My name is Tammy Mitchell. I'm the
4 Director of the Office of the Electric Gas and Water
5 Office at the New York State Department of Public
6 Service. I've been designated to serve as the
7 Alternate representing the Chair of the New York
8 State Board on Electric Generation Siting and the
9 Environment or as it is also known, the Siting Board.
10 I call this meeting of the Siting Board to order.

11 Before moving to the agenda, I'd like
12 to introduce the alternates representing the
13 permanent members of the Siting Board. Louis
14 Alexander, alternate representing the Commissioner of
15 the Department of Environmental Conservation, Dr.
16 Elizabeth Lewis-Michl, alternate representing the
17 Commissioner of the Department of Health and John
18 Williams, alternate representing the Chair of the New
19 York State Energy Research and Development Authority.
20 I note that Vincent Ravaschiere, alternate
21 representing the Commissioner of the New York State
22 Department of Economic Development, is excused from
23 today's meeting. Secretary Phillips, are there any
24 changes to the agenda?

25 SECRETARY PHILLIPS: There are no

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2 changes to the agenda.

3 CHAIR ALTERNATE MITCHELL: Thank you,
4 Secretary Phillips. We will begin with Case 16-F-
5 0062, Application of Eight Point Wind, L.L.C. for a
6 Certificate of Environmental Compatibility and Public
7 Need, Pursuant to Article 10, to Construct a Wind
8 Energy Project. There are two orders and both will
9 be presented by Heather Behnke, Assistant Counsel
10 Department of Public Service. Robert Rosenthal,
11 General Counsel, Brian Ossias, Managing Attorney
12 Department of Public Service and Cory Strub, Utility
13 Supervisor Environmental Office of Electric Gas and
14 Water are available for questions.

15 Ms. Behnke, please begin.

16 MS. BEHNKE: Good afternoon, Chair
17 Designee Mitchell and members of the Board. Before
18 you today are two orders granting petitions for
19 amendments of the Board's August 20th, 2019 order
20 granting a Certificate of Environmental Compatibility
21 and Public Need, with Conditions, to Eight Point
22 Wind, L.L.C.

23 The certificate approved a wind energy
24 project, consisting of up to 31 utility scale wind
25 turbines, with a capacity of up to 101.8 megawatts,

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2 to be located in the Towns of Greenwood and West
3 Union in Steuben County. The Siting Board previously
4 granted an amendment of the certificate on May 26th,
5 2021, which approved a modified project to allow
6 Eight Point Wind to install fewer but taller and more
7 efficient turbines.

8 On July 13th, 2021, Eight Point Wind
9 filed a second petition for amendment, seeking
10 approval of an updated modified project, which will
11 consist of up to 25 turbines, totaling 118.61
12 megawatts.

13 Eighteen of the 25 turbines are
14 shorter and quieter than those approved for the
15 modified project, while seven of the turbines are the
16 same height as those previously approved but they are
17 D rated to 2.03 megawatts.

18 The updated modified project, includes
19 six alternate locations for a total of 31 turbines
20 locations. All of the proposed turbines, except for
21 a slight shift in location of one alternate turbine,
22 are to be located at previously approved turbine
23 sites with no changes to access roads or collection
24 line routes.

25 The Secretary to the Siting Board

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2 consulted with the Department of Public Service
3 Staff, the Department of Environmental Conservation
4 and Department of Health and in a September 23rd,
5 2021 letter, concluded that the proposed
6 modifications would not result in a significant
7 adverse increase to environmental impacts, as
8 compared to the certificated project and therefore,
9 do not constitute a revision that would require a
10 hearing under the regulations.

11 The Secretary's letter included a
12 thorough review and addressed the potential impacts
13 of the proposed changes for the project, related to
14 turbine height, including visual, shadow flicker and
15 noise impacts, which are summarized in the draft
16 order.

17 The order before you, recommends
18 approval of the second amendment to the certificate
19 because the proposed modifications do not constitute
20 any significant increase and adverse impacts,
21 compared to those addressed in the certificated
22 project. If the order is approved, all of the
23 certificate conditions will remain applicable.
24 Accordingly, the first order before you, approves the
25 petition for the second amendment of the certificate.

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2 Now, I will address the second item
3 before you. On September 17th, 2021, Eight Point
4 Wind filed its third petition to amend the
5 certificate, seeking amendment of Conditions 38 A and
6 D, 53, 123, 124 and 125, to adjust the timing for the
7 submission of certain required filings, so that it
8 can begin tree clearing.

9 After consulting with D.P.S., D.E.C.
10 and D.O.H. Staff, the Secretary issued a letter on
11 October 1st, 2021, concluding that the proposed
12 changes to the certificate conditions in the third
13 amendment petition, were administrative and did not
14 constitute a revision under the regulations at 16
15 N.Y.C.R.R., Section 1000.16 B and consequently no
16 hearing would be required.

17 The changes to the certificate
18 conditions do not trigger any additional
19 environmental review because they are only -- affect
20 the phasing of construction to allow tree clearing,
21 prior to compliance with those conditions and will
22 not result in a significant adverse increase to
23 environmental impacts, as compared to the
24 certificated project as amended.

25 Accordingly, the second order before

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2 you, approves the petition for the third amendment of
3 their certificate. That concludes my presentation
4 and we are available for questions you may have.

5 CHAIR ALTERNATE MITCHELL: Thank you,
6 Ms. Behnke. I have no questions or comments on these
7 items. Let me turn to my fellow Board members for
8 any comments or questions. Mr. Alexander?

9 MR. ALEXANDER: No questions.

10 CHAIR ALTERNATE MITCHELL: Thank you.
11 Dr. Lewis-Michl?

12 DR. LEWIS-MICHL: No questions.

13 CHAIR ALTERNATE MITCHELL: Thank you.
14 Mr. Williams?

15 MR. WILLIAMS: No questions.

16 CHAIR ALTERNATE MITCHELL: Thank you.
17 I will now call for a vote on both orders. This is
18 Tammy Mitchell and my own vote is in favor of the
19 recommendations as described. Mr. Alexander, how do
20 you vote?

21 MR. ALEXANDER: I vote in favor.

22 CHAIR ALTERNATE MITCHELL: Thank you.
23 Dr. Lewis-Michl?

24 DR. LEWIS-MICHL: In favor.

25 CHAIR ALTERNATE MITCHELL: Thank you.

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2 Mr. Williams?

3 MR. WILLIAMS: In favor.

4 CHAIR ALTERNATE MITCHELL: Thank you.

5 The orders are approved and the recommendations are
6 adopted. Next, is Case 16-F-0328, Application of
7 Number Three Wind, L.L.C. for a Certificate of
8 Environmental Compatibility and Public Need, Pursuant
9 to Article 10, for Construction of a Wind Project,
10 Located in Lewis County, presented again by Heather
11 Behnke, Assistant Counsel Department of Public
12 Service. Robert Rosenthal, General Counsel, Brian
13 Ossias, Managing Attorney Department of Public
14 Service and Cory Strub, Utility Supervisor
15 Environmental Office of Electric Gas and Water are
16 available for questions. Ms. Behnke, please begin.

17 MS. BEHNKE: The next item before you
18 today, is an order granting a petition for amendment
19 of the Board's November 12th, 2019 order, granting a
20 Certificate of Environmental Compatibility and Public
21 Need with Conditions to Number Three Wind, L.L.C.

22 The certificate authorized Number
23 Three Wind to construct and operate up to 105.8
24 megawatts wind powered electric generating facility,
25 consisting of up to 31 utility scale wind turbines

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2 and associated facilities in the Towns of Lowville
3 and Harrisburg in Lewis County.

4 The Siting Board previously granted an
5 amendment to the certificate on March 11th, 2021,
6 which authorized Number Three Wind to install fewer
7 but taller turbines. The Siting Board granted a
8 second amendment on July 1st, 2021, which amended
9 Condition 38 of the certificate, to adjust the timing
10 of submission for the required Federal Aviation
11 Administration approvals, in order to allow Number
12 Three Wind to initiate certain construction
13 activities.

14 In its third amendment petition,
15 Number Three Wind requests approval to allow a minor
16 shift in the locations of Turbines 44 and 45 of 100
17 feet and 58 feet respectively. At the request of the
18 Department of Agriculture and Markets, Number Three
19 Wind reduced the proposed shift in location of
20 Turbine 44 from 100 feet to 85 feet, in order to
21 reduce agricultural impacts.

22 According to Number Three Wind, the
23 shift in locations is necessary to avoid impacts to a
24 wetland conservation easement managed by the United
25 States Fish and Wildlife Service.

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2 The Secretary to the Siting Board
3 consulted with the Department of Public Service
4 Staff, Department of Environmental Conservation and
5 Department of Health and in a November 4th, 2021
6 letter, concluded that the proposed modifications
7 would not result in a significant adverse increase to
8 environmental impacts, as compared to the
9 certificated project and therefore, do not constitute
10 a revision that would require a hearing under the
11 regulations.

12 The Secretary's letter included a
13 thorough review and addressed the potential impacts
14 of the proposed changes for the project, related to
15 the turbine shifts, including shadow flicker and
16 noise, which are summarized in the order before you.

17 The order before you recommends
18 approval of the amendment because the proposed
19 modifications do not constitute a significant
20 increases in environmental impacts, compared to those
21 addressed in the certificated project. If the order
22 is approved, all of the certificate conditions will
23 remain applicable. Accordingly, the order before you
24 approves the petition for the third amendment of the
25 certificate. That concludes my presentation and we

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2 are available for questions you may have.

3 CHAIR ALTERNATE MITCHELL: Thank you
4 again, Ms. Behnke. I have no questions or comments
5 on this item. I'll now turn to my fellow Board
6 members for any comments or questions. Mr.
7 Alexander?

8 MR. ALEXANDER: No questions.

9 CHAIR ALTERNATE MITCHELL: Dr. Lewis-
10 Michl?

11 DR. LEWIS-MICHL: No comments or
12 questions.

13 CHAIR ALTERNATE MITCHELL: Mr.
14 Williams?

15 MR. WILLIAMS: No questions.

16 CHAIR ALTERNATE MITCHELL: Thank you.
17 I'll now call for a vote. My own vote is in favor of
18 the recommendations as described. Mr. Alexander, how
19 do you vote?

20 MR. ALEXANDER: I vote in favor.

21 CHAIR ALTERNATE MITCHELL: Thank you.
22 Dr. Lewis-Michl?

23 DR. LEWIS-MICHL: In favor.

24 CHAIR ALTERNATE MITCHELL: Thank you.
25 Mr. Williams?

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2 MR. WILLIAMS: In favor.

3 CHAIR ALTERNATE MITCHELL: Thank you.

4 The order is approved and the recommendation is
5 adopted. Secretary Phillips, is there anything
6 further to come before us today?

7 SECRETARY PHILLIPS: There is nothing
8 further.

9 CHAIR ALTERNATE MITCHELL: Thank you,
10 we are adjourned.

11 (The proceeding concluded.)

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2 STATE OF NEW YORK
3 I, ROBERT WURTZ, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 12, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 17th day of November, 2021.

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12 ROBERT WURTZ, Reporter

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