

Section 2
Responses to Comments

Comment No.	Source of Comment	Topic	Comment	Response
1	CRA	Construction	Town would like clarification of Request for Information Process in FEIS.	Noble has included the standard Request for Information (RFI) form in Exhibit I of the FEIS. This form is used by contractors to formally request clarification of any issues related to the construction of the project. Noble will then pass along the question to any applicable party in order to obtain a response.
3	CRA	Construction	Noble should state when they will provide pre-construction contour documentation in the FEIS.	Pre-construction contours are documented within Appendix B of the DEIS on the Roadway Site Plans.
4	CRA	Wetlands	Noble needs to indicate where vernal pools have been located and provide specific information regarding what mitigation plans exist for those that can not be avoided in the FEIS.	All wetlands (including isolated vernal pool wetlands) located with the wetland delineation survey corridor have been identified, delineated and their locations mapped (Appendix E of the DEIS). Noble has coordinated with the NYSDEC to identify the habitat value of vernal pools that may be impacted by the Project. Field meetings were conducted on March 29, 2007, April 5, 2007 and April 12, 2007. In their DEIS comment letter dated May 13, 2007 (See Appendix B of the FEIS), the NYSDEC summarized the findings from these field visits and recommended measures to minimize impacts to the Jefferson salamander. Specifically the NYSDEC noted that during field visits, evidence of Jefferson salamander breeding was found only at Turbines 2 and 31. At Turbine 2, Jefferson Salamander egg masses were observed at wetland W9 and mole salamander spermatophores were observed at wetland W10. The NYSDEC stated that as currently sited, a road crossing near Turbine 2 avoids the valuable portion of W9 and crosses the wetland in a narrow and shallow location. Clearing for the tower sites avoids both W9 and W10. Near Turbine 31, Jefferson salamander egg masses were not observed in adjacent identified wetlands (W62), but were identified in an area of flooded tire ruts just to the northwest of the proposed clearing zone for the turbine. The NYSDEC recommended that during construction, the boundaries for W9, W10, W62 and the tire ruts identified to the northwest of the Turbine 31 should be clearly delineated so that clearing is excluded from these areas as proposed. Noble will flag these areas prior to construction to prevent inadvertent impacts to Jefferson salamander.
5	CRA	Text	Comment 144 – Recommend adding reference to Table 2.21-1 to Section 2.22.2 and replacing word “capacity” with “average.”	The requested change will be made and page 2-160 of the DEIS will be revised and inserted into Appendix C: Exhibit A of the FEIS.
6	CRA	Visual	Revision not completed.	The requested change will be made and pages 2-217 of the DEIS will be revised and inserted into Appendix C: Exhibit A of the FEIS.
7	CRA	Socioeconomics	Revision not completed.	The requested change will be made and page 2-191 and 2-195 of the DEIS will be revised and inserted into Appendix C: Exhibit A of the FEIS.
8	CRA	Text	Revision not completed.	The requested change will be made and page 2-207 of the DEIS will be revised and inserted into Appendix C: Exhibit A of the FEIS.
9	CRA	Text	Revision not completed.	The requested change will be made and page 2-207 of the DEIS will be revised and inserted into Appendix C: Exhibit A of the FEIS.
10	CRA	Noise	Incorporate reference to NYSDOT Environmental Procedures Manual for FEIS.	The requested change will be made and page 2-137 of the DEIS will be revised and inserted into Appendix C: Exhibit A of the FEIS.
11	Mary Cullen	Shadow Flicker	Shadow flicker will have no impact on properties 10 turbine rotor diameters from the Project. The residences that may be affected may be closer than this as setbacks are 1,320 feet from residences.	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.

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12	Mary Cullen	Shadow Flicker	There is only one residence that will receive more than 30 hours of shadow flicker per year. The developer says they may supply shades or vegetative screening. What if, in the worst case scenario, other residences are affected and it is investigated and found to be factual. Would that offer stand for anyone who may be affected with more than 30 hours a year of shadow flicker?	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.
13	Mary Cullen	Shadow Flicker	In a survey from Lincoln Township, Wisconsin residents from within 800 feet - 1/4 mile and 1/4 mile to 1/2 mile had problems in their home due to shadow flicker. These 32 turbines went on line in June 1999. Why the difference? Wethersfield will have 58 turbines in the town. The sun behind a turbine blade should have the same affect no matter the make or model.	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.
14	Mary Cullen	Noise	Why is it suggested that people who oppose this Project have a stronger adverse reaction? Does this indicate that complaints from the opposition are psychological or that participating landowners cannot publicly complain due to contractual restraints?	A particular sound or sound level due to a new wind farm does not elicit the same response from everyone. Instead there is a wide range of reactions that at least one formal study (Pedersen, Human Response to Wind Turbine Noise – Annoyance and Moderating Factors, Proceedings from Wind Turbine Noise 2005, Berlin) has shown are highly dependent on a person's general attitude towards the Project. Those with a favorable disposition towards the Project, which tends to include not only Project participants but others as well, generally rate a given sound level as acceptable or negligible whereas Project opponents may, for a variety of reasons, consider the same sound highly objectionable. There is no contractual constraint on participants with regard to reporting noise annoyance. Those that do experience operation noise in excess of the Town Law will be afforded the opportunity to work with Noble and a third party through the complaint resolution procedure to verify the noise levels at the residence in question.
15	Mary Cullen	Noise	Do the turbines in Maple ridge, Fenner, and Meyersdale, Pennsylvania have an upward blade arrangement? There have been complaints from all three places as depicted on the documentary <i>Voices of Tug Hill and Life Under a Windplant</i> .	The Maple Ridge, Fenner, and Meyersdale projects use upwind blade configurations. Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.
16	Mary Cullen	Property Value	Of the homes in Wethersfield, four sold in 1995 to 1999, and then a five-home increase of nine homes sold from 2000 to 2006. Did the Project attribute to the spike in homes for sale?	Noble representatives arrived in the Wethersfield area in the fourth quarter of 2004. The first public meeting in regards to a proposed Wethersfield Windpark was conducted in September of 2005. Since that date, two homes have been sold within the Town of Wethersfield. Appendix L of the DEIS contains a property value analysis prepared by KLW, licensed real estate appraisers, which indicates that no significant adverse impact to property values will occur as a result of the Project.
17	Mary Cullen	Property Value	In the side by side comparison chart, four houses in Wethersfield were on the chart. The home on Hobday Road was sold before construction of the turbines. The home on State Route 78 had no increase. The two houses that had increases are the closest in proximity to the turbines. Do we know if the developer of the Project bought these properties?	The properties in question were bought by private individuals and not the developer of the Project.

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18	Mary Cullen	Emergency Response	This Section does not adequately address the emergencies that could occur within the Windpark. The turbines can have fires, structural failures, blade failures, icing events. Fire Departments can not put fires out at these heights. A structural failure occurred with the same GE turbines proposed for this Project in Weatherford, Oklahoma, in May 2006, days after going on-line. There was a blade failure in the turbines on Wethersfield Road the first year of operation and a blade was missing from a turbine at some time between December 9 or 10, 2006.	As set forth in Section 2.29 of the DEIS, Noble Environmental Power, LLC will interact with area first responders and other service providers to provide a comprehensive Emergency Response Plan. This plan will detail the actions to be taken by the site manager and staff should an emergency or fire occur. Additionally, the plan will provide locator addresses for first response efficiency; identify equipment familiarization procedures; and establish training for emergency equipment, high work rescue, fire and emergency response; and proper communication. The ERP will be coordinated with the local fire departments and emergency response organizations and will set forth the lines of communication in the event of a fire or other emergency. Noble will submit the ERP to the Town of Wethersfield and Town of Eagle at least 10 business days prior to the start of construction.
19	NYSDPS	Cumulative Impacts	While the DEIS provides the Article VII application document (as Appendix B to the DEIS), the anticipated impacts of construction and operation of the Article VII transmission facility should be summarized and addressed as cumulative impacts in a Final EIS for the overall impacts of the Project.	Cumulative impacts and benefits of the Windpark and the transmission line are summarized and addressed in Section 3 of the DEIS.
20	NYSDPS	Cumulative Impacts	Cumulative effects of potential significance include the facilities effect on productive agricultural lands, and effects on habitat for wildlife species of concern (<i>Ambystomid spp.</i>) Both the transmission substation and interconnection switchyard are proposed to be located in active agricultural lands, and will result in direct impacts on those lands.	The cumulative effects of the Windpark and transmission line on wildlife, birds and bats and threatened and endangered species (including the Jefferson salamander) are discussed in Sections 3.2.2, 3.2.3 and 3.2.4 of the DEIS. Cumulative impacts to agricultural land resulting from the Windpark and transmission line are discussed in Section 3.3 of the DEIS.
21	NYSDPS	Cumulative Impacts	Noble has provided additional information in a supplement to the Article VII Application (dated March 9, 2007) and in reply to several information requests. To the extent the additional information is relevant to consideration of the environmental effects of development of the Windpark, Noble should be required to make that information available to the Lead Agency for consideration.	In response to NYSDPS, Noble prepared a Supplement to the Article VII Application for the Wethersfield to Orangeville 230 kV transmission line. In accordance with the NYSDPS recommendation, a copy of the Supplement has been provided to the lead agency under separate cover. Information requests relevant to the environmental effects of the Windpark will be provided to the lead agency for consideration. The information requests are included as Appendix C: Exhibit F of the FEIS.
22	NYSDPS	Project Design	The proposed access roadway No. 26 from Wolcott Road to Turbine No. 86 is also proposed to provide access to the substation at the southern terminus of the 230 kV transmission line. The proposed access road is located in areas mapped as a Federal Emergency Management Agency flood hazard zone. The location and design of the permanent access road should be based on additional analysis of the stream channel and flood hazard area and the upland watershed. Consideration should be given to potential flooding effects on the existing "Quarry" access road located on the southerly side of the stream, due to significant amounts of fill necessary for a permanent Windpark access road within the flood hazard zone.	Noble agrees that the design of the permanent access road to Turbine No. 86 and the proposed substation should be based on additional analysis of the stream channel and flood hazard area. The analysis will be conducted and the access road will be designed according to applicable standards to withstand potential flooding in the area of Wolcott Road. Noble will seek to obtain any necessary permits required for construction within an identified FEMA floodplain area. If requested, a detailed Issued for Construction drawing will be prepared and submitted to the NYSDPS and the Town prior to construction. In conjunction with addressing the proposed access road, potential effects on the existing road will be analyzed as well and mitigation proposed as necessary to avoid potential damage to the existing road.

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23	NYSDPS	Project Design	Attached "Figure x" provided by Epsilon Associates for Noble depicts the Zone A flood hazard zone in relation to the proposed access road location (Access Road No. 26). There appear to be discrepancies between the map locations of the streams and the flood hazard area, which warrant additional consideration.	The FEMA 100-year map was reviewed for the area near the access road to the substation and Wolcott Road. While portions of the FEMA floodplain appear to coincide with streams and the topography, other portions do not correspond and appear to be erroneous. The floodplain west of the access road appears to be on the side of a hill. Based on observations, the floodplain should correspond with the terrain and be located a few hundred feet or so to the south in this location. Similarly, the 100-year floodplain associated with the stream draining from the north should correspond with the stream which flows southeast and under Wolcott Road through a culvert. It appears unlikely that the floodplains would intersect as depicted on the FEMA map as a result of the intervening terrain. Noble will seek to obtain any necessary permits required for construction within an identified FEMA floodplain area.
24	NYSDPS	Project Design	The area of disturbance within the flood hazard zone and corridor of the proposed access roadway No. 26 will be significant, since all of the electric collection lines for the Windpark (except the lines for turbines No. 86 to 89) will be co-located within this corridor. If not located, designed and built to appropriate standards, the electric lines crossing the flood hazard area and floodway at the west side of Wolcott Road will be susceptible to wash-out of the floodway in an extreme flooding event. The stream crossing should be required to be designed, constructed, and restored to avoid line exposure through streambed and bank scouring and undercutting by stream action.	As indicated in response to Comment 23, Noble agrees that a portion of roadway no. 26 will be located in a potential flood hazard zone. Consequently, the access road and electric lines will be designed to withstand potential flooding and erosion. If requested, a detailed Issued for Construction drawing will be prepared and submitted to NYSDPS prior to construction.

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25	NYSDPS	Bird and Bat	The DEIS commits to siting and lighting measures to minimize operational impacts, and also proposes a program of post-construction monitoring. The post-construction monitoring proposal does not commit Noble to devising facility management plans to adapt operations or management to minimize potential significant adverse effects on bird or bat populations. DPS recommends that Noble be required to provide a commitment to development of a program of adaptive management to be based on results of the post-construction monitoring program.	In Section 2.12 and Appendix F of the DEIS Noble commits to identification of potential adaptive management strategies if significant adverse impacts to birds and bats occur. Categories of potential mitigation measures include: lighting, siting, turbine type, turbine configuration, power lines, habitat enhancement, revegetation, and limiting of disturbance during construction and operation. For the Project, all unnecessary lighting should be turned off at night except required FAA lighting to limit attracting migratory birds. The minimum amount of pilot warning / obstruction avoidance lighting required by the FAA should be used. The maximum separation gap between aviation lights along a row <0.5 miles. Lighting within clusters and at the end of rows will not occur, and lights will be synchronized for the entire Project. There will be no daytime lighting or steady burning lights. All lights will be single mounted above the hub radius. Vegetation will be maintained at higher heights to discourage raptors from foraging along transmission corridors. If grassland birds are being killed during aerial displays, it may be possible to offset losses in productivity if hay cutting can be delayed at adjacent sites. Other adaptive management measures that may be implemented for the Project include, if necessary: clearing away carcasses to discourage scavenging birds, providing alternative habitat off-site to attract at-risk birds from near turbines; elimination of guy wires at met towers; monitoring and repairing any erosion and reducing surface water pooling or concentration of runoff. Bird/bat utilization studies should be continued for at least two years after operation. The post-construction mortality monitoring program and any adaptive management strategies will be coordinated with the NYSDEC, USFWS, and the Town. Throughout the post-construction monitoring, NYSDEC will be actively involved and will be provided data as requested. Should any significant mortality events occur, all applicable agencies will be notified to discuss potential mitigation measures.
26	NYSDPS	Project Design	The overhead (collection) locations along Wolcott Road and Poplar Tree Road appear to be determined by wetland locations (See Appendix B – <i>Construction Drawings, Section 5 Collection Line, Drawings WE-T-320 SH1 and SH2</i> ; also Appendix J - <i>Field Delineated Wetlands and Photo Locations Sector H</i>). The potential for underground installation via directional drilling should be explored, to avoid the need for multiple riser or transition structures and overhead line locations.	The crossing of Stream 558 and Wetland 558 on Wolcott road has been changed to an underground crossing to avoid the multiple riser poles located in close proximity to each other. The crossing of wetland W842 on Wolcott road will remain overhead, to minimize the required ROW width (40 feet for underground circuits) and therefore minimize the amount of permanently converted shrub wetland habitat. Overhead lines require a narrower ROW and only require removal of vegetation that poses a hazard to the lines. The collection line on Poplar Tree Road was designed as an overhead line to avoid topographic issues as well as a stream crossing. This line is only a single circuit.
27	Hancock and Estabrook, Town of Eagle Attorney, Wendy Marsh	Environmental Monitor	There must be a means of enforcing the representations and statements made during the EIS process throughout the construction, operation, and decommissioning phases of the Project. We would encourage the Town of Wethersfield to require that an environmental monitor be retained on behalf of the Town to ensure that all representations made in the EIS are implemented by Noble.	Noble will pay the costs for an environmental monitor to be hired by or on behalf of the Town. The environmental monitor will monitor and document all construction activities in accordance with the Town's permitting and other applicable permitting guidelines, and will report directly to the Town board and its representatives. In addition to the Town's monitor, Noble will retain its own monitor(s) who will ensure permit compliance during construction. A draft Environmental Monitoring Plan is included Appendix C: Exhibit I. This plan details the duties of Noble's monitor.
28	Hancock and Estabrook, Town of Eagle Attorney, Wendy Marsh	Cumulative Impacts	We encourage the Town of Wethersfield Town Board to carefully consider the cumulative impacts of this Project on the proposed windpark projects in the vicinity of the Town of Wethersfield and expand upon this assessment as part of the FEIS.	Comment noted. Cumulative impacts are discussed in Sections 3 and 4 of the DEIS.

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29	NYS Department of Agriculture and Markets	Alternatives	The Executive Summary indicates that “The minimal loss of productive agricultural land will be offset by the financial benefits the landowners will obtain from payments they will receive from Noble for their participation in the Project.” Although funds received by the landowner may benefit the current agricultural enterprise, it is the Department's viewpoint that monetary compensation does not constitute a valid justification for the permanent loss or conversion of agricultural land. In most cases, monetary compensation will not prevent permanent conversion of agricultural land to a non-agricultural land use.	Facilities were carefully sited to minimize impacts to agricultural land in consultation with NYSDAM and NYSDAM Guidelines for Agricultural Mitigation for Windpower Projects (See Sections 1.3.1, 3.3, and 4.8 of the DEIS). Landowner concerns and current land use practices were considered and are also reflected in the proposed layout of facilities. Agricultural land impacted during construction will be restored per NYSDAM guidelines and will be monitored for two years post-construction with continued coordination with NYSDAM to ensure that the goals of the Town's agricultural mitigation standards and NYSDAM guidelines are met. (Section 2.4.3 of the DEIS).
30	NYS Department of Agriculture and Markets	Project Design	The overhead electric line may pose a significant, long-term interference with agricultural land uses and practices. As a result, the Department recommends that the 34.5kV lines be buried to a minimum depth of 48 inches below grade in agricultural fields.	34.5 kV lines and structures have been located underground to the extent practicable. Overhead electric lines are currently proposed in two locations in order to minimize wetland impact and avoid topography constraints. The overhead portion of the collection system along Poplar Tree road is located along the edge of the field and road shoulder to minimize disturbance to agricultural activities. This portion of collection was designed overhead in order to avoid impacts to a stream.
31	NYS Department of Agriculture and Markets	Project Design	If it is determined that the (collection) lines must be installed overhead (across agricultural fields), the spanning distance should be no less than 500 feet and should be located outside field boundaries wherever practicable.	Overhead collection lines located within agricultural fields have been designed using the maximum practical spanning distances (approximately 250 feet for a single circuit). Larger spanning distances for collection system lines would require significantly larger structures, additional guy wires, and would likely result in increased interference within agricultural lands. Collection lines within the Wethersfield project have been placed underground to the extent practical.
32	NYS Department of Agriculture and Markets	Project Design	If it is determined that (collection) lines must cross agricultural land, the line location and pole placements should be reviewed with the Department prior to final design.	Noble will continue to coordinate with the NYS Department of Agriculture and Markets throughout the design, construction and operation phases of the Project.
33	NYS Department of Agriculture and Markets	Environmental Monitor	This Section states that the Project Sponsor will retain the services of an environmental monitor. Due to the significant area of disturbance and agricultural mitigation/restoration activities required as part of the proposed Project, the Department recommends that the Project Sponsor hire a competent “Agricultural Inspector.” Competent agro-environmental inspection and supervision of site preparation, construction, and restoration activities is fundamental in helping ensure sound implementation, and to meet the standards which are formally reviewed and adopted by the various parties. Such “Ag” specific inspection/supervision is critical to a wind power project due to its concentrations of localized activity, extending over the expanse of the numerous tower sites, access ways, and buried cable zones.	Noble will hire/have on staff an environmental monitor to oversee construction activities in agricultural land and to ensure adherence to all guidelines and recommended practices. Noble will continue to coordinate with the NYS Department of Agriculture and Markets throughout the design, construction, and operation phases of the Project. Oversight by the Department and Noble's monitor will insure that all construction and restoration occurs in a fashion that preserves the integrity of the agricultural land. In addition, Noble will invite an Ag and Markets representative to all contractor kick-off meetings in order to discuss any issues that may arise during construction.

Comment No.	Source of Comment	Topic	Comment	Response
34	NYS Department of Agriculture and Markets	Environmental Monitor	The Department recommends that the Project Sponsor and Agro-environmental Monitor consult with Ag & Markets field staff to make field determinations on a case-by-case basis as to what individual land uses constitutes “agricultural fields.”	Noble will continue to coordinate with the NYS Department of Agriculture and Markets throughout the design, construction and operation phases of the Project.
35	NYS Department of Agriculture and Markets	Agricultural	This Section discusses mitigation activities. In addition to the Guidelines developed for Agricultural Mitigation for Wind Power Projects, the Department has also developed recommendations for seeding, fertilizing, and lime for farmland restoration. Although these recommendations were originally developed for natural gas pipeline ROW projects, the same agronomic principles apply to farmland restoration on wind power projects. Plans for re-seeding disturbed areas should be developed in consultation with the Department and landowner in accordance with recommendations in the document <i>Seeding, Fertilizing, and Lime Recommendations for Gas Pipeline Right-of-Way Restoration in Farmlands</i> (Rev. 6.15.2005).	Comment noted. Noble commits to develop all restoration in accordance with all applicable guidelines, including those referenced in the comment.
36	NYS Department of Agriculture and Markets	Agricultural	Seed mixtures to be utilized in restoration activities in pastures or paddocks used by horses shall be grasses that are most tolerant to frequent grazing and “foot traffic” including Kentucky bluegrass, orchard grass, perennial ryegrass, reed canary grass, and certified endophyte-free tall fescue. (Note: Only certified endophyte-free varieties should be planted due to endophyte toxicity to mares in foal.) The Project sponsor should be responsible for coordinating livestock exclusion from newly restored and re-seeded areas of pastures for a minimum of one growing season.	Restoration of all agricultural land and pasture will be in accordance with Ag & Markets guidelines and will be coordinated with the affected landowners the Town. Any seed mixes used in these areas will be approved by the landowner and will meet or exceed any recognized standards. In addition, Noble will ensure that only endophyte free varieties are used. Additional temporary fencing, as required for coordinating livestock exclusions, will be placed in accordance with landowner requirements.
37	NYS Department of Agriculture and Markets	Agricultural	Because portions of the proposed Project will likely affect active pastures, it will be necessary to temporarily exclude, or relocate livestock from the area of disturbance and also necessary to restrict livestock access once restoration activities have been completed.	Additional temporary fencing, where required, will be placed in accordance with landowner requirements.
38	NYS Department of Agriculture and Markets	Agricultural	Adequate fencing types should be defined and agreed to by the landowner and/or farm operator.	Additional temporary fencing, where required, will be placed in accordance with landowner requirements.
39	NYS Department of Agriculture and Markets	Agricultural	If livestock are present during construction activities, provisions should be made by the Project Sponsor to maintain the integrity of the livestock fencing and any animal watering systems.	Noble will ensure that the integrity of any fencing or watering systems within or adjacent to their right-of-way is maintained. The environmental monitor will check the fencing integrity on a weekly basis at a minimum.
40	NYS Department of Agriculture and Markets	Agricultural	Alternative grazing plans should be developed by the Project applicant and agreed to by the farm operator and/or landowner for each affected pasture area.	If necessary, alternative grazing plans will be coordinated between Noble, the individual landowner, and the Town.

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41	NYS Department of Agriculture and Markets	Agricultural	Daily inspection activities shall include integrity checks of livestock fencing and watering systems.	Noble will ensure that the integrity of any fencing or watering systems within or adjacent to their right-of-way is maintained.
42	NYS Department of Agriculture and Markets	Drain Tile	This Section discusses subsurface drainage. The Project Sponsor has developed a Drain Tile Repair Plan (Appendix T) for mitigating potential impacts to subsurface drain tile, if encountered. However, the Project Sponsor has not identified areas within the Project site where there is a potential to encounter existing subsurface drain lines. Based on the likelihood of encountering existing subsurface drain lines (especially in intensively farmed areas comprised of Mardin and Volusia soils) the Department recommends that the Project Sponsor inquire with both the farmers (landowners) and the Wyoming County Soil and Water Conservation District to determine if they have record designs or "as-builts" of any subsurface drain (tile) lines on the agricultural portions of the Project area.	Noble has and will continue to coordinate with individual landowners to determine the locations of all known drain tile within the areas disturbed by the Project. This information will be provided to the installation contractors prior to commencement of construction. Noble will also coordinate with the Wyoming County Soil and Water Conservation District to determine if they have records for any of the affected properties. Any unanticipated drain tile encountered during construction will be replaced.
43	NYS Department of Agriculture and Markets	Drain Tile	New subsurface drain lines shall be either 4-inch or 6-inch diameter AASHTO M252 single wall drain line or equivalent and shall be installed in accordance with the applicable USDA-Natural Resources Conservation Service (NRCS) Conservation Practice Standard for "Subsurface Drain" (608).	New subsurface drain lines shall meet or exceed the condition of existing installed structures and will be installed in coordination with the affected landowner. Prior to replacement the condition, size, and integrity of the drain tile will be noted to ensure appropriate replacement occurs.
44	NYS Department of Agriculture and Markets	Topsoil	In accordance with the Department's Guidelines, construction activities conducted in agricultural fields will require either topsoil stripping or heavy timber matting.	As per Ag & Markets guidance, if rutting occurs in agricultural fields during construction either topsoil stripping or heavy timber matting will be employed to prevent the mixing of subsoil and topsoil.
45	NYS Department of Agriculture and Markets	Topsoil	Topsoil (from ag fields) shall be stockpiled until plasticity, as determined by the Atterberg Field test, is significantly reduced.	Topsoil stripped during construction activities will be stockpiled, stabilized, and maintained as per applicable NYSDAM guidelines. Runoff from stockpiles will be controlled to minimize topsoil loss and to prevent silt deposition in streams and/or drainage ditches.
46	NYS Department of Agriculture and Markets	Topsoil	Topsoil stockpiles left in place over winter should be seeded and mulched with straw mulch at a rate of two or three bales per 1,000 square feet in accordance with USDA NRCS Conservation Practice Standard for Mulching (484). Straw mulch should be used on stockpiled topsoil.	Topsoil stockpiles left in place over winter will be seeded and mulched with straw mulch at a rate of two or three bales per 1,000 square feet in accordance with USDA NRCS Conservation Practice Standard for Mulching (484). Straw mulch will be used on stockpiled topsoil. Topsoil will be stabilized to prevent runoff and minimize dust.
47	NYS Department of Agriculture and Markets	Project Design	The proposed access road (Roadway No. 3) leading from T13 to T12 (Maxwell) should be located along the southern edge of the agricultural field.	This design change has been made. Drawings depicting all project related design changes are provided in Appendix C: Exhibit B of the FEIS.

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48	NYS Department of Agriculture and Markets	Project Design	The access road network (Roadway No. 4) leading to T15, T16 and T17 can be eliminated by following the western edge of the "Warren C. Henry" property northward; continuing along the edge of the woodland between T16 and T17. This will eliminate the unnecessary loss of productive agricultural land and reduction in farm operational efficiency.	The road has been split into two separate accesses in order to eliminate the east-west spur to T17, and thus minimizing impacts to the agricultural field. Drawings depicting all project related design changes are provided in Appendix C: Exhibit B of the FEIS.
49	NYS Department of Agriculture and Markets	Project Design	It is anticipated that potential seasonal wetness in the agricultural field along the western edge of the Henry property can be sufficiently alleviated through a network of subsurface drains and/or structures for water control (culverts) in accordance with applicable USDA-NRCS Conservation Practice Standards.	The redesign of the roadway eliminates the need to install additional drainage. See Appendix C: Exhibit B for revised detail drawings of this roadway.
50	NYS Department of Agriculture and Markets	Project Design	The access road (Roadway No. 5) connecting T18, T19, and T20 (Gregorie) should be located as close to the edge of the woodland as possible.	This access road has been placed as close to the edge of the woodland as possible.
51	NYS Department of Agriculture and Markets	Project Design	It is recommended that the proposed access Roadway No. 11 which connects T50 and T51 (Shaw) be moved westward. The access road should traverse due south in a straight line from T49 to T51 with a road spur for a short distance east through the woodland to T50. This recommended configuration will eliminate the placement of a permanent access road in the active agricultural field.	This design change has been made. Drawings depicting all project related design changes are provided in Appendix C: Exhibit B of the FEIS.
52	NYS Department of Agriculture and Markets	Agency Coordination	It is requested that the Project Sponsor advise the Department and Project staff regarding tentative Project planning and for contractor site walks of the proposed work areas prior to the commencement of construction activities.	Noble will continue to coordinate with the NYS Department of Agriculture and Markets throughout the design, construction and operation phases of the Project.
53	NYS Department of Agriculture and Markets	Agency Coordination	The Project Sponsor is encouraged to closely coordinate with the Department to develop an appropriate schedule for site inspections to assure that the goals of the Department's Agricultural Mitigation Guidelines are being met.	Noble will continue to coordinate with the NYS Department of Agriculture and Markets throughout the design, construction and operation phases of the Project.
54	Environmental Compliance Alliance via Peggy Owsian	Noise	It is clear that sound levels of only about 35 dBA should be used for establishing turbine setbacks from adjacent properties, much lower than those called for by Town Laws or the Windpark Draft Environmental Impact Statement.	The Project has been designed and sited to comply with the applicable noise standards set forth in the Town of Wethersfield Local Law No. 1 of 2006 and the Town of Eagle Local Law No. 3 of 2005.

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55	Environmental Compliance Alliance via Peggy Owsian	Noise	Background noise levels, vital as establishing the acceptable noise contour around turbines, are severely flawed in four ways: 1. Many background samples must be taken from sites around each turbine on adjacent properties, not just a few, unless a statistical analysis establishes a meaningfully smaller sample size.	Similar field surveys at numerous other similar wind project sites show that, in rural areas away from significant sources of man-made noise, the residual, or L90, background sound level is remarkably uniform over large areas, at least where the topography is similar to that of the Wethersfield Project site. There is no reason to believe that background sound levels at locations between the monitoring points would have been appreciably different from those measured at the monitoring points evenly distributed over the site area. Field experience on many other projects indicates that a valid and representative background sound level for a project of this nature could be obtained with even fewer monitors than were used in the survey and could not be improved in any meaningful way by using a much larger number.
56	Environmental Compliance Alliance via Peggy Owsian	Noise	Background noise levels, vital as establishing the acceptable noise contour around turbines, are severely flawed in four ways: 2. Samples must be taken for statistically significant time periods throughout the year. Turbines will be emitting sounds year round for 20 years and there is no meaningful mitigation that can be performed subsequent to turbine activation.	The survey was deliberately conducted during the winter when the trees were bare to capture the lowest and most conservative background sound level for use as year-round design basis. Surveys for other wind projects carried out both in the summertime and wintertime show that substantially higher background sound levels exist when the trees are leafed out. These higher levels of masking noise during the summer, when people are outdoors and more likely to hear the Project; have been consciously ignored in the assessment to be conservative.
57	Environmental Compliance Alliance via Peggy Owsian	Noise	Background noise levels, vital as establishing the acceptable noise contour around turbines, are severely flawed in four ways: 3. Very significant wind-induced microphone errors are completely swamping out the true background sounds being recorded in Hessler's field tests. This results in much higher background measurements and leads, improperly, to much smaller turbine setbacks than are realistic.	The concern that the background sound level monitor microphones were overwhelmed with self-induced noise is greatly exaggerated in the Bolton critique of the noise assessment. The measurements are believed to be perfectly valid for four principal reasons: 1. The monitors and microphones were set up at a height of approximately 1 m above local grade to minimize the wind speed at the measurement point. Wind speed significantly diminishes close to the ground, theoretically going to zero at the surface. Anemometer readings taken immediately adjacent to the monitors at another recent project when the wind speed was measured by on-site met towers at 25 mph at the standard 10 m elevation were in the 3 to 6 mph range at the microphone elevation. This kind of wind speed is low enough that there is no issue with self-induced noise, particularly when the quantity of interest is simply the A-weighted sound level. It is essentially only wind speeds below 25 mph (11 m/s), measured at 10 m, that are germane to the assessment since turbine noise is largely constant above a wind speed of around 8 m/s. 2. High-density, weatherproof windscreens were used for the survey, which is not the type represented in the manufacturer's wind interference charts referenced in the Bolton assessment. 3. Recent wind tunnel testing of the windscreens used in the field survey indicates that self-generated false signal noise is minimal and only occurs in the extreme low frequencies at relatively high wind speeds (above about 22 mph (10 m/s) at the microphone). Frequency spectrum measurements with the windscreens used in the survey were taken over a range of wind speeds and compared to measurements taken using a Rion UA-31 aerodynamic microphone nosecone. Because wind effects were confined to the lowest end of the frequency spectrum when they did occur, A-weighted sound levels were found to be essentially unaffected, particularly at the lower wind speeds relevant to the assessment. 4. The background measurements were taken in terms of the L90 statistical level over 10 minute measurement intervals. Since the L90 essentially captures the quietest 60 seconds occurring during each interval, this value represents the sound level during lulls between wind gusts when the wind speed was momentarily lower than the nominal or average for each period.

Comment No.	Source of Comment	Topic	Comment	Response
58	Environmental Compliance Alliance via Peggy Owsian	Noise	Background noise levels, vital as establishing the acceptable noise contour around turbines, are severely flawed in four ways: 4. The predictive modeling software does not take into account two well known atmospheric effects that are known to significantly extend the propagation distances, through a “focusing” effect. This is an acknowledged issue by software manufacturers and renders the software useless for meaningful predictions of likely noise impacts on year-round residents.	<p>The Cadna/A software is useful for predicting sound propagation. The program is essentially an automated version of ISO 9613-2 Acoustics – Attenuation of Sound during Propagation Outdoors, which is the most widely accepted and best available methodology for making such calculations. As a practical matter, this standard assumes “neutral” atmospheric conditions so the model predictions represent typical or average day conditions.</p> <p>There is no real question that the “focusing” and atmospheric refraction effects eluded to in the critique happen from time to time but, despite the assertions to the contrary, there is no accepted or standardized methodology for calculating sound propagation under such conditions. An alternate methodology known by the acronym CONCAWE, which is an optional calculation methodology within the Cadna/A modeling software used for the Project, ostensibly offers a way of estimating sound levels for different atmospheric stability classes but trial runs using this methodology appear to vastly underestimate upwind sound levels and, for this and other reasons, its use was not considered prudent.</p> <p>Because there isn’t really a viable alternative to using ISO 9613, the modeling is deliberately made to be very conservative so that an allowance is effectively created for these favorable propagation conditions to occasionally happen without causing the actual impact to materially exceed the projected impact. In other words, the sound levels and their prominence above the background levels in the noise assessment are intended to represent a near-worst case situation that is only likely to happen during the atmospheric conditions referred to above. Most of the time the impact threshold (6 dBA increase above background) is expected to occur much closer to the turbine than shown in the contour plots.</p>
59	Environmental Compliance Alliance via Peggy Owsian	Noise	Background noise levels, vital as establishing the acceptable noise contour around turbines, are severely flawed in four ways: 4 (continued). The software also claims to conform to ISO 9613-2 modeling standards that include extensive propagation factors such as terrain, obstacles and vegetation, etc. However, this standard specifically states that it is not useful for elevated noise sources.	ISO 9613 is perfectly valid for an analysis of this sort involving 80 m high turbines. When the standard says it is not valid for elevated sources it is referring to “aircraft in flight.” {see Section 1 Scope, Page 1 of ISO 9613-2:1996(E) Acoustics - Attenuation of sound during propagation outdoors - A general method of calculation.} Text of quote in text is as follows: "This method is applicable in practice to a great variety of noise sources and environments. It does not apply to sound from aircraft in flight, or to blast waves from mining, military or similar operations."
60	Environmental Compliance Alliance via Peggy Owsian	Noise	Background noise levels, vital as establishing the acceptable noise contour around turbines, are severely flawed in four ways: 4 (continued). Finally, a recent, specific mathematical study of wind turbine sound propagation from ridgelines showed marked amplification of sounds due to ground reflections. This modeling information is not included in commercial software.	This kind of possible sound amplification is handled in same way as other atmospheric effects. See Response to Comment 58.

Comment No.	Source of Comment	Topic	Comment	Response
61	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The Hessler study claims to adhere to DEC noise policy. It does not. It is severely flawed and does not conform to the policy for the following reasons: a) All potential receptors that may be affected by unreasonable noise levels must be characterized, not just surrounding the six background measurements sites as was done by Hessler because unique acoustical features of the terrain may influence sound propagation. A statistically valid sample will need evaluation of the topography mixed with the residential density and proximity. These mathematical techniques are well established and used by the Federal Land Classification System for example.	The modeling and noise assessment are not confined to the immediate vicinity of the background sound level monitoring locations. The background levels measured at these locations were obviously uniform enough to be considered representative of the entire site area (see also response to Comment 55). The site topography is accurately recreated in three-dimensions in the noise model and the hills and dales are considered in the sound propagation calculations.
62	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The Hessler study claims to adhere to DEC noise policy. It does not. It is severely flawed and does not conform to the policy for the following reasons: b) Measurements of background noise were completely inaccurate and do not provide a baseline for establishing noise contour maps.	See response to comment 57.
63	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The Hessler study claims to adhere to DEC noise policy. It does not. It is severely flawed and does not conform to the policy for the following reasons: c) Vegetation was not present for the short duration field measurements, lasting 14 days in December. Measurements should have been taken with vegetation fully present. Vegetative cover will likely have an important effect on elevated noise source propagation compared with ground level ambient. Wind strength increases with elevation above earth and it is frequently expected that the turbines will operate just above cut-in while the land nearby is without wind or with very low wind and hence with quiet ambient.	See response to comment 56.
64	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The Hessler study claims to adhere to DEC noise policy. It does not. It is severely flawed and does not conform to the policy for the following reasons: d) Realistic computer modeling should conform to prevailing sound propagation results and include atmospheric refraction effects.	See response to comment 58.
65	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Generally, a wind screen (for the acoustical microphone to take background ambient sound measurements) should contain several "spikes" protruding out the top to prevent birds from alighting on the wind screen and creating large local "noise" errors from the bird's feet, but this is not evident here (Figure 2.2.6).	The sound levels at all monitoring locations follow each other closely and vary significantly, and at the same time, with wind speed. The probability that birds landed on all six monitor microphones and made the same amount of noise at the same times through the survey is considered extremely low.

Comment No.	Source of Comment	Topic	Comment	Response
66	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	A breeze on the microphone, even with a wind screen, will cause significant errors due to this unwanted effect (wind noise masking error). Noise meter manufacturer data clearly show the error and it has been studied theoretically by van den Berg (Ref. 3), with good agreement between theory and instrumentation.	See response to comment 57.
67	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	It can be seen (Figure 3 of comments) that at the cut-in wind speed of 9 mph the noise meter error is about 35 dBA. Unless the background noise being measured is above 35 dBA it will not be registered as a true background sound because of microphone error. A 9 mph wind may create an "ambient" less than 35 dBA, depending on physical conditions around the measuring site -- nearby woods and vegetation, structures, and terrain. At the turbine cut-out wind speed of 56 mph the microphone error has risen to an astonishing 80 dBA. Only loud background sounds can not be registered, once again, with no way of discerning any quieter equipment. Putting a microphone on a tripod with a wind screen simply does not give any kind of reliable background noise information if the wind is blowing. Hessler states that the "microphones were protected from rain and self-induced wind noise by waterproof double widescreens," but this is merely to keep rain out and reduce the error from the "no windscreen" condition in Figure 3 (of comments).	See response to comment 57.
68	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Figure 2.5.1 shows Hessler's plot of "residual sound levels," an attempt to correlate wind speed with background noise. However from the previous discussion about microphone error it can be readily determined that in actuality this graph is merely a graph of wind induced microphone error. The magnitude of measurements vs. wind speed closely correlates with the errors from Figure 3 (of comments). If the errors were small enough they could be subtracted from Hessler's graph to provide the true background. But in the situation here the error is essentially the only measurement recorded and swamps out any bona fide background level that may exist.	See response to comment 57.
69	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Rion's United States distributor, Scanteck, in a phone call on August 23, 2006...it was his opinion one should measure background noises without the wind blowing at all, to give the most conservative noise figure.	See response to comment 57.

Comment No.	Source of Comment	Topic	Comment	Response
70	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The type of wind screen that is required when making measurements in rural areas is shown in Figure 7 (of comments) and is 12 inches in diameter, much larger than that shown in Hessler's photograph.	The wind tunnel testing of microphone windscreens mentioned in Response to comment 57 included a comparison of standard 3-inch diameter windscreens with a much larger 7-inch model and no significant difference in performance was found - other than the larger windscreen incorrectly attenuates very high frequency sound, which would tend to lower the measured A-weighted sound level.
71	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	A study "Noise Emission from Wind Turbines" evaluated some methods of correcting erroneous noise meter measurements. The report identifies a total of four methods to eliminate microphone error. None of these correction methods was employed by Hessler. As a reputed "expert" consulting company Hessler should have certainly known about the obvious problems with ambient sound measurement and should have used corrective measures such as listed above. (These include descriptions of two microphone cross correlation, mounting the microphone on a vertical reflecting board, directional microphone with supplementary wind shield, and use of a large secondary wind screen, descriptions are located on page 11 of the report)	The four alternative methods of dealing with wind-induced self-noise are not practical for a long-term survey carried out in a variety of weather conditions. The furry windscreen cover, for example, may offer some benefit but would not fare very well in rainy or icy conditions.
72	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The Hessler noise study was conducted for a brief period in November, when vegetation is lacking. Hessler attempts to justify this in Section 3.6, "experience in conducting ambient sound level surveys at all times of year indicates that, as might be intuitively obvious, background levels are lowest in winter when the leaves are off the trees." It would, however, seem "intuitively obvious" from my own experience living in a quiet rural setting that ambient noises in the summer can be much less than in the winter, absorbing road noises and other distant sounds. And since the wind turbines are elevated and directly radiating, their noise will be more easily heard against a much lower background due to summer vegetation. From the DEC noise policy, in direct contradiction to Hessler: "Summertime noises have the greatest potential for causing annoyance because of open windows, outside activities, etc. During the winter people tend to spend more time indoors and have the windows closed."	This comment confuses sound propagation through vegetation with the sound that the vegetation itself makes when the wind blows (i.e., background noise). The sound survey was done in winter to capture the minimum background sound level without leaves rustling. To be conservative, the modeling propagation calculations ignore any possible attenuation that may be afforded by foliage with respect to turbine noise.

Comment No.	Source of Comment	Topic	Comment	Response
73	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	All potential receptors that may be affected by unreasonable noise levels must be characterized, not just surrounding the six background measurement sites as was done by Hessler because unique acoustical features of the terrain may influence sound propagation.	See response to comment 61.
74	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	A detailed geographic and demographic breakdown with ranking needs to be done to justify the number of sample sites required and how they conform to the ranking criteria. The techniques of zone mapping are well established and used elsewhere, for example, see <i>Natural Soundscape Monitoring in Yellowstone National Park</i> or <i>Draft Guidelines for the Measurement and Assessment of Low-Level Ambient Noise</i> .	The studies cited were government funded projects to measure and categorize sound levels in national parks for planning and management purposes specific to the National Park Service. The measurement location selection criteria and demographic breakdown in the government studies have little relevance to selecting measurement positions for a wind turbine project, which were chosen to determine the amount of background masking sound present over the site area to potentially obscure project noise as a function of wind speed. As described in Response 55, it is unlikely that sound levels were occurring at locations between the monitoring positions that were appreciably different from those measured at the monitoring positions since the six levels track each other quite closely.
75	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The only excuse Hessler offers is: "It is not practical to measure at every house potentially affected by an extensive Project such as this--nor is it typically necessary because rural areas like the Wethersfield site are remote from any major sources of man-made noise generally experience similar natural background sound levels over wide areas." This statement is not justified by any scientific reference to support the conclusion. The large number of possible affected residents mandates a legitimate selection methodology to ensure environmental protection is afforded all affected residents.	See response to comment 55.
76	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Hessler claims that the wind turbines only operate when the prevailing winds are generating noises to mask the turbine noise. This claim has two errors. It is only true that noises will mask each other if they are essentially the same type. Hessler assumes that since the turbines noises are essentially "white" that they will statistically combine with the prevailing ambient under windy conditions and that the ambient is also a white noise. This is only partially true and an oversimplification. If the white noises have periodic components, such as modulation or tonal components then the noises will not mask each other. Also for masking to work the assumption must be made that the wind at the turbine height is the same as the wind at the receptor/resident. Generally, wind increases with elevation so in most wind situations the turbines will experience higher winds than the terrain below, exposing residents to the noise.	The frequency spectrum of turbine noise and of wind-induced natural noise are similar, both broadly peaking around 1 kHz, so the assertion that the background level can provide some masking of project noise is legitimate. However, the modulation component of turbine noise is something that is poorly hidden by natural sounds; in fact, any sound with a distinctive characteristic to it (e.g., tone, whine, impulsiveness) is much more readily audible than a bland, broadband sound of identical magnitude. An awareness of this potential for increased perceptibility is another principal reason the impact assessment modeling was deliberately made conservative; i.e. to overestimate the actual sound level likely to occur under most normal conditions. No claim is made that project noise will be inaudible to all residents in the Project area. The modeling indicates that under the worst-case conditions depicted, turbine noise in general will be significantly higher than background level over much of the site area and the modulating aspect of the noise is likely to cause it to be widely perceptible.

Comment No.	Source of Comment	Topic	Comment	Response
77	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Hessler's comparisons using 10-meter (30-foot) wind height data to substantiate their claim has been shown to be totally inadequate and understate the actual winds at the blades by up to 260%. It is simply not credible to assume that the wind speeds at the rotors match the ground wind speeds, they will be substantially higher.	The wind speeds at which wind turbine sound level are reported are all normalized to a standard elevation of 10 m per IEC 61400 so that different makes and models can be compared on a level basis. The actual wind speed at the hub height while the IEC test measurements were taken was somewhat higher than the 10 m speed. And wind speeds near the ground during the measurements were substantially lower than at 10 m. The wind speeds measured by the on-site met towers during the sound survey are also normalized from the anemometer height of around 50 m down to 10 m so that turbine noise and background can be directly compared. Nowhere in the assessment is it stated or implied that wind speeds are considered the same at all elevations.
78	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	(Hessler) used the Cadna/A v 3.5 software and provided a townwide contour map of results in Plots 1A and 1B. There are three noise contours drawn, 50, 45 and 40, and 38 dBA. These contour maps are not a reasonable nor accurate predictor since Cadna/A software does not include well known refraction effects that will often "focus" distant sounds and cause them to be elevated dB levels much more distant than Cadna/A predicts.	See response to comment 58.
79	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	This example (Figure 7-30 from Wind Turbine Acoustics [NASA]) is for wind propagated through a wind farm grid of low power wind turbines (100 KW, 31 generators/row, five rows). Note the very long sound propagation distance of about 2,500 meters (8,000 feet) at 40dB. The much larger Wethersfield Windpark Project has several roughly linear and row clusters which will similarly act together and create a similar propagation field. In downwind conditions it is reasonable to expect that certain regions will experience noise levels far in excess of Hessler's primitive Cadna/A predictions.	The additive effect of multiple turbines, whether in rows or clusters, is fully taken into account in the modeling predictions. The NASA sound contour calculations (not measurements) in Figure 7-30 are a function of the sound power level used to represent each turbine and appear to be a crude estimate based solely on a constant attenuation factor of 0.54 dB/100 m, which is not the way sound propagation is normally calculated. It is unclear how the sound power level of these turbines, which is evidently based on 1986 era wind units, relates to the sound power level of modern turbines. In general, this academic prediction for the 1,000 Hz 1/3 octave band (only) cannot be compared in any meaningful way to the Project contour plots prepared for the Wethersfield Project.
80	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Although Hessler claims to show wind-blown propagation effects on their plots, these effects are not due to refraction and the plots do not show anything resembling the expected multi-turbine propagation effect of the NASA analysis.	See response to comment 79.
81	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Sound speed changes with temperature and there is usually a temperature gradient above the earth, sometimes inverted by radiation cooling. The complex interaction of these refractive effects with the wind gradient effect may cause a tunneling or cylindrical "focusing" of the sound at great distances from the turbine. By studying historical meteorological data and through local interviews, a predictive model can be constructed to reasonably predict the frequency occurrence and propagation distances with some statistical significance.	It is suggested that the frequency of occurrence of atmospheric temperature inversions could have and should have been determined through a study of historical meteorological data and local interviews; however, to our knowledge, the vertical temperature gradient as a function of elevation is a weather parameter that, for obvious practical reasons, is not commonly measured or recorded, particularly at rural weather stations. It is also unlikely that the anecdotal recollections of local residents could be used as a meaningful, or "statistically significant", record of temperature inversion frequency.

Comment No.	Source of Comment	Topic	Comment	Response
82	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Hessler uses the conventional “-6 dBA/distance doubling” noise attenuation factor for computing propagation distances. This is the expected geometrical result due to simple spherical spreading of the sound. It is the same attenuation result that should be obtained for other sources of spherical radiation such as for a light bulb. However, it has been shown that when atmospheric refractive (focusing) effects are present that the sound attenuation is only about 3 dBA/doubling. Hence, the sound propagates much further before significant attenuation.	The sound predictions are based on ISO standard day conditions that are likely to exist most of the time. As indicated elsewhere, the modeling and predictions of Project audibility above the background sound level were carried out conservatively with the understanding that atmospheric conditions would occasionally develop causing Project noise to propagate more efficiently.
83	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Both the Towns of Eagle and Wethersfield enacted local laws to regulate wind turbines. New York State requires comprehensive environmental review of impacts prior to enacting these laws. Neither town required any environmental impact statement as part of their review process and, hence, the noise criteria mandated in laws is completely without foundation.	The Town of Wethersfield and Town of Eagle fully complied with SEQRA when enacting their local laws. Each Town determined the adoption of the local law to be subject to SEQRA, classified the action and issued a negative declaration that the action would not have a significant adverse impact on the environment. Each Town held public hearings on the proposed local law prior to their adoption.
84	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Several other reports identify rural, country ambient sounds as about 30 dBA, or frequently quieter. Quieter noise levels in the 30 dBA range should be used as opposed to urban environments that frequently allow 50 dBA limits. For example, wind turbines in Europe are more widely established and noise studies there indicate that in terrain similar to many areas of the Wethersfield Windpark site low noise backgrounds are to be expected. The wind turbines noises are, therefore, much more objectionable, and that setbacks up to 1 mile, or more, are needed.	The actual background sound levels, during minimum wintertime conditions, at the Wethersfield site were measured and found to range from 29 dBA (at turbine cut-in) to 36 dBA in a 7 m/s wind when the turbines first reach maximum rated power output. The noise impact assessment was based on these values rather than the absolute limit of 50 dBA contained in the local ordinances.
85	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The details of the “farm in the valley” location (from EPA Report figure in the comment letter) are not explicit and it is unknown how closely this site may mimic a Wethersfield Windpark site. Perhaps parts of the siting area are even quieter at certain times (winter?), such as the “Grand Canyon (North Rim)” location, showing a mean of 20 dBA?	Residual, L90, sound levels as low as 18 dBA were measured during the site field survey; however, these levels occurred under dead-calm wind conditions when the Project would not be operating. It is the background sound levels that are prevalent when the wind is blowing and the Project is operating that are relevant.
86	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	Note that about 40 % of the participants (Sweden study) find turbine sounds above 40 dBA are “very objectionable” to 10% of respondents. This study should serve as a direct warning that residents will strongly object to the Wethersfield Windpark Project, if sited as planned. After turbine farms are operational, with finality and permanence, resident “receptors” will have no recourse for any mitigation other than to physically move away. What price will they receive for their real estate when prospective buyers find that the seller is moving because they can not stand the noise?	Comment noted.

Comment No.	Source of Comment	Topic	Comment	Response
87	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The report (Pedersen and Waye 2004) concludes that there is a much higher annoyance with wind turbines than that associated with other forms of noise such as from aircraft, road traffic or railways (see graph, Figure 14). The onset of annoyance begins at SPL of 32 dBA sharply increasing to 35% of residents at 41 dBA. A noise level of 50 dBA as proposed by Wethersfield and Eagle local laws would clearly be outrageous to many residents.	The local ordinance sound level of 50 dBA, it is agreed, would not ensure that Project sound levels would be acceptable to all; however, such a sound level is not predicted or expected at any residences in the Project area – even under the temperature inversion conditions discussed above.
88	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The WHO's actual conclusions should serve as a guide and warning, that sleep disturbance is not merely an annoyance and an "anti-wind turbine" sentiment, but a genuine health hazard.	Comment noted.
89	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The (Hessler) study must be repeated with far better analysis in terms of a) reasonably accurate background levels and a valid sampling methodology b) inclusion of non-vegetated measurements and c) reasonable computer modeling to show noise contours accounting for likely atmospheric and modulation effects. These requirements must be satisfied to conform to the noise policy and SEQR rules.	The salient points in this comment have already been individually addressed above. We believe the existing study is perfectly valid and, if repeated, would not be done any differently.
90	Bolton, Evaluation of Environmental Noise Analysis for "Noble Wethersfield Windpark"	Noise	The Hessler report itself identifies some 90 or more homes that likely will be exposed to noise disturbance due to the wind farm. Many sites may be found to be unsuitable for use due to unacceptably high noise intrusion that will require higher setbacks, within 1 mile an expected outcome from a genuine study. Mitigation suggestions from DEC Noise Policy do include "increasing the setback distance" and residents have a right not to be subjected to adverse noise pollution. It is entirely likely that other turbine locations must be sought, or the scale of the wind farm must be reduced.	As set forth in the report, homes that may experience noise disturbance have all provided easements to Noble accepting a higher level of noise consistent with the Town of Wethersfield Local Law. Noble will meet the standards set forth in the Local Law for all locations not under easement. Further, a complaint resolution procedure will be instituted to allow complaints to be addressed by the Town and Noble after construction.
91	NYSDEC	Bird and Bat	Caution should be used when relying on mean flight height values to make statements such as "the majority of migration occurred well above the height of the proposed turbines." A few nights with high mean altitudes will skew the seasonal result. The median flight height value for each season will provide a clearer picture of bird flight levels.	While not indicated in Section 3.3, the median flight altitude values were included in the ABR reports in the appendix. The median flight altitude at Wethersfield in spring 2006 was 311 meters above ground level (m agl), while the mean was 350 m agl. The median flight altitude at Wethersfield in fall 2006 was 309 m agl, while the mean was 344 m agl. As indicated in the comment, it is possible that a few nights with high mean altitudes will skew the seasonal result; however, the median flight altitudes at Wethersfield in both spring and fall still support the statement "the majority of migration occurred well above the height of the proposed turbines."

Comment No.	Source of Comment	Topic	Comment	Response
92	NYSDEC	Bird and Bat	Although the area around the proposed Wethersfield windpark is not likely a corridor or concentration area for migrating raptors, it is important to report passage rate information using methodology comparable with other sites. Most hawk watches calculate passage rates using the number of birds seen per observer hour, and in order for comparisons among studies to be meaningful, this number should be reported.	There was one observer for each raptor survey; therefore, "raptors per hour" is equivalent to "raptors per observer hour" for the surveys at Wethersfield.
93	NYSDEC	Bird and Bat	The times that surveys were conducted on each date in the spring and fall should be included.	As indicated in Section 2.3.2 of the BBRA (Appendix F of the DEIS), raptor surveys were conducted between 9:00 a.m. and 4:00 p.m. on each day in the spring and fall.
94	NYSDEC	Bird and Bat	An overall percentage of birds seen below 400 feet is reported only for the fall 2006 survey.	Two migrant raptors were observed by Noble in spring 2005, both of which flew greater than 400 feet above ground level. No migrant raptors were observed by Noble in fall 2005. Therefore, the percentage of raptors flying below 400 feet was not reported because none were observed.
95	NYSDEC	Bird and Bat	The flight heights and direction of each bird observed during all of the surveys should be included as this information is critical when evaluating species' potential exposure to the turbine blades.	This information for the fall 2006 raptor surveys is provided in Appendix C: Exhibit I of the FEIS.
96	NYSDEC	Bird and Bat	The location(s) from which observations were made during the spring and fall surveys should be provided.	This information was provided in the DEIS. See Figure 2-1 of the BBRA (Appendix F of the DEIS).
97	NYSDEC	Bird and Bat	Though short-eared owls are rare breeders in the vicinity of the proposed Wethersfield wind Project, this Section should provide the frequency that this species is found in the area during the winter.	Short-eared Owls were observed on 14 out of 31 Christmas Bird Counts between 1975 and 2005. As a result, the potential impact to this species during the winter is still considered low.
98	NYSDEC	Bird and Bat	The FEIS should discuss measures to avoid adverse impacts to birds and bats, including avoidance of construction in critical habitat areas, scheduling construction to avoid interruption of breeding and nesting activities, and relocation or elimination of specific Project components (turbines, access roads, interconnect routes) if any of these are determined to result in an actual or potential adverse impacts.	The DEIS discussed measures to avoid adverse impacts to birds and bats. For example, Noble's siting approach included selection of available and appropriate locations for turbines that minimized potential impacts on wetlands and habitat. These considerations will minimize potential adverse impacts on birds and bats. See Section 1.3 of the DEIS for details on the siting approach. See Section 4.2.3 of the DEIS for environmental monitoring plans that will help reduce potential adverse impacts to birds and bats. See response to comment No. 25 in regard to an adaptive management strategy.
99	NYSDEC	Bird and Bat	Where (adverse) impacts (to birds and bats) cannot be avoided, mitigation measures may include an adaptive management strategy that identifies options that may be considered during Project operation if adverse impacts are identified by post-construction monitoring. These mitigation options might include, but are not limited to, removal or re-location of specific offending turbines, short-term shutdown during peak migration or other identified high-risk periods, and feathering blades at slow wind speeds to reduce risk of bat mortality.	See response to comment no. 25 in regards to adaptive management strategy. An updated post-construction monitoring work plan is provided in the FEIS as Appendix C: Exhibit E.

Comment No.	Source of Comment	Topic	Comment	Response
100	NYSDEC	Bird and Bat	Although the likelihood of Indiana bats occurring within the Project area is low, it should be noted that based on information that has been gathered over the past several years, new maternity sites have been located in various parts of the state, and the possibility that Indiana Bats could exist in the Project area should not be discounted. New York is recognized as having the fourth largest population of Indiana Bats in the nation.	As discussed in Section 2.11 and Appendix F of the DEIS, the Indiana Bat has not been identified in the Project Area and is not expected to be present. The Indiana Bat has very specific habitat requirements, and the range of the bat in New York State is primarily in the eastern part of the State. Habitat surveys were conducted during various field efforts throughout the spring, summer and fall of 2006. No suitable hibernacula were identified within the Project Area, nor were any areas found meeting the specific summer roost and maternity roost habitats for the Indiana Bat. Acoustical monitoring for bats and a bat habitat assessment were also conducted and the results were discussed in Appendix F of the DEIS. The NYSDEC Natural Heritage Program and USFWS did not identify the known presence of Indiana Bats within 40 miles of the Wethersfield project area (and they are discussed in Appendix F of the DEIS). Further, the NYSDEC comment agreed with the assessment that the likelihood of Indiana Bat occurrence in the project area is low. The NYSDEC comment provided additional information to what was presented in Section 4.3.4 of Appendix F of the DEIS. It is not anticipated that an Indiana Bat will be "observed" during construction or operation because of their nocturnal habits, difficulty in identification (they need to be identified in hand), and unlikely presence in the project area. If an injured or dead Indiana Bat is found as part of the post-construction fatality searches, it will be handled in accordance with the protocol included in the post-construction work plan.
101	NYSDEC	Bird and Bat	Data was not collected at both the Centerville and Wethersfield sites for a portion of the 77-night period between July 25 and October 9 due to inclement weather and livestock interference. The dates of the data gaps, the respective detector (whether high or low) which was out, and the Project location of the inoperable detectors should be provided. Though Table 2 of Appendix A and Tables 1 and 2 of Appendix B include the footnote "n/o = indicates that detector was not operating on that night," no reference to this footnote appears in the tables themselves.	Centerville High was operational for 41 nights: 8/11-9/20. Centerville Low was operational for 48 nights: 8/11-8/27, 9/09-10/9. Wethersfield High was operational for 26 nights: 7/25-8/12, 8/24-8/25, 9/8-9/10, 9/20-9/21. Wethersfield Low was operational for 54 nights: 7/25-7/31, 8/24-10/9. Corrected versions of the Appendix tables are included in Appendix C: Exhibit A.
102	NYSDEC	Bird and Bat	The second paragraph states that "the mean detection rate for both detectors was 0.1 calls/detector night." However, Table 1 provides a value of 0.6 calls/detector night. This discrepancy should be corrected.	Table 1 is incorrect. The overall detection rate for fall 2006 at Centerville was 0.1 bat detections recorded per detector-night. A corrected version of Table 1 is included in Appendix C: Exhibit A of the FEIS.
103	NYSDEC	Bird and Bat	The data in Table 1 on page 6 is incongruous with the data in Tables 1 and 2 of Appendix A. The total number of calls for both the high and low detectors appears to be reported under incorrect headings in the Appendix A tables. This error should be corrected.	The data in Table 1 on page 6 is incorrect. The Appendix is correct. The number of calls for Centerville High was 2 and the number of calls for Centerville Low was 3. A new version of Table 1 is included in Appendix C: Exhibit A of the FEIS.

Comment No.	Source of Comment	Topic	Comment	Response
104	NYSDEC	Post Construction Bird and Bat Monitoring	A transect line distance of 10 meters is too far apart to effectively conduct a visual ground search. A distance of 3 meters (approximately 10 feet) between transect lines would be more appropriate. Regardless of the distance between transects, the amount of ground that is not searched must be taken into account when calculating the estimated mortality.	As it may be difficult to effectively conduct a visual survey out to 5 meters (16.4 feet) on either side of a 10-meter transect, the post-construction bird and bat mortality monitoring work plan will be modified to include methods to estimate the effective search area. For the daily surveys, a “floating” grid will be established that alternates between grids that are 5 meters apart. On even numbered days, the “even” series of 12 10-meter transects will be surveyed, while on odd numbered days, the “odd” series of 12 10-meter transects will be surveyed. This will allow tighter coverage of the turbines searched every day to reduce the impact of unsearched ground on the estimated mortality under a turbine. For the every third day and weekly surveys, a tighter grid will be established in the southeast quadrant of each plot with 5-meter (16.4 foot) intervals. The findings in the southeast quadrant will be compared to the findings in the other three quadrants to determine the impact of unsearched ground on the estimated mortality under a turbine. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
105	NYSDEC	Post Construction Bird and Bat Monitoring	Surveys should be conducted from April 15 to November 15 to cover late fall bird, and possibly bat, migrants.	The methodology will be revised to include a seasonal duration of April 15 to November 15 for the first year of the study, at a minimum. The search interval of April 15 through November 15 will be re-evaluated after the first year of the study. If the Project Area experiences heavy snowfall in late October or early November, it is conceivable that the surveys will be cancelled for the rest of the season. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
106	NYSDEC	Post Construction Bird and Bat Monitoring	Vegetation management, including mowing of agricultural areas, will need to take place more frequently than once a month to maintain a height suitable for effective ground searches. This requirement should be discussed with landowners as early as possible as it may include the potential for crop loss.	Prior to the commencement of sampling, the search areas beneath turbines (except forested areas) will be cleared of vegetation to facilitate the searchers’ efforts. Additional vegetation management will be conducted on a regular basis to maintain a vegetation height suitable for ground searches. Depending on the habitat, mowing and/or clearing may be necessary from several times per month to several times per year throughout the duration of the field studies. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
107	NYSDEC	Post Construction Bird and Bat Monitoring	The following should be recorded for all carcasses found during ground searches: GPS coordinates, distance and cardinal direction from the turbine, and distance and direction from the appropriate transect line. The condition of the carcass (whether it be whole or in parts) should be noted such as rigor, scavenged in part, mostly decomposed, etc.	The methodology will be revised to include these items. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
108	NYSDEC	Post Construction Bird and Bat Monitoring	Photographs of all carcasses (and parts) should include the position in which it was found, as well as the dorsal and ventral sides. Additional pictures for bats should clearly indicate gender and reproductive condition, and for birds any identifying plumage, bill shape, or other characteristics.	The methodology will be revised to include these items. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
109	NYSDEC	Post Construction Bird and Bat Monitoring	All photos (of bird and bat carcasses) should be sent to DEC for identification confirmation, particularly if the carcass is kept at the site.	The methodology will be revised to include these items. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
110	NYSDEC	Post Construction Bird and Bat Monitoring	Tests for searcher efficiency and scavenger removal rates should take place in differing seasons and weather conditions in a variety of habitats and ground cover.	The methodology will be revised to include these items. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.

Comment No.	Source of Comment	Topic	Comment	Response
111	NYSDEC	Post Construction Bird and Bat Monitoring	The test carcasses used should be of varying sizes and colors representing the expected species of birds and bats that may be hit by turbines.	The methodology will be revised to include these items; however, the availability of both bird and bat carcasses may be limited. An updated post-construction monitoring work plan is attached to the FEIS in Appendix C, Exhibit E. It is not anticipated that the monitoring plan methodology will be impacted if there are limited available carcasses. However, the extrapolation calculations based on searcher efficiency and scavenger removal will not be as statistically robust if only a limited number of 'test carcasses' are available.
112	NYSDEC	Post Construction Bird and Bat Monitoring	The methods for how, where, and when the test carcasses will be placed should be described. For instance, whether someone is walking a transect line or wandering randomly while placing, dropping or tossing carcasses makes a big difference in the consequent efficiency of the searchers. Calculations for the estimates of these values should be made for each habitat type, carcass size, season, and searcher.	More detail will be included in the methodology for this task. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
113	NYSDEC	Post Construction Bird and Bat Monitoring	At a minimum (acoustical bat) detectors should be deployed during spring and fall migration periods consistent with pre-construction survey dates, and possibly throughout the entire time ground searches are conducted. Detectors should be mounted in the same place(s) used for pre-construction surveys, if appropriate, and possibly also on turbines or other locations within the Project Area.	The use of acoustical bat detectors will be considered after evaluation of the results of the first year of the mortality surveys, based on discussions with the NYSDEC. The value of acoustical bat data in relation to post-construction mortality monitoring is considered highly questionable. Acoustical monitoring will provide an indication of the occurrence of bats in close proximity to the meteorological tower when the units would be placed. The NYSDEC would like acoustical monitoring conducted for at least one year in connection with the fatality searches to see if a correlation between nights of increased bat activity (via acoustical monitoring) and bat fatalities found during the turbine searches. Noble continues to work with NYSDEC on a protocol for post-construction bird and bat mortality monitoring including discussion of the merits of acoustical monitoring for bats.
114	NYSDEC	Post Construction Bird and Bat Monitoring	Other surveys carried out in conjunction with ground searches may include breeding bird surveys, raptor and/or waterfowl migration surveys, and grassland bird displacement surveys. The need for each of these surveys will vary by site, and may not need to be conducted during every year that ground searches are done. Consultation with DEC should be made to determine which, if any, of these surveys will be necessary and appropriate for a given project area.	The post construction monitoring work plan will be revised to include breeding bird surveys in the Project Area. Breeding bird surveys will be conducted in the Project Area during the primary breeding season (June) in each of the first three years of Project operation. Post-construction raptor and/or waterfowl migration surveys will not provide useful data regarding potential impacts from the Project because the project area is not located in areas of unusually high concentrations of migrating raptors or waterfowl. Waterfowl and raptors (outside of California) have shown much lower mortality than passerines from wind turbines in North America and Europe. In the unlikely event that the post-construction mortality monitoring reveals numerous raptor or waterfowl collisions, then such studies will be considered during the evaluation of methodology following each year's monitoring. With the changes in agricultural practices from year to year and other landscape changes, it would be difficult to obtain useful data or evaluate the potential impacts of the Windpark from conducting a grassland displacement study following construction. An updated post-construction monitoring work plan is provided in Appendix C: Exhibit E of the FEIS.
115	NYSDEC	Post Construction Bird and Bat Monitoring	The use of radar sampling during spring and fall migration may be recommended in conjunction with post-construction mortality surveys at some wind project sites. For most areas, the use of radar will be contingent on the results of the first year of mortality surveys.	As indicated in the comment, the use of radar will be considered after evaluation of the results of the first year of the mortality surveys.

Comment No.	Source of Comment	Topic	Comment	Response
116	NYSDEC			This comment did not relate to the Wethersfield Windpark and was removed from a revised DEC comment letter.
117	NYSDEC	Wetlands	The distinction between “temporary” and “permanent” wetland impacts needs to be clarified. Simple re-grading to pre-construction contours following excavation in a wetland area may not be enough to restore the full function of the existing wetland area. Any clearing or grading that disturbs wetland soils can result in permanent impacts to wetlands. Grading a wetland or adjacent area can substantially alter surface water drainage and flow patterns, may temporarily increase erosion, and may eliminate fish and wildlife habitat.	Temporary impacts to wetlands include clearing of vegetation, grading and temporary sidelaying of soils and other construction materials. Any areas that will be restored to preconstruction conditions are not included in the calculation of permanent impacts. Noble recognizes that active measures including reseeded or replanting of native species may be required to facilitate the restoration of some wetlands temporarily impacted by construction activities. Best Management Practices will be implemented during construction and restoration to minimize impacts to wetlands hydrology. These practices include segregation of topsoil and subsoil, use of geotextile and crane mats, and soil compaction mitigation where appropriate. The Joint Permit application process will ensure that the concerns raised in this comment will be adequately addressed prior to construction in any wetland. Noble will follow NYSDEC and USACE recommendations with regard to restoration of wetlands to pre-existing contours and vegetated conditions. Specific revegetation measures including invasive species control will be required in the wetland permits that will be issued by the NYSDEC and USACE for this Project. An Invasive Species Management Plan is included in the FEIS: Appendix C, Exhibit I and the Joint Permit Application is provided in Appendix C, Exhibit C of the FEIS.
118	NYSDEC	Wetlands	Comment added to comment 117.	
119	NYSDEC	Wetlands	The wetlands analysis in the FEIS should be refined to apply the full range of potential impact criteria to the proposed construction activity in the determination of total area of permanent impact; not just those areas proposed for permanent placement of fill. This is necessary to quantify the total affected area for permitting and requirements for mitigation.	Section 2.8 of the DEIS describes impacts to wetlands including all temporary and permanent impacts related to clearing, grading, and placement of fill. This Section also includes a discussion of the conversion of wetlands with a forest component to herbaceous or shrub-scrub wetland. A more detailed discussion of wetland impacts is included in the Joint Permit Application which is provided in Appendix C, Exhibit C of the FEIS.
120	NYSDEC	Wetlands	Table 2.7-1 of the DEIS lists 11 freshwater wetlands within the Wethersfield Project Area. However, based on a preliminary review of map resources, one unmapped freshwater wetland and two possible freshwater wetland extensions may potentially occur within the Project Area. A staff biologist will investigate these wetlands during field verification site inspections later this spring to determine whether these areas are state jurisdictional. The areas in question include: 1) Wetland W1 (and other wetlands extending to the north) in Sector A; 2) Wetlands W563/W59/W60 in Sector B (possible extension of Wetland BL-7, which Noble currently extends through W563); and 3) Wetlands W544/W104/W545 in Sector G (possible extension of PI-10).	Comment noted.

Comment No.	Source of Comment	Topic	Comment	Response
121	NYSDEC	Wetlands	In the first paragraph of Section 2.8 (page 2-55), Noble stated that the Project facilities have been sited to minimize or avoid wetland impacts to the greatest extent practicable. Staff generally concurs with Noble's statement...One exception is a diagonal crossing of Wetland W563 (an extension of Wetland BL-7) and an associated stream by an underground collection line. Noble should investigate the potential for completing a perpendicular crossing of the wetland and stream.	The underground collection line will be relocated to avoid direct impacts to wetland W563. The associated stream is a small stream within an active pasture and will be crossed perpendicularly via underground trenching.
122	NYSDEC	Wetlands	Freshwater wetland impacts are summarized in Section 2.8 and the Conceptual Mitigation Plan. The summaries are not clear and are not fully consistent between the two documents. Staff recommends that Noble clarify their impact summaries and make them fully consistent between Section 2.8 of the DEIS and Appendix R, preferably supported by a table that identifies impacts associated with each crossing of a freshwater wetland and/or adjacent area. The table should include the acreage of each impact area and whether the impact is temporary or permanent. That level of detail will be necessary for Noble's Article 24 application.	A Joint Permit Application for the proposed Project was submitted on May 4, 2007 to the USACE and the NYSDEC. Tables 2-7 through 2-8 identify temporary and permanent impacts to federal and state jurisdictional wetlands. The Joint Permit Application is attached to the FEIS as Appendix C: Exhibit C.
123	NYSDEC	Wetlands	In the second full paragraph on page 2-56, Noble stated that no freshwater wetland or adjacent area would be impacted by construction of turbines. Staff generally concurs with that statement, but cannot confirm it in terms of the 100-foot adjacent area associated with Wetland PI-9. We will first need to confirm the boundary of Wetland PI-9 and then review a more detailed map showing the limits of disturbance associated with construction of Turbine T45.	Based on Noble's field delineations in the fall of 2006, the 100-foot buffer of NYSDEC Wetland PI-9 will not be impacted by construction of T-45. Jurisdictional determinations will be confirmed by USACE and NYSDEC in the spring of 2007.
124	NYSDEC	Wetlands	The first full paragraph on page 2-57 described impacts to the adjacent area of wetland BL-6 from construction of Access Road 3. It should be noted that the adjacent area impacts would occur on the opposite side of Maxwell Road from the wetland and may, therefore, be insignificant. Also, it appears that the 0.14 acre of adjacent area impact associated with construction of Access Road 3 is not included in the freshwater wetland impact summary at the top of page 2-56.	Text will be revised to indicate that impacts to the 100-foot buffer of NYSDEC BL-6 would occur on the opposite side of Maxwell Road from the wetland and may therefore be insignificant. Page 2-56 will be revised to indicate that 2.25 acres of NYSDEC AA will be disturbed during construction. The revised page 2-56 is included in Appendix C: Exhibit A of the FEIS.

Comment No.	Source of Comment	Topic	Comment	Response
125	NYSDEC	Wetlands	In the last paragraph on page 2-57, Noble stated that construction of the collection system would result in temporary impacts to 0.19 acre of state jurisdiction wetland and 2.11 acres of upland buffer. Few details are provided about the specific wetlands and adjacent areas affected. It would be useful to include a table that itemizes the acreage of freshwater wetland and/or adjacent area impact associated with each crossing.	Tables 2-7 through 2-8 of the JPA itemizes acreage of freshwater impacts and/or adjacent areas impacts associated with each crossing. The JPA was submitted to the NYSDEC on May 4, 2007. A copy of the JPA is attached to the FEIS as Appendix C: Exhibit C.
126	NYSDEC	Wetlands	In the latter half of the last paragraph on page 2-57, Noble described the impacts to wetland WW-6 from installing overhead collection line poles as “negligible.” Staff feels that Noble should consider using a different adjective (both here and in the second to last paragraph on page 2-59) because pole installation would require temporary disturbance and permanent filling of the wetlands, albeit involving a small amount of fill.	Construction of the overhead collect system will result in permanent impacts to 0.0004 acre of wetland under federal and state jurisdiction as a result of pole placement. This number is included in the JPA (See Appendix C: Exhibit C).
127	NYSDEC	Wetlands	Noble's conceptual mitigation plan described the placement of overhead collection poles in Wetland WW-6 as the only permanent impact to state-regulated wetland. Moreover, this paragraph (as well as the second to last paragraph on page 2-59 and Appendix R) does not address impact to Wetland WW-7 that would result from the placement of overhead collection line poles. The detailed Sector H map in Appendix J shows an overhead collection line crossing a 400-foot wide (approximate) Section of Wetland WW-7 at a location that is >200 feet from the edge of Wolcott Road.	Impacts to NYSDEC WW7 are associated with impacts to W558. Approximately 0.00002 acre of permanent wetland impacts will result to WW7. When the conceptual mitigation plan is finalized it will indicate that approximately 0.00002 acre of impact will occur.
128	NYSDEC	Wetlands	This paragraph (refer to comment 127) does not adequately describe temporary and permanent impacts to the adjacent areas of Wetlands WW-6 and WW-7 that would be required for pole installation.	The Joint Permit Application provides a more detailed description of impacts to WW-6 (W842) and WW-7 (W558). The overhead collection line across wetland W842 (WW-6) was collocated with Wolcott Road to the extent possible. Nine poles will be installed within the wetland and adjacent to the road. All installation will take place from Wolcott Road. An additional nine poles will be installed within the 100-foot upland adjacent buffer regulated by NYSDEC. Based on field delineations conducted by Noble, installation of the poles will result in 0.000365 permanent impacts to NYSDEC WW-6 and 0.0003365 acre of permanent impacts to the NYSDEC adjacent area. Please refer to the Joint Permit Application provided in Appendix C: Exhibit C of the FEIS.
129	NYSDEC	Wetlands	In the second full paragraph on page 2-58, Noble described the use of an impervious bedding material within the collection trenches and concluded that the narrow collection lines would not alter the subsurface hydrology of wetlands. That conclusion seems reasonable, but the argument should be reinforced by describing in better detail the width of the collection line trenches and the depths of impervious bedding material. The DEIS did not include that level of detail (in Sections 1.2.2 or 2.8.1)	Figure WE-E-103 in Appendix B, Section 5 of the DEIS depicts a typical trench cross section. The collection trench is 12 inches wide per circuit (each circuit is laid in its own trench). In areas where multiple circuits are run in parallel, each 12 inch trench will be separated from the next by approximately 7 feet. Impervious material will be placed to a depth of approximately 4 feet, and the remainder of the fill in wetland areas will consist of select backfill and native topsoil.

Comment No.	Source of Comment	Topic	Comment	Response
130	NYSDEC	Wetlands	The third full paragraph on page 2-58 described the proposed use of horizontal directional drilling (HDD) to cross Wetland BL-5. Staff supports that effort to minimize wetland impact, but concurs with Noble that there is potential for release of drilling fluids into the wetland. The FEIS should address that concern in greater detail and present measures that will be taken to minimize the risk of release and to protect the wetland.	<p>Bentonite drilling fluids (drill mud) is used exclusively in the HDD industry to provide lubrication for drill bits, suspend the cuttings and carry the cuttings back up the annulus of the pilot hole to a containment pit. Excess drilling fluids shall be confined in containment pits, or specialized containers, at the entry and exit locations outside of the wetland, until recycled or removed from the site. The stored fluids and cuttings are then pumped to a solids control unit, cleaned and re-used; thus, creating a complete recycled use of drilling mud. Mud pressure, mud viscosity, sand content and weight are continuously monitored during all phases of the drilling. Occasionally during drilling operations drill mud can migrate into the formation or travel to the surface. These losses of confined circulation are referred to as "frac-outs." Drilling procedures have been developed to minimize any exposure of drilling muds either to the surface or a body of water.</p> <p>Frac-outs can be reduced and contained or eliminated by strict monitoring and implementing controls and procedures. By monitoring the mud the HDD contractor can determine the correct properties needed for drilling different type formations, maximum cleaning, loss circulation and frac-out controls. If in the course of an inspection, an inadvertent release is discovered, steps will be taken by construction personnel to contain the release. Spill containment equipment will be on site; however, field measures to contain inadvertent releases of drilling mud will vary according to site-specific conditions. If necessary, drilling operations will be reduced to assess the extent of the release and to implement other possible corrective actions. A contingency plan will be prepared for HDD activities and provided to all interested agencies prior to commencement of construction.</p>
131	NYSDEC	Wetlands	The second to last paragraph on page 2-59 described the installation of overhead collection line poles in the vicinity of Wetlands WW-6 and WW-7. The paragraph should be revised as described above (see comment 125) for the last paragraph of page 2-57.	See response above.
132	NYSDEC	Wetlands	The mitigation plan does not address the Department's requirement that freshwater wetland mitigation occur within or continuous to the wetland being impacted by a given project (<i>Freshwater Wetlands Regulation Guidelines on Compensatory Mitigation</i>). In particular, permanent impacts to freshwater wetlands and adjacent areas from installation of overhead collection line poles should be mitigated on-site (i.e., within Wetlands WW-6 and WW-7 and the associated adjacent areas).	Noble intends to accompany NYSDEC and USACE staff on site visits, which will allow staff to verify wetland boundaries and the habitat of the affected wetlands. Noble proposes to meet with NYSDEC and USACE staff subsequent to the NYSDEC site visits to discuss mitigation options.
133	NYSDEC	Wetlands	It is important to reiterate that staff cannot fully verify the freshwater wetland and adjacent area impacts listed in the DEIS or comment precisely on Noble's mitigation plan without first confirming wetland boundaries and determining whether any additional wetlands are state jurisdictional...Noble will need to submit an itemized breakdown of wetland and adjacent area impacts for all proposed disturbances of freshwater wetlands for their Article 24 application.	A Joint Wetland Application was submitted to the USACE and NYSDEC on May 4, 2007 that provides the number, acreage, and potential federal and state protection of existing wetlands, streams and NYSDEC adjacent areas delineated within the Project Area. Final determinations of jurisdiction will be made by the regulatory agencies' subsequent to field review.

Comment No.	Source of Comment	Topic	Comment	Response
134	NYSDEC	Jefferson Salamander	At tower site T2 Jefferson Salamander egg masses were observed at Wetland W9 and mole salamander spermatophores, which may be from Jefferson Salamanders, were observed at wetland W10. As currently planned, a road crossing there avoids the valuable portion of W9 and crosses this wetland in a narrow and shallow location. Clearing for the tower site as proposed avoids both W9 and W10. During construction, the wetland boundaries should be clearly delineated so that clearing is excluded from these areas as proposed.	Prior to construction, delineated wetland boundaries will be clearly marked and construction equipment will be strictly prohibited.
135	NYSDEC	Jefferson Salamander	At tower site T31, Jefferson egg masses were not observed in adjacent identified wetlands but they were located in an area of flooded tire ruts just to the northwest of the proposed clearing zone for this tower. During construction, this area should be identified, as well as, adjacent wetland W62, to prevent inadvertent clearing.	Prior to construction, this area referenced, as well as all delineated wetland boundaries will be clearly marked and construction equipment will be strictly prohibited.
136	NYSDEC	Visual	Although outside a radius of 5 miles, Carlton Hill State Multi-Use Area/Sulphur Springs Cooperative Hunting Area, Letchworth State Park, and Silver Lakes State Park may be visually impacted. While the DEIS states most views of the Project from these locations will be screened by topography and vegetation, and diminished due to distance, a more comprehensive examination of visual impacts to these state lands should be included in the FEIS given their significance to the public.	A more comprehensive examination of the potential visual impacts to the State resources mentioned has been completed and is included in Appendix C, Exhibit D of the FEIS. Based on available GIS data from the NYS Office of Parks and Recreation, and NYS Department of Environmental Conservation, the boundaries for the Carlton Hill State Multi-Use Area, Letchworth State Park, and Silver Lakes State Park were obtained. Using the methodology contained in the Visual Resource Assessment (VRA), viewsheds were completed within each of these State resources. The viewsheds identify that approximately 12.6% of Carlton Hill State Multi-Use Area, 3.0% Letchworth State Park, and 13.0% Silver Lakes State Park may have visibility of the proposed Project. Although there is the potential for Project visibility from these resources, there are many factors that may affect visibility (e.g. topography and vegetation, distance, atmospheric conditions, etc). These factors are discussed within the VRA (Appendix G of the DEIS).

Comment No.	Source of Comment	Topic	Comment	Response
137	NYSDEC	Visual	Neither mitigation plan (Appendices G and N) discusses the potential to mitigate visual impacts via strategically located plantings or turbine relocation. The DEC recommends that the lead agency consider establishing a visual mitigation planting fund to screen views of the Project from eligible historic sites or other views of significance. This is consistent with conclusions of the Historic Architectural Resources Survey, which states that measures (e.g., direct mitigation) can be taken to eliminate or reduce the Project's adverse impacts to some specific historic properties. Further additional measures can be taken to offset or compensate for impacts to other properties where direct mitigation is not feasible (Historic Survey, Section 4.3, Recommendations and Suggested Mitigation, page 12). DEC agrees that, where feasible, direct mitigation options, such as screening or selective turbine relocation should be applied. Offsets should be employed when other types of mitigation would be uneconomic or only partially effective.	Noble will coordinate with the Town and NYSHPO to determine appropriate direct or indirect mitigation for any visual adverse effects experienced by historic properties, or any other views deemed significant by the Town or agencies.
138	NYSDEC	Visual	Comment was added to comment No. 137.	
139	NYSDEC	Cultural Resources	If any state agency approvals or permits are needed for this Project, compliance with the New York State Historic Preservation Act of 1980, Section 14.09, will be necessary. In addition, should federal agency approval or permitting be needed, compliance with Section 106 of the National Historic Preservation Act will be required. The FEIS should identify the extent of any state or federal agency involvement and discuss the status and results of any historic preservation studies undertaken.	Table 1.5-1 (Section 1.5 of the DEIS) lists the required permits and consultations for the Project. An architectural survey report and Phase 1AB archeology report are included in Appendix N and M of the DEIS. Methodology for the Cultural (Archaeological) Resources Study was approved by NYSHPO prior to commencement of the investigations. On February 5, 2007, the NYSHPO issued a letter of concurrence with Panamerican's finding that no archaeological sites were identified and stated that they have no further archaeological concerns with the Project (Appendix D of the DEIS). A determination of adverse effect in response to the Architectural Study was received on April 9 from NYSPHO and is attached as Appendix C: Exhibit G of the FEIS.
140	NYSDEC	Environmental Monitor	DEC recommends that the environmental monitor be empowered to order the cessation of construction activities until such corrective action has occurred, and order correction of acts that violate environmental regulations and permit requirements.	The environmental monitor will have full stop work authority. This and other roles and responsibilities of the Environmental Monitor are outlined in the draft Environmental Monitoring Plan (EMP), which is attached as Appendix C: Exhibit I of the FEIS.
141	NYSDEC	Environmental Monitor	The monitor should also provide regular reports to appropriate involved and interested agencies, including DEC staff responsible for permitting and technical review of agency permits.	The environmental monitor will monitor and document all construction activities in accordance with the approved compliance program and applicable permitting guidelines. The scope of work for the environmental monitor will include coordination of environmental monitoring activities, documentation of implementation of mitigation activities as they are conducted, and preparation of a final report that will be made available to the Town.

Comment No.	Source of Comment	Topic	Comment	Response
142	NYSDEC	Environmental Monitor	Because seasonal conditions often allow for extension of the construction schedule to include nighttime hours or weekends, the monitoring plan should include assurance that monitors will be available to provide coverage at all times that construction activities occur. These provisions will be requirements of any DEC permits that may be necessary for Project construction.	An environmental monitor will be available during all construction activities.
143	James and Peggy Owsian	SEQRA Process	The Town Board of the Town of Wethersfield, as lead agency, determined on January 2, 2007, that the proposed Noble Wethersfield Windpark may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. The Positive Declaration notice did not appear in the DEC's Environmental Notice Bulletin until March 14, 2007, nearly two and a half months later, and made no mention of whether a public scoping would be conducted. Jack Nasca, NYSDEC, specifically requested in his correspondence with the Lead Agency that they conduct a public scoping and expressed his desire to be included in it.	Under SEQRA, public scoping is not required. Nonetheless, Noble submitted a comprehensive proposed scope in its application. The proposed scope addressed all areas of concern identified in the Wethersfield local law and other areas based on Noble's experience in completing thorough environmental reviews for windparks before other municipalities, the NYSDEC, NYSDPS and other agencies. The application, EAF and proposed scope were all circulated to involved and interested agencies for review and comment. The proposed scope was available for public review. No public comments were received. Further, the Town's consultants reviewed the proposed scope and found it to address all relevant areas of environmental concern.
144	James and Peggy Owsian	SEQRA Process	Legal notice of the Town of Wethersfield's receipt of the DEIS was published in the Batavia Daily News. It was dated February 27, 2007, and appeared in the paper March 3, 2007. I was informed about it by a resident of another town the following week. If not for that, I would not have known the DEIS was available for comment. The notice stated that a copy of it must be sent to the DEC's Environmental Notice Bulletin, but there has been no notice of completion of the DEIS in the DEC's Environmental Notice Bulletin as of April 27, 2007.	The Notice of Completion for the DEIS was published in the Town's official paper as required. It was also delivered to the ENB on March 1, 2007. The notice was posted in the DEC Environmental Notice Bulletin on May 16, 2007, and the comment period was extended until June 9, 2007 (See Appendix A of the FEIS).
145	James and Peggy Owsian	SEQRA Process	The lead agent is well aware that the majority of Faun Lake and other non-resident taxpayers in the Town do not receive the Batavia Daily News and are likely unaware that the DEIS was available for comment.	All notices were published in the Town's official paper, as required.
146	James and Peggy Owsian	SEQRA Process	Copies of the DEIS were made available at local libraries, Letchworth Central School, and from the Town of Wethersfield Clerk, which is only open on Thursday evenings and Saturday mornings. Taxpayers who live out of state obviously have no access to any of these places.	The DEIS was made available in accordance with the requirements of SEQRA. The Notice of completion for the DEIS was published in the <i>Batavia Daily News</i> , the DEIS was available from the Wethersfield Town Clerk, at several local libraries, at the Town Attorney's office, at Noble's office in Bliss and on Noble's website. Copies of the Notice together with copies of the DEIS were provided to all involved and interested agencies as required.

Comment No.	Source of Comment	Topic	Comment	Response
147	James and Peggy Owsian	SEQRA Process	Even if they (taxpayers who live out of state) were aware of it (the DEIS), the only place the DEIS is available online is at Noble Environmental Power's Web site, but Noble has password protected the files, making them unprintable and some even unable to be saved offline. Many of the maps are too small to see and too blurry upon enlarging, making it very hard to look for omissions or errors. The Project application submitted to the town is not even available on Noble's Web site and two of the documents listed in the DEIS table of contents are absent.	Noble fully complied with the requirements of SEQRA to post the DEIS on the Internet. The DEIS was posted on Noble's Web site (www.noblepower.com) and was and remains available for public viewing free of charge. Noble's website is not password protected. Further, neither SEQRA nor the Wethersfield local law requires the Application to be posted on-line.
148	James and Peggy Owsian	SEQRA Process	This does not appear to be an effort to make the DEIS publicly available, but rather to make it difficult for the public to find and comment on it. In the spirit of SEQRA, the Lead Agent should extend the comment period so that all residents can be notified and have a chance to comment on the DEIS.	The Wethersfield Town Board has complied with SEQRA's requirements regarding public availability of the DEIS as it required the DEIS to be available at numerous public locations in and outside of the Town and on the internet. The Lead Agency extended the comment period until June 9, 2007.
149	James and Peggy Owsian	SEQRA Process	Several sections of Noble's DEIS defer important details, plans and studies to some future date, after the SEQR project will have been completed. This does not facilitate a "hard look." Detailed information needs to be made available and studies conducted before the Lead Agent can fulfill their obligation under the SEQR and have a basis for preparing a reasoned elaboration concerning those issues.	All areas of potential environmental impact have been identified and evaluated. Commenter fails to identify any area of environmental impact that was not addressed.
150	James and Peggy Owsian	Laydown	Noble's chosen laydown area is on a blind hill on State Route 78, which is used by approximately 2,500 vehicles a day. Police and emergency vehicles often travel this road at high speed when answering emergency calls--just today, three Sheriff's patrol cars sped past at speeds I would estimate as in excess of 80 mph. The potential for an accident when over-sized trucks carrying turbine parts are trying to maneuver in and out, likely requiring both lanes, is extremely high.	The potential laydown yard identified in the DEIS is a small parcel owned by Noble. Noble intends to use this area for storage of small items (such as poles and cable) and possibly for additional parking for contractor vehicles or gravel storage. No large items such as turbine components will be stored in this area, and there will be no access for oversized loads or vehicles. As with all construction access areas, all necessary precautions shall be taken to ensure the safety of the contractor personnel and the general public. The turbine components, and other large items, will be shipped directly to the site where they are to be installed from several offsite laydown locations currently in use by Noble.
151	James and Peggy Owsian	Laydown	There are three private driveways close to the laydown area. All three are homes with children. To the west of the laydown area, a 76-year-old man who is suffering from health problems and has just spent time in the hospital is recuperating. Oversize trucks and the accompanying caravan of escort vehicles slowing down out front could be a serious disturbance to someone in ill health.	See response to comment 150.

Comment No.	Source of Comment	Topic	Comment	Response
152	James and Peggy Owsian	Laydown	Noble states in Section 3 of the DEIS that the construction period is expected to last 8 months. Unlike individual turbine sites, the laydown area could be impacted for the duration of this time period. There are numerous fields which Noble holds turbine easements on, that appear empty on the Project map, which would be more appropriate sites for a laydown area, i.e., less traffic, not on a blind hill and not in close proximity to small children or elderly people. Another alternate might be the property at the interSection of Routes 362 and 78, which is for sale. It has a very large parking area and trucks could pull in without having to make a 90 degree turn on a blind hill. Many of their leased fields on back roads would also be a better choice, rarely ever being used by speeding emergency vehicles.	See response to comment 150.
153	James and Peggy Owsian	Cumulative Impacts	Cumulative impacts are not properly addressed. There are Environmental Impact Statements available on the web from the Dairy Hills Wind Farm, High Sheldon Wind Farm, and Noble Bliss Windpark. These should all be considered together in relation to wildlife risks, aesthetics and property values.	A discussion of cumulative impacts of the Wethersfield Windpark and the Dairy Hills Wind Farm, High Sheldon Wind Farm and the Noble Bliss Windpark can be found in Section 4 of the DEIS. The discussion includes cumulative wildlife, visual and socioeconomic impacts (Sections 4.2, 4.5 and 4.9 respectively).
154	James and Peggy Owsian	Cumulative Impacts	This Section claims that the cumulative adverse impact on biological resources will not be significant, while admitting that approximately 141 acres of trees will be removed. This is compared to approximately 5,034 treed acres in the Project and transmission line areas. This does indeed seem significant.	Construction of the Windpark and Transmission Line will result in a localized reduction in the amount of available forest habitat in the region, totaling approximately 0.1 % of the total forested habitat in Wyoming County.
155	James and Peggy Owsian	Cumulative Impacts	The electrical effects of high-voltage transmission lines fall into two broad categories: corona effects and field effects. Corona is the ionization of the air that occurs at the surface of the energized conductor and suspension hardware due to very high electric field strength at the surface of the metal during certain conditions. Corona may result in radio and television reception interference, audible noise, light, and production of ozone. These effects and any mitigation, if they occur, are not mentioned.	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.
156	James and Peggy Owsian	EMF	This important potential problem (production of electromagnetic fields) or any mitigation, should it occur, is not addressed in the DEIS.	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.

Comment No.	Source of Comment	Topic	Comment	Response
157	James and Peggy Owsian	Visual	The photo simulations are too small and make the turbines appear less imposing than they will be in reality. Simulations should be made for each cluster of turbines. The simulation photo for Route 78 is 1 1/2 miles past the town line, yet there is no view from the Hermitage store or from the town building. Both of these locations are public gathering places and both are on Route 78, which receives the most traffic.	The simulations were printed on 11x17 paper, in which case, holding at approximately arms length would give a viewer an idea of the turbine height (2D image compared to 3D world experience). Photo location 10 is 1.5 miles from the town line along a major New York State route. Photo location 10b is again along a busy route within the Town of Wethersfield. Both locations were chosen due to high number of potential viewers and potential to view high number of turbines.
158	James and Peggy Owsian	Noise	Notes from the Noise study critical of Noble assessment in Ubyly, Michigan (January 2007). To measure new noise sources the sound exceeded 10% of the time--L(10)--is used, but to measure background (ambient) noise the sound exceeded 90% of the time--L(90)--is used. Noble used L (10) for both, and failed to follow "Community Noise" assessment methods published by ANSI and ISO. As a result, Noble calculated background noise in this rural community to be 45 dBA, and noise impacts of its wind farm to be 45 dBA. The study provided here shows that background noise is really 30 dBA or below, and nighttime noise in homes is closer to 20 dBA, and Noble's wind farm would increase noise levels 15 to 20 dBA, far exceeding "annoyance" levels.	The L10 statistical sound level was not used in any way in the Wethersfield noise study. Predicted Project sound levels were compared to the conservative L90, or residual, background level, which captures the momentary quiet periods between noise events such as wind gusts, planes flying over or cars passing by. Project sound levels are modeled as steady state or continuous levels where percentile statistical levels are irrelevant; i.e. all percentile statistical levels collapse to the same value for a constant sound level. In addition, there are no plans to measure actual Project sound levels in terms of the L10 since doing so would add needless complexity to the field measurements and, more importantly, would serve no purpose.
159	James and Peggy Owsian	Noise	In western New York, local laws are being drafted to accommodate Noble projects that define "sound pressure level" in terms of L(10), and leave ambient sound undefined, opening the door to same approach Noble took in Michigan.	See response to comment 158.
160	James and Peggy Owsian	Noise	WHO (World Health Organization) therefore recommends a limit on nighttime noise of 30 dBA in bedrooms.	Noble has complied with requirements of the Town of Wethersfield Local Law and Town of Eagle Local Law for applicable noise standards.
161	James and Peggy Owsian	Noise	The noise limits in Local Law No. 1 of 2006 are excessive and mitigation is not specified, but left to Noble to deal with on a "case by case basis."	See response to comment 160.
162	James and Peggy Owsian	Noise	Low frequency noise is ignored in the DEIS. This issue needs to be looked into and mitigation measures put in place in the event it proves to be a problem for residents.	Low frequency noise is addressed in Section 2.16.2.3 and Appendix H Section 3.8 of the DEIS.

Comment No.	Source of Comment	Topic	Comment	Response
163	James and Peggy Owsian	Benefits	The irreparable ecological damage, loss of visual amenity, and the terrible divisiveness that wind farms cause in both communities and families far outweigh any possible benefit their insignificant and entirely unreliable contribution to our ongoing energy needs may bring. The tremendous damage to the country side and the huge financial burden they place on the public simply cannot be justified. Noble has made claims, but not provided any evidence that their project will reduce our reliance on foreign oil or replace any existing fossil fuel usage.	The demand for electricity within New York State is constantly increasing. Unfortunately, the current generation capacity is not adequate to meet this increasing demand. A multitude of solutions are required including conservation and new electricity generation. Wind power serves to meet expected future demand while displacing new generation alternatives as well as current generation. It is true that some power plants are difficult to "shut down" while wind turbines are generating; however, it is also true that those plants do not need to burn as much fuel in order to meet current demand requirements. Less combustion leads to fewer pollutants. In addition, the science of predicting future wind flow patterns has increased dramatically over the last decade. It is possible to plan for short term decreases in wind plant generation output.
164	James and Peggy Owsian	Facilities Map	Noble claims that the Project Site was not finalized until applicable local laws were passed, yet, their Project map is dated 12/04/06 and the Town of Wethersfield Local Law regulating wind energy systems was not passed until 12/27/07.	The Project was designed to comply with the Town of Wethersfield Local Law No. 1 of 2006 and Town of Eagle Local Law No. 3 of 2005.
165	James and Peggy Owsian	Cultural Resources	In their correspondence with Nancy Herter of the Historic Preservation Field Services Bureau on October 18, 2006, Panamerican Consultants states that the numbers 60, 73 and 78 are not assigned to turbines, yet T78 appears in the column titled "Local Habitat Area Number 2," on the map to the east of T79 and on Noble's site map, dated 11/22/06. Turbine 3, which is listed in Table 1 of the correspondence, appears on this map but has since been eliminated from the Project. The corresponding access road and transmission line routes have also been changed. Has Dr. Herter or any of the other involved agencies been notified of the change? If not, they should be. Some of them specifically requested that Noble resubmit the information if the Project wasn't approved within 1 year.	Minor design changes have occurred under the normal siting process. These minor adjustments have had no significant effect on the total acreage of the APE and Local Habitat Area (LHA) percentages that were tested during the Phase IB survey. Dr. Nancy Herter of NYSHPO concurred with Panamerican that minor design changes are not significant and will not require additional Phase IB level of effort. As in all projects, if any future significant design changes or additions occur to the project components, these new locations within the APE should be reviewed against historic maps and known sites to ensure there will be no adverse affect to cultural resources. Once the ultimate design for linear components and turbines is established (if altered), the APE will be reviewed against historic maps and known sites to ensure there will be no adverse effect to cultural resources.
166	James and Peggy Owsian	Facilities Map	The Preliminary Project Facilities map included in this section, dated 11/22/06, does not match the map Noble submitted with their application to the Town of Wethersfield on January 2, 2007.	The map in reference was a preliminary map which was revised prior to the application. The Project facilities map in Section 1 of the DEIS represents the current version. A revised version based on changes since the DEIS is included in Appendix C: Exhibit B of the FEIS
167	James and Peggy Owsian	Facilities Map	The Project map, which Noble submitted with their application on 01/02/07, appears to purposely mislead the public. Some properties on which Noble currently holds turbine easements are not outlined as being under contract, though some of them are mentioned in their application's listing of properties under contract. Other properties which Noble holds current turbine easements on State Route 78 are outlined on the map, but show no turbines, transmission lines, or access roads on them. Coincidentally, these properties are mostly near residents who were opposed to the Project, including Faun Lake.	The Project map identifies all relevant lands for the site. Properties outside of the footprint of the final facility were excluded as no facilities are planned for these areas. Properties within the footprint of the Project were included for consistency and to show compliance with all setbacks required in the Town law. No turbines, access roads, or transmission are planned for the referenced properties. There is no need or obligation to disclose lands not part of the Project.

Comment No.	Source of Comment	Topic	Comment	Response
168	James and Peggy Owsian	Facilities Map	The Project map neglects to show, as does the map provided in this section, that 19 of the turbines are alternate locations. This was only shown on their transmission map, which was not included in the application to the town and only made available by FOIL request.	The Project map shows all final turbine locations and is the basis of all analyses contained in the DEIS. The referenced map was a preliminary map used during the siting process. The "a" designation indicated that these turbines were moved during the facility siting process to new locations after preliminary site reviews prior to submission of the application.
169	James and Peggy Owsian	Setback	Because of the crowding of turbines in areas where the alternates are shown on the map, the distance between them is inadequate and violates Wethersfield's Local Law No. 1 of 2006, which requires that the distance between turbines be twice their height.	All turbines comply with this separation requirement.
170	James and Peggy Owsian	Facilities Map	Given the above circumstances, I have to wonder if those 19 alternate turbines will be moved later and if they were put in those locations on the map to mislead people who were opposed to the Project into thinking there wouldn't be any turbines near them, thus reducing opposition to the Project.	Comment noted. Any relocation of turbines as suggested would require approval from the Town of Wethersfield and/or the Town of Eagle and/or State agencies subject to public review.
171	James and Peggy Owsian	Property Value	This Section includes three Property Values studies, all of which are flawed.	
172	James and Peggy Owsian	SWPPP	The runoff from the field where T63 is slated to go flows onto my property (to the east of it) downhill to a washed out swale, neither of which is shown on the DEIS maps.	Noble will implement appropriate Best Management Practices (BMPs) and will have a Storm Water Pollution Prevention Plan (SWPPP) in place prior to construction to control off-site storm water runoff. After construction no additional impervious surfaces will remain.
173	James and Peggy Owsian	SWPPP	My property has been purposely maintained organically for a period of over 13 years. Should any chemicals from construction make their way onto my property due to lack of proper pollution control, it will compromise both the organic state and the sale or rental value of the land.	The Storm Water Pollution Prevention Plan will contain measures for spill prevention and control, which will be implemented during construction.
174	James and Peggy Owsian	SWPPP	In addition, there was formerly a dump on the eastern edge of the T63 property, which I believe may have been partially buried after the NYSDEC fined and forced the landowner to clean it up. The runoff from this area goes through my property in a southeasterly direction and into neighboring wetlands.	Comment noted.
175	James and Peggy Owsian	SWPPP	Straw bales should not be considered adequate to stop pollution in runoff. How will we be assured that the straw bale wall will be adequate? At Cefn Croes in Wales, the developer's straw bale wall consisted of two bales with space between them, allowing concrete slurry to run down the mountain into the water supply below.	All storm water control measures will be installed to standards approved by the NYSDEC as per the New York Standards and Specifications for Erosion and Sediment Control.
176	James and Peggy Owsian	SEQRA Process	The DEIS violates the spirit and intent of SEQR by not adequately considering all viable alternatives to the Project. Noble has repeatedly stated at public meetings that the Project wouldn't be "economically feasible" with less than 50 turbines.	Project Alternatives are discussed in detail in Section 1.3 of the DEIS.

Comment No.	Source of Comment	Topic	Comment	Response
177	James and Peggy Owsian	SEQRA Process	How can the SEQR weighing test be accomplished when the economic benefit is still undetermined? It is important to see the details of this agreement to ascertain the extent to which the taxing bodies are protected from inflation, get an increasing income based upon any increasing sales or profits, and have this income stream secured.	Section 2.26 of the DEIS provides detailed information regarding the significant positive economic impacts of the Project. This information provides a solid foundation for the magnitude of economic benefits to be considered. Further, under the Local Law, a License Agreement and Host Community Agreement are required for the Project to be authorized.
178	James and Peggy Owsian	Decommissioning	Decommissioning funds should only be in the form of a cash bond, held in escrow by a third party to guarantee funds availability. A surety bond may only be good as long as the premiums are paid.	Noble anticipates posting a cash bond with a third party entity for the full decommissioning amount.
179	James and Peggy Owsian	SEQRA Process	The DEIS contains procedural violations and fails to provide the information necessary for appropriate public input and for the Lead Agent to take a hard look and provide a reasoned elaboration for any decision it might have to make. Because of these serious flaws, the DEIS should not be accepted as complete and environmental review should not be completed until all necessary information is provided by the applicant.	The Wethersfield Town Board fully complied with SEQRA in determining the DEIS to be complete for purposes of commencing public review. Each page of the DEIS was reviewed by the Town's consultants and special counsel and fully considered by the Town Board before determining the DEIS to be complete on February 28, 2007. Commenter fails to identify any area of environmental concern not addressed.
180	James and Peggy Owsian	Property Value	The comment letter includes several attachments of critiques of the studies referred to for property value analysis in the DEIS.	See response to comment 171.
181	Samuel and Lisa Thaw	Miscellaneous	We would like to make it known to the Wethersfield Town Board, Noble Environmental Power, David DiMatteo, Town of Wethersfield attorney and all other individuals and organizations involved in the DEIS and SEQR process, that we feel the proposed Wethersfield wind project will have a negative impact on the quality of life that those of us accustomed to rural living have come to love.	Comment noted. Potential impacts to community character, aesthetic and cultural resources and others have been thoroughly reviewed and analyzed in the DEIS. Where necessary appropriate mitigation will be provided to mitigate any potential impacts identified. In addition, a complaint resolution process will be developed between the Town and Noble to address any Project related issues that may arise.
182	Samuel and Lisa Thaw	Wildlife	We are extremely concerned with the impact that these huge wind turbines will have on the overall quality of life, not only for ourselves, but also for the natural environment. As far as we know, there are no definitive studies regarding the impact large industrial turbines will have on our wildlife. We enjoy hearing the owls in the evening, geese and ducks flying overhead, the gobble of a turkey, the sounds of a deer and the screech of a red tail hawk. Will these events be a thing of the past?	Sections 2.10 and 2.12 of the DEIS address the potential impacts and mitigation from the Project to wildlife. Direct impacts to most wildlife species are not expected as a result of construction and operation of the Project. Indirect impacts to wildlife will occur as a result of habitat alteration in association with construction and operation of the Project. However, these impacts are not expected to be significant. In addition, the project will be designed, constructed and operated in accordance with applicable state, federal and local laws.

Comment No.	Source of Comment	Topic	Comment	Response
183	Samuel and Lisa Thaw	Property Values	If this (rural) viewshed is disturbed by massive turbines, will anyone be able to attain a fair market value for their home if wishing to sell? It has been stated in the past that the Town Board of Wethersfield and Noble would be willing to protect the taxpayer's property by placing an escrow account or bond to compensate landowners whose property did experience devaluation because of the turbines. If the town board and Noble feel so strongly that the wind project will not effect our property values, then there should be no reservations in the establishment of such a bond. This would reassure the residents who are non-participators in the project that the Town Board and Noble are willing to compensate them for the possibility of property devaluation.	Potential impacts on property values have been studied for this and other relevant wind energy projects. Appendix L of the DEIS contains a property value analysis prepared by KLW, licensed real estate appraisers, which indicates that no significant adverse impact to property values will occur as a result of the Project. Studies prepared for other windparks have shown no conclusive evidence that home values are affected negatively by being in close proximity or within the viewshed area.
184	Raymond and Kathleen Batz	Visual Impacts	The recent proposals by Noble Energy to erect wind turbines in the Town of Wethersfield holds the distinct possibility of destroying that which we value most: the peace and tranquility of Faun Lake and the pleasant rural atmosphere which surrounds us. This potential ruination of the aesthetic value of our property and the subsequent devaluation it may cause is the subject of grave concern for us. While we cannot and do not propose to support the entire community (Faun Lake), we can state that many of our neighbors have similar concerns. It is important to note that the SEQR does provide for an analysis of aesthetic values.	A Visual Resources Assessment (VRA) was completed for the proposed Wethersfield Windpark based on the NYSDEC Program Policy "Assessing and Mitigating Visual Impacts" and SEQRA criteria to identify and minimize potential impacts on visual resources (Appendix G of the DEIS).
185	Raymond and Kathleen Batz	Noise	In passing their local ordinance the Town of Wethersfield chose to ignore the recommendation of Wyoming County for 1500 foot setbacks. We submit that the setbacks as passed are not sufficient because 1500 feet is actually not sufficient. Noise from these larger turbines can carry up to 3/4 of a mile downwind (3960 feet). This has been totally ignored by everyone involved.	The Project as designed complies with the standards set forth in the Town's local law regulating wind energy farms/devices. The Town of Wethersfield considered a multitude of factors (including turbine sound emissions) prior to determining a setback value for wind turbine placement relative to residences. Comments on the local law are not relevant to the decision/action that is in front of the Town Board.

Comment No.	Source of Comment	Topic	Comment	Response
186	Raymond and Kathleen Batz	Safety Concerns	In addition there are certain dangerous conditions associated with the operation of these devices including blades flying off and ice collecting on the blades and being jettisoned at startup. There is statistical data which indicates blades and ice can travel as far as 850 feet when this occurs. We believe that the local ordinance still allows for a 500 foot setback from property lines and roads. We feel that this provides for a totally unsafe condition which could lead to tragic circumstances should a blade or chunk of ice injure or kill adjacent property owners, motorists, or innocent passerby.	Although some calculations have generated dramatic distances for theoretical ice shedding, these have been idealized with no air resistance and with turbines operating at top speed. Published literature (Deutsches Windenergie-Institut) reports typical drag coefficients for ice particles at 1.2. Accounting for air resistance limits trajectories for ice shedding to about 130 meters (425 feet) horizontal displacement from the 80 meter turbines. This is in general agreement with the same German report which related observed ice fragment throws, the longest of which was slightly less than 125 meters (410.1 feet). Turbine setbacks from residences and public roads exceed these distances. A second factor limiting the horizontal displacement of ice fragments is the effect of ice on the blade airfoil itself. Ice buildup reduces the aerodynamic efficiency. The plant operators have a standard operating procedure that requires them to closely monitor turbine performance vs. wind speed (anemometers are heated so icing is not an issue for them) when icing conditions could exist based on weather forecasts. If performance is below normal the operators will initiate shut downs pending field visual confirmation of conditions. Operator attention to these weather effects will typically result in manual shut down of the unit or in extreme cases an entire windplant. An added layer of safety exists in that due to uneven ice build up, generally an imbalance would result in an excess vibration. Turbine(s) will be automatically shut down by the vibration monitoring in the control systems should it sense a vibration exceeding the threshold. Following an automatic shutdown, the turbine(s) would require a manual start by an operator. Furthermore, AWEA's Wind Power Myths vs. Facts states that: "Blade throws were common in the industry's early years, but are unheard-of today because of better turbine design and engineering."
187	Raymond and Kathleen Batz	Wildlife	Faun Lake is on a migratory bird path. There are so many Canada Geese utilizing the lake each fall that it almost appears that one could walk across the lake on their backs! There is clear evidence that reveals that these wind turbines are a danger to migratory birds and bats which all work to benefit the environment. Within the past several weeks, the Federal government has indicated a willingness to reopen investigations into this very same topic. This was a brief byline on one of the national networks.	The commenter has described local bird movements by migratory Canada Geese at Faun Lake; however, this site and the Project Area are not considered to be in an area of unusually large passage for waterfowl, raptors, or passerines that would be considered an increased migratory bird path. Bird migration occurs everywhere. A migratory bird path is considered to be a migration route where there is geography or topography (i.e. Atlantic Coastline, Great Lakes shores) that attracts much greater numbers of birds than elsewhere. An overview on the impacts (positive and negative) to birds and bats was included in Section 4.1.1 of the Bird and Bat Risk Assessment (Appendix F of the DEIS). The findings of the United States Government Accountability Office and National Wind Coordinating Committee (of which the United States Fish and Wildlife Service is a founding member) are included in the overview. The federal government recently indicated that it will continue to review the potential impacts to birds and bats from wind power and other energy sources, which certainly was not unexpected.
188	Raymond and Kathleen Batz	Wildlife	We have testimony in our possession which clearly indicates that the noise scares off other wildlife including deer which we regularly observe both within and adjacent to our community (Faun Lake).	As discussed in Section 2.10 of the DEIS, significant impacts to wildlife are not anticipated as a result of operation of the Project. Wildlife, including deer, in the Project Area are likely accustomed to human disturbances and will either relocate to other adjacent suitable habitat or adapt to post-construction site conditions.
189	Raymond and Kathleen Batz	Wildlife	We believe that we do have rare species of birds and other animals which make Faun Lake their home. Whether or not they are endangered we cannot say, for we have not had the time to thoroughly research this topic. We can state that we haven't seen pileated woodpeckers anywhere else before obtaining our property at Faun Lake.	Noble has consulted with the US Fish and Wildlife Service and NY Natural Heritage Program regarding impacts to threatened and endangered species. With the exception of the occasional transient individuals, no non-bird threatened or endangered animal species or communities were identified within the project Area. Threatened, endangered and rare bird and bat species are discussed in Appendix F of the DEIS. Potential impacts to threatened, endangered and rare species are discussed in Sections 2.9 through 2.12 of the DEIS.

Comment No.	Source of Comment	Topic	Comment	Response
190	Raymond and Kathleen Batz	Property Values	The Town of Wethersfield has no zoning laws. The local ordinance is not adequate because it contains no provision for redress if the developer installs equipment that violates the rights of adjacent property owners or negatively impacts the value of their property.	The Project has been designed and, when constructed, will comply with all requirements of the Town's local law regulating wind energy farms/devices. Further, a complaint resolution procedure will be available for resident complaints during the construction and operation of the Project.
191	Raymond and Kathleen Batz	Property Values	The Town of Wethersfield stands firm in the belief that property owners should be able to do as they please with the property they own. We agree with this concept insofar as what people do on their property does not constitute a nuisance/public nuisance to those around them. The local ordinance clearly opens the door for this to occur. Nuisance laws clearly state that private property owners have the right to the unencumbered use and enjoyment of their property. These concepts have been upheld by courts for hundreds of years and date back the time of the Magna Carta. These concepts pre-date the founding of our nation and have become a part of our laws as well.	Comment noted. The Town's enactment of the Local law establishes sound regulations for such projects to allow for such development while protecting the local community. Cumulative impacts to the community from this and other proposed projects have been considered in detail in Sections 3 and 4 of the DEIS. Furthermore, The Town's enactment of the Local Law establishes sound regulations for such projects to allow for such development while protecting the local community. There is no evidence in the record - and the comment does not provide any - supporting the contention that the wind farm will constitute a nuisance. While professing support for an individual's use of their own property, the commenter's demand veto power over their neighbor's chosen use when it does not satisfy the commenter's value standards.
192	Raymond and Kathleen Batz	Property Values	The environmental impact statement as filed by the current developer is so filled with vague wording that they can get away with all manner of abuses and trample the property rights of those who will be negatively impacted by this project. There is no proposal for the purchase of property of owners, at fair market value, in the event that their property is devalued or made unsaleable because of negative impacts caused by the project. The document is filled with such phrases as "likely" and "don't expect". Our question is: What remedies will be required if these "likelys" become "unlikelys" and the "don't expects" become reality?	The DEIS was prepared in accordance with SEQRA requirements to identify environmental concerns, take a hard look at them and provide a reasoned elaboration for any determinations. The comment speaks of no particular deficit but rather espouses a broad based attack reflecting the commenter opposition to the project. There is no evidence that turbine placement will negatively impact property valuation, and, in fact the information in the DEIS and the area specific study provided within Appendix L of the DEIS confirm this conclusion. The DEIS was thoroughly reviewed by the Town, its consultants and attorneys and determined to be complete. The DEIS contains mitigation for any potential significant impacts that may occur. There is no proposal for property purchases because there is no evidence of any need for such remediation; opposition to a project, no matter how sincere, does not create an environmental impact. As to remedies, the Local Law requires and the proposed mitigation includes post-construction operational monitoring and enforcement, which can include, in the absence of a proper cure, forced abatement of the problem at the applicant's expense.
193	Raymond and Kathleen Batz	SEQRA Process	We have seen vague promises and platitudes become just such a reality too many times to trust the contents of this document. This document needs to be trashed and resubmitted without the vague wording and loopholes it seeks to provide the developer.	Since Noble has never had a project in the Town the assertion of past misdeeds and broken promises is without support in the record and the comment. The document was properly complied in accordance with the mandates of SEQRA.

Comment No.	Source of Comment	Topic	Comment	Response
194	Raymond and Kathleen Batz	Miscellaneous	Wind energy does not reduce our dependence on foreign oil. When the wind stops blowing the energy being generated has to be provided by more conventional means. Starting a power plant up to replace the wind power is not like flipping on the lamp in your living room. These generating plants must be burning fuel, creating steam in the boilers, running the turbines, which turn the generators, whether or not they are delivering electricity to the grid so that they can be ready when the wind stops blowing. The reality is simply that we are not saving anything in the process! Since we have to consume fuel anyway, we may as well get something for it! There is no such thing as green power!	The demand for electricity within New York State is constantly increasing. Unfortunately, the current generation capacity is not adequate to meet this increasing demand. A multitude of solutions are required including conservation and new electricity generation. Wind power serves to meet expected future demand while displacing new generation alternatives as well as current generation. It is true that some power plants are difficult to "shut down" while wind turbines are generating; however, it is also true that those plants do not need to burn as much fuel in order to meet current demand requirements. Less combustion leads to less pollutants. In addition, the science of predicting future wind flow patterns has increased dramatically over the last decade. It is possible to plan for short term decreases in wind plant generation output.
195	Raymond and Kathleen Batz	Miscellaneous	If wind power was such a good idea, it stands to reason that private investment would be standing in line to finance it. There would be no need for the federal and state governments to squander billions of taxpayer dollars to subsidize this industry.	Windparks today are financed by a variety of sources. These include private, public and governmental groups. According to a study prepared for the National Commission on Energy Policy, during the year 2003 alone, federal energy subsidies ranged from \$37 billion to \$64 billion. Wind energy accounted for less than 1% of the total. The Wethersfield Windpark does not rely on federal subsidies for development, construction or operational activities. The Windpark will, however, receive a Production Tax Credit (PTC). The PTC is based on energy produced by the Windpark and has expired - or been set to expire - and reinstated five times. In contrast, incentives such as the depletion allowance for oil and gas are permanent in the tax code and have been around since the 1920's. Sections 2.25 and 2.26 of the DEIS analyze potential socioeconomic impacts of the Project.
196	Raymond and Kathleen Batz	Miscellaneous	If wind power was such a good idea, as a ratepayer I wouldn't be receiving inserts in my utility bill requesting me to sign up for "green power" and asking me to pay a premium for it! Example: in 2006 that premium was \$5 a month. In 2007 that premium was increased to \$7.50 per month.	The comment implies that cost reduction of the local utility bill is the sole valuation for "good ideas." As outlined in the DEIS, there are significant benefits to the project on a local and state-wide level.
197	Raymond and Kathleen Batz	Miscellaneous	If wind power was such a good idea, it should cost no more than power generated by more conventional means. In the final analysis wind power cannot compete on a level playing field and is making some people rich with subsidy money and ripping off the taxpayers and electric ratepayers in the process.	According to a report compiled by the National Renewable Energy laboratory entitled <i>Comparing Statewide Economic Impacts of New Generation from Wind Coal and Natural Gas in Arizona Colorado and Michigan</i> , wind energy provides the greatest economic benefit of the three sources due in large part to payments for property taxes paid directly to the town, county, and school district in the form of a PILOT payment. Moreover, wind energy is consistent with the Governor's initiative to provide additional electricity without the associated pollution and detriment to the environment.

Comment No.	Source of Comment	Topic	Comment	Response
198	Raymond and Kathleen Batz	Miscellaneous	Perhaps the most overworked phrase driving all of this "concern" these days is "global warming". We have research that clearly indicates that global warming is due to natural long term weather cycles and is not man made. For instance the surface temperature of our neighboring planet Mars has increased at a similar percentage rate as has earth! We do not have cars and factories "ruining the atmosphere" of Mars. Therefore the only common denominator is that it must be the sun which is causing these changes. There is other evidence we have uncovered which will bear out the fact that "global warming" is the result of natural forces and that man has little if any impact on the problem. All of this data is conveniently overlooked and ignored by the media.	Comment noted.
199	James and Peggy Owsian	SEQRA Process	In spite of the lack of any notice of opportunity for public input on scoping, Noble has included in their DEIS what's titled a "Final Scoping Document." The draft scoping document was reportedly circulated among the involved agencies, but the lead agent did not identify that they were conducting public scoping and identify how and when the public could submit comment on the draft scope, thus there was not sufficient public involvement in scoping to satisfy (in full) the requirements contained in NYSDEC Reg 617, Section 617.8.	After the Town issued a Positive Declaration Noble was required to submit a draft scope. Under SEQRA, public scoping is not required. Nonetheless, Noble submitted a comprehensive proposed scope in its application, which was properly included in the DEIS as part of the record. The DEIS addressed all areas of concern identified in the Wethersfield local law and other areas based on Noble's experience in completing thorough environmental reviews for windparks before other municipalities, the NYSDEC, NYSDPS and other agencies.
200	James and Peggy Owsian	Miscellaneous	The DEIS also mis-quotes our local law, using wording that was changed on 12/11/06. This would indicate that the DEIS, at least in part, was prepared in advance of the local law's passage.	Local laws for both the towns of Wethersfield and Eagle were passed prior to initiating the SEQR process and completion of the DEIS. The Project complies with all the requirements of the Local Law as adopted.
201	James and Peggy Owsian	Project Design	Additionally, several residents of the town who've supported Noble's project by letter writing and/or speaking at meetings have indicated that they were expecting to get turbines if the project was approved. They're not included in the project map. One large landowner, to the east of the project area, stated at a meeting that "it's going to pay my taxes", but has been left out of the project. A woman in Hermitage has complained that there's going to be turbines behind her house, on her neighbor's property. Two or three others, who have signed turbine easements, are now shown on the project map as getting no turbines. This all seems very suspicious.	The properties in question are under contract with Noble. They were omitted from the DEIS map due to no facilities being placed on the property, and being outside the immediate Project Area. The landowner's comment relative to taxes most likely stems from the Town of Eagle's recent removal of a number of town taxes (including town property tax) due to Noble's Bliss Windpark providing payment to the town. This is an example of all town landowners benefiting by hosting a Windpark.

Comment No.	Source of Comment	Topic	Comment	Response
202	James and Peggy Owsian	SEQRA Process	Has the applicant indicated, directly or indirectly, that it is considering a "Phase 2", or otherwise intending an expansion of the project in the future? Is there a plan to utilize the parcels not depicted on the project maps as "Participating Parcels" in a future expansion? If the answer to either question is in the affirmative, the lead agency has the obligation to look at the cumulative impacts of this 85 turbine project and the applicant's long-range expansion plans. [See NYCRR 617.7(c)(2).] The failure to include future expansion plans as part of the DEIS would constitute an illegal "segmentation" of the action. [See NYCRR 617.3(g).]	There are no plans for expansion of the proposed Wethersfield Windpark.
203	James and Peggy Owsian	Safety Concerns	The DEIS states that turbines will be setback a minimum of 1,320 feet from non-participating residences, 500 feet from property lines and 500 feet from public roads. However, in situations where the turbine/rotor is not situated perpendicular to the residence, property line, or public road, the actual setback could be as small as 1,193 feet from non-participating residences, 373 feet from property lines of non-participating landowners and public roads, given the fact that the radius of the rotor is approximately 127 feet in length [one-half of the rotor diameter]. These true setbacks should be used and assessed throughout the DEIS wherever health, safety, noise and visual impact assessments, etc. have been based on the larger, misleading minimum setbacks noted above. Proposing a 500-foot setback from property lines when the Wethersfield Local Law allows a 450-foot tall wind turbine, is a risk to public safety.	All turbines comply with the towns of Eagle and Wethersfield setback requirements. The GE 1.5MW turbines sited for the Noble Wethersfield Windpark have a maximum height of approximately 389 feet. Figure 1.1-3 of the DEIS depicts the turbine design that Noble will be utilizing. The DEIS demonstrates that the property line setbacks protect neighboring properties and structures.
204	James and Peggy Owsian	Safety Concerns	Forty story wind turbines present a significant risk from ice an blade throw at such close distances. Terry Matilsky, Professor of Physics at Rutgers University...calculates that "Ice, debris or anything breaking off the wind turbine blades (including the blades themselves) can impact a point almost 1700 feet away from the base of the turbine," depending on the model (GE wind turbines were used for the calculations).	See response to comment 186.
205	James and Peggy Owsian	Safety Concerns	The comment letter includes several examples of wind turbine icing events and blade throw.	See response to comment 186.

Comment No.	Source of Comment	Topic	Comment	Response
206	James and Peggy Owsian	Safety Concerns	There appears to be no rational basis for the chosen setbacks, rather, they seem to have been chosen to comply with the developer's wishes. In June of 2006, the lead agent stated that the setbacks being considered were "1500 feet from residences and 800 feet from property lines". Two months later, after Noble was unable to get transmission access on Pleasant Valley Road, the setbacks were lowered. It was reported that Noble approached the town board and said they could not build the project unless the setbacks were shorter.	The Town of Wethersfield Town Council considered several factors when determining a setback value. Attempting to correlate setback distances with transmission access on Pleasant Valley Road is irrelevant .
207	James and Peggy Owsian	Safety Concerns	Other communities have been much more protective of their residents. Martinsburg in Lewis County and Cohocton in Steuben County require minimum 1500-foot setbacks from existing residential structures. NYSERDA's "Wind Energy Model Ordinance Options" suggests setbacks be 1,500 feet from existing residential structures, as does the Wyoming County Planning Board. In Prattsburgh, NY, setbacks were adjusted according to lot size. The smaller the lot, the further the setback, thus lessening the chance that non-participating neighbors will be unable to use or build on their own land. This approach would be more rational than the one size fits all setbacks proposed.	Comment noted. Comments on the Local law are not relevant to this Project. The Project complies with the standard adopted by the Town. Non-participating landowners are free to use their land as they wish. Setbacks are related to existing residences and property lines. Once the turbines are constructed they are considered pre-existing structures and current laws do not restrict construction distances between new homes and pre-existing turbine structures.
208	James and Peggy Owsian	Cumulative Impacts	A proposed turbine viewshed map (like the maps in App. G Visual Impact Assessment) should be created showing the number of turbines that will be visible from Wethersfield homes including all 4 projects. The DEIS are available online for all 4 projects, with turbine coordinates given in each one. It shouldn't take much effort to put the locations into a computer and create another viewshed map, especially since two of the projects are Noble's.	A cumulative analysis for the study area was completed to address known wind projects in the area. Figure A3 (Cumulative Vegetated Viewshed Analysis) and Figure A6 (Cumulative FAA Navigation Light Vegetated Viewshed Analysis) evaluated the potential visibility of the Bliss Windpark, Wethersfield Windpark, Dairy Hills Wind Farm, High Sheldon Wind Farm, and the existing Wethersfield Wind Farm.

Comment No.	Source of Comment	Topic	Comment	Response
209	James and Peggy Owsian	Noise	Along with the readily audible noise from industrial turbines that is many times louder than normal rural noise levels, there is reported to be a low frequency aspect that has caused adverse health effects and driven people from their homes in the worst cases. Not everyone is equally sensitive to low frequency noise, but many people complain of headaches, insomnia, and nausea after turbines are built nearby--enough that several researchers have noted the resemblance to vibroacoustic disease (VAD) and are documenting the phenomenon. Noble's reaction to this was to go to great lengths to try to discredit, in a very unprofessional manner, the physician who's spoken out the loudest about it (and who has credentials that fill a page).	<p>Ecology & Environment, Inc. recorded the sound levels on October 6, 2005 at the Fenner Wind Farm using a calibrated DAT tape. The recording position was on the roadside between turbines #3 and #4. The distance of #4 to the west was 400 feet and the distance of #3 to the east was 450 feet. A sound level meter (B&K 2260) was tripod-mounted at 4.5 feet above the ground and connected to a Sony TCD-D100 DAT recorder. The wind speeds at ground level ranged from 900 fpm to 1300 fpm during the recording. The tape was submitted to Dr. Geoff Leventhall, an independent UK consultant in noise, vibration, and acoustics, who performed an analysis of the sound frequency characteristics. After reviewing the tape, Dr. Leventhall concluded that, based on his analysis, the GE 1.5 Series turbines did not display any unusual low frequency noise characteristics. (Leventhall, Geoff, November 8, 2005. <i>Low Frequency Noise from Wind Turbines With special reference to the GE 1.5 Turbines at Fenner Wind Farm.</i>)</p> <p>Vibro-Acoustic Disease (VAD) was first defined for aircraft technicians who worked in extremely high noise levels. The original definition was that it might be caused by long term exposure to noise above 90dB in the frequency range below 500Hz. Exposure of such workers was well above 100dB, but not so at the lowest frequencies, as aircraft engine noise peak frequency is above 100Hz. Thus, VAD has not generally been considered a low-frequency phenomenon. The physician in question has no experience in either noise nor vibroacoustic diseases, whatever her other credentials may be. The DEC, PSC and several courts have rejected her unsubstantiated claims, which were largely based on down-wind turbines, not the upwind turbines proposed here. Actual studies of low frequency noise at existing wind facilities using the same turbines demonstrates there will be no significant levels of low frequency noise.</p> <p>Noble has never commented publicly or privately about any physician with acoustical or acoustics credentials.</p>
210	James and Peggy Owsian	Noise	The comment letter references several studies on low frequency noise and health effects, which concludes: "These results irrefutably demonstrate that wind turbines in the proximity of residential areas produce acoustical environments that can lead to the development of VAD in nearby home-dwellers."	See response to comment 209.
211	James and Peggy Owsian	Noise	In order to protect Public Health, ILFN-producing devices must not be placed in locations that will contaminate residential areas with this agent of disease. Even as the wind companies deny that this and other impacts exist, their leases and easements with neighbors forbid the signers from complaining about them or suing the company for any reason. The Lead Agent should seriously reconsider the placement of turbines so close to homes, especially near young children and the elderly. No amount of financial benefit can justify exposing residents to such health risks when there are other options.	Modern wind turbines do not emit ILFN. Furthermore there is no contractual constraint on participants with regard to reporting noise annoyance and any complaints received will be handled as per the established complaint resolution procedure.

Comment No.	Source of Comment	Topic	Comment	Response
212	James and Peggy Owsian	Safety Concerns	Considerable research has been conducted over the last 30 years on the possible biological effects and human health effects from EMF. This research has produced many studies that indicate that long-term exposure to EMF may be harmful to health, particularly in children. As stated in a 1989 report by the congressional Office of Technology and Assessment, "In our view, the emerging evidence no longer allows one to categorically assert that there are no risks..." According to the U.S. Food and Drug Administration (FDA), interference from EMF can affect various medical devices including cardiac pacemakers and implantable defibrillators.	EMF (Electric and magnetic fields) is a term that describes electric and magnetic fields associated with the flow of electricity through power lines, wiring in buildings and electrical appliances. The strength of EMF falls rapidly as one moves away from the source. At the frequencies used in the electric power industry, the evidence for adverse health effects associated with potential exposure to EMF is very weak. New York State has established limits for magnetic field strength of 200 milligauss at the edge of the right of way. The Project will be engineered to meet or exceed New York State EMF Standards.
213	James and Peggy Owsian	Safety Concerns	Several paragraphs discuss risk of cancer associated with EMF, which concludes: "These risks of living in close proximity to the overhead portion of the project's electric lines and the proposed substation, along with proper mitigation, are not adequately addressed in the DEIS.	As stated in Section 1 of the DEIS, impacts associated with the transmission line and substation were addressed in the Article VII application filed with the Public Service Commission on January 29, 2007. However, according to a report compiled by the National Institute of Environmental Health Sciences in June 2002 entitled <i>EMF questions and Answers</i> , "the strength of EMF from equipment within sub-stations, such as, transformers, reactors, and capacitor banks, decreases rapidly with increasing distance. Beyond the sub-station fence, EMF produced by the sub-station equipment is typically indistinguishable from background levels."
214	James and Peggy Owsian	Visual Impacts	In the simulation taken near Route 78 and 362, the radio tower (522 feet high) appears inproportionately larger than the 400 foot turbines that will be next to it. The photo simulation from Java Lake doesn't show the radio tower at all (at least it's not visible in the small photos on Noble's website).	See response to comment 157.
215	James and Peggy Owsian	Visual Impacts	The photo locations seem to have been deliberately chosen to minimize the impact of the proposed project and should be redone to more accurately reflect the visual effects.	Section 3.42 of the Visual Resources Assessment (Appendix G of the DEIS) describes the rationale for selecting receptors for photo simulations.

Comment No.	Source of Comment	Topic	Comment	Response
216	James and Peggy Owsian	Noise	[A summary of a study by G.P. van den Berg is summarized.] The latter [referring to the statement "5) at least some wind energy proponents prefer to downplay the disadvantages [of noise impacts] rather than solve them."] is evident in the DEIS sound analysis, which admits several times that noise from the project will be an issue - and not just at a few homes, but over most of the project area. Each admission is immediately followed by an attempt to minimize it: "The plots show that while the region where turbine noise may be audible is extensive, at least under the highly conservative assumptions inherent in the modeling, the vast majority of it consists of participating properties--where adverse impacts from noise are highly unlikely." and "Consequently, it is somewhat difficult to predict what the reaction of the community will be to the project based solely on the anticipated maximum sound levels. In general, for those inside the nominal 38 dBA sound contour it might be fair to say that in some instances mild annoyance may be felt but strongly adverse reactions are considered improbable - except by those adamantly opposed to the Project - since the maximum sound level at any receptor is not expected to exceed 45 dBA."	Noble has sited its facilities within the standards and parameters established in the town laws. Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.
217	James and Peggy Owsian	Noise	This sounds like a thinly veiled attempt to prepare in advance to discredit anyone who complains about noise from the project by dismissing them because they were opposed to it. A great number of those people who've complained publicly about noise after a wind project went online state that they didn't oppose the project because they (like we) were told the turbines wouldn't make noise and they believed it. Are we to believe that participating landowners won't experience any irritation to noise, simply because they've signed an easement that forbids them to speak about it publicly?	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble. Noble is unaware of anyone who has been told by a Noble employee or representative that the turbines will not make noise.
218	James and Peggy Owsian	Noise	Sound levels of 45 dBA or less may not be "particularly loud in absolute terms", but neither is a dripping faucet. It still wears on your nerves and becomes more aggravating over time. Noise complaints near wind projects aren't just from the decibel level of the noise, but from the rhythmic quality of it, which wears on you and becomes more noticeable as time goes on. As Harry Mount, a UK resident states, "what is so menacing is the regularity and the scope of the noise, which feels like a giant heartbeat shaking the earth."	Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.

Comment No.	Source of Comment	Topic	Comment	Response
219	James and Peggy Owsian	Noise	The proposed location of the turbines in this project will result in excessive noise from a poorly planned project and in dozens of very angry residents who've been told that turbine noise wouldn't be a problem. Excessive noise will also directly affect real estate prices in the town. This is too many turbines for the size of the project area.	Comment noted. Any complaints as a result of the issues described in this comment will be investigated and addressed as part of the complaint resolution process developed between the Town and Noble.
220	James and Peggy Owsian	Miscellaneous	Possible effects on shallow wells in the project area and specific mitigation for them is not adequately addressed in the DEIS. There are a number of shallow wells in Wethersfield, our own being only 63 feet deep. Proposed mitigation, in the event the project construction causes harm to private wells, needs to be laid out with specific details for mitigation and a proper well survey should be done prior to project approval by someone other than a Noble consultant.	In general the foundation design selected for the project is considered a shallow mat. Foundations are typically excavated to an average depth of approximately 9 feet. At this shallow depth no impacts are expected to occur to residential wells in the area. Detailed geotechnical investigations will be conducted prior to construction. Information will be collected relating to depth to groundwater within the Project Area. This information will be provided to the towns for use in analyzing any complaints received from residents of the Town relating to residential wells. Mitigation for verified Project related impacts to residential wells, as determined by the towns, will be implemented and paid for by Noble through the Complaint Resolution Procedure.
221	James and Peggy Owsian	Miscellaneous	The DEIS fails to adequately explain Renewable Energy Credits (RECs). The RECs are sold separately from the actual energy and are likely to be sold on the open market to the highest bidder, allowing companies far outside our borders to claim they are "Green". Would the purchase of RECs in a commodity market allow the purchaser to generate additional pollutants? When determining the "benefits" of the proposed wind project, the pros and cons and adverse impacts relating to RECs must be objectively assessed.	It is true that there are federal and state air pollution reduction programs that allow fossil fuel-based power producers to trade "emission allowances", which are sometimes called "pollution credits". However these are completely different from renewable energy credits. A renewable energy credit (REC) represents all of the benefits associated with a specified unit of renewable energy, usually a megawatt-hour. RECs are basically an accounting mechanism that is used to track where renewable energy goes and who can claim the benefits.
222	James and Peggy Owsian	Public Benefits	The DEIS is inaccurate and misleading in the claimed reduction of emissions that will be realized by the proposed project. It will not reduce our reliance on traditional generation or provide meaningful reductions in greenhouse gas emissions. The benefits are pathetically small and the negative impacts are substantial and wide ranging: economically, aesthetically and ecologically.	The New York State Energy Research and Development Authority contracted GE to provide a study evaluating the effects of the proposed Renewable Portfolio Standard on electric reliability within New York state. In the report, issued in March of 2005, GE concludes that 3,300 MW of electricity generated by wind turbines can be reliably inserted onto the existing NYS transmission system. In addition, the report determined that in a situation where wind generation provides 3,300 MW, displacement of other sources of electricity includes the following: 65% natural gas, 15% coal, 10% oil and 10% from imports (out of state generation). This would lead to an annual reduction of 6,400 tons of NOx and 12,000 tons of SOx air particulate pollutants.
223	James and Peggy Owsian	Socioeconomics	The DEIS Executive Summary states that the project is not expected to have long term impact on housing and population in the region. Has the Town Board received any estimates on the likely impact on land values and use in the future?	The DEIS addresses land uses and property values. See Section 2.26.2 and Appendix L of the DEIS.
224	James and Peggy Owsian	Socioeconomics	Won't housing for future generations be limited because of the setbacks required for the wind turbines?	There is no evidence that indicates that setbacks required by wind turbines would limit housing for future generations.
225	James and Peggy Owsian	Socioeconomics	Won't non-resident taxpayers who planned to build homes here be forbidden to build within 1/4 mile of the turbine their neighbors (not they) are getting paid for?	There will be no restrictions as to the distance between new home construction and turbine placement. See response to Comment 207.

Comment No.	Source of Comment	Topic	Comment	Response
226	James and Peggy Owsian	Socioeconomics	How many people can be expected to move in and build their home where the view consists of 40 story industrial machines as close as 500 feet? A survey of all non-resident taxpayers in the town would probably reveal many who no longer plan to build their homes here because of the turbines. At least one Wethersfield landowner has already cancelled the building of his \$400,000 house, after the architect was drawing up the plans. Several full time residents have said they plan to move, if they're able to find a buyer. These potential losses in tax revenue should be weighed against the potential benefits of the proposed project.	Over 20 years, an 80 turbine, 120 MW Windpark would create approximately \$79.6 million in local economic benefits over a twenty year period. The local community would receive those benefits in the form of a PILOT payment to the town, county, and school district and payments to landowners who have signed easements. Approximately 150 jobs will be created during construction and 10-14 permanent jobs will be created for the duration of the life of the project.
227	James and Peggy Owsian	Socioeconomics	What will be the future land use in Wethersfield if the turbines get abandoned? History shows that once access roads are in place, further development follows. What wind developers are doing is essentially "Subdividing" the land with their access roads, which is likely to the town more tempting to housing developers if the turbines are abandoned. Having the roads already built would mean a significant savings to the builder.	At project completion, bond monies will be available to remove the turbines and associated facilities. Access roads provide access to Windpark facilities and have been sited using existing roadways as much as possible. This serves to minimize environmental impacts as well as provide the landowner with a suitable road for usage. Unless the landowner wishes otherwise, newly constructed access roads will be removed at project end. Topsoil will be replaced as defined in appendix M (Decommissioning Plan) within the DEIS.
228	James and Peggy Owsian	Socioeconomics	What will undeveloped rural land be worth in neighboring towns 10 years from now (when its even more scarce) compared to land that's been used for large wind projects?	Comment noted.
229	James and Peggy Owsian	Socioeconomics	The consequences of this proposal 10, 20 or 50 years from now need to be considered and should be included in the equation when deciding whether or not population or housing will be affected. It's not adequate to just accept the developer's assertion that they don't expect there will be an impact.	Comment noted.
230	James and Peggy Owsian	Property Values	A summary of several studies discussing the lowering of property values associated with wind turbines is followed by: There are many reports like these, increasing in number with the number of proposed wind projects. Residents in Northern NY were outraged to find that 800 turbines were proposed for Clinton and Franklin Counties, yet Wyoming County, which is smaller than either of them, had nearly 600 proposed as of December 2006. For some reason, projects being proposed here are all larger than projects being proposed in other areas and we're being offered less money for them. Why would anyone choose to buy a home in the most turbine-dense County in the state and with the least financial benefit from them?	Studies pertaining to property values were presented in the DEIS in Appendix L. Properties within the Town of Eagle have been recently sold to persons who are aware of the approved Noble Bliss Windpark. In all cases, the home purchaser had never signed an easement with Noble.

Comment No.	Source of Comment	Topic	Comment	Response
231	James and Peggy Owsian	Property Values	The lead agent should investigate this important potential impact of the project more thoroughly, perhaps consulting with some local realtors. It would be advisable not to consult with RealtyUSA, as they have an agreement with Noble and will profit from any mass exodus of homeowners who've signed easements. For most of us, our home is the biggest investment of our lives. Not many Wethersfield residents can afford a loss in the tens of thousands of dollars and some, being elderly and ill, may have no option to sell at all.	Noble has no existing contract with Realty USA. Independent realtors have been contacted and their results are included in Appendix L of the DEIS.
232	James and Peggy Owsian	Construction	Temporary sediment traps that were not properly maintained were responsible for killing 2300 fish at the Maple Ridge Project in 2005, when a hole in the trap allowed silt and chemicals used on roads for dust control to run into a neighbor's pond. Will someone be checking Noble's pollution control methods daily?	As described in Section 2.27.5 of the DEIS, construction activities will be monitored to ensure compliance with applicable permits, the SWPPP, and best management practices. Note, that Noble will use water to control dust throughout the construction period similar to that used within the Bliss Windpark Project. No chemicals will be used to control dust on the site. Both the Town and Noble will have environmental inspectors to ensure adherence to all environmental regulations and permit conditions.
233	James and Peggy Owsian	Construction	Section 3.0 Site Waste Management and Spill Prevention lists the actions that are to be taken in the event of a spill; none of them include notifying the landowner. It seems like it should be required that the landowner be notified and especially a non-participating landowner. Incidentally, this Section lists measures that should be implemented to ensure the proper storage and disposal of construction site wastes, it doesn't say they will be taken. Will that wording allow Noble to be held "not liable" in a court of law if something harmful is spilled because the listed prevention measures weren't taken?	Appendix Q of the DEIS provides measures that will serve as the basis for creation of the Project site-specific Stormwater Pollution Prevention Plan(SWPPP). The SWPPP will encompass all requirements set forth by the NYSDEC State Pollution Discharge Elimination System General Permit for Stormwater Discharges for Construction Activities and will include a spill prevention plan. Any spills that require NYSDEC notification, as per the standards set forth by the NYSDEC, will also be reported to the Town and affected landowner.
234	James and Peggy Owsian	Construction	Section 4.0 Site assessment and inspection says that Noble will employ a qualified professional, such as a professional engineer, licensed landscape architect, or certified erosion control specialist, to conduct an assessment of the site prior to the commencement of construction and to certify that the site has undergone final stabilization at completion. Will this be one of the "qualified professionals" who conducted the studies in this DEIS? Since it also states that "Noble will certify that the requirements of the permit have been satisfied...and submit a Notice of Termination (NOT) form with NYSDEC", does that mean that the DEC won't be checking Noble's work at the end of the construction period? What will happen in the event of violations? Will the town or landowners have some recourse?	The environmental monitors retained by both Noble and the Town will be an appropriately qualified individual to ensure compliance with all local and state or federal conditions of permits or approvals. The Notice of Termination is required to be submitted as part of the General SPDES permit to be obtained prior to construction. This notice is not submitted until all post construction stormwater pollution prevention measures are in place and verified by a qualified individual. This notice serves to inform the DEC that work has been completed. DEC and the Town will have appropriate oversight throughout the construction process.

Comment No.	Source of Comment	Topic	Comment	Response
235	James and Peggy Owsian	SEQRA Process	The 50 turbine option was not explored. Nor was a C-BED community based model, the option of erecting smaller turbines, or erecting 10 or 20 turbines in just one or two large fields, which would not only be more aesthetically acceptable than random clusters of turbines, but would still bring significant revenue to the town, while reducing environmental and aesthetic damage and protecting the quality of life of many more residents. These alternatives should have been analyzed and compared to the current proposal.	Proper wind turbine siting practices consider geographic conditions. Erecting multiple turbines within a confined area creates output inefficiencies resulting in decreased generation. A lesser number of turbines would result in a larger turbine in order to meet an equal number of output megawatts based on the regional wind characteristics. Noble strives to minimize environmental impacts due to Windpark construction.
236	James and Peggy Owsian	Public Benefits	It appears that the DEIS may be giving a false impression of the local benefits that would result from the proposed project. Does the amount that is claimed will be contributed to the local economy include the price of turbines and contractors from out of the area, as the claimed benefits to the Town of Malone did? There should be a more specific breakdown of numbers.	Since the Town of Malone banned large scale windmills and there is no project there, the comment does not make sense. Nevertheless, the Town and region will benefit from spending by contractors and their employees. Since no one has been hired it is impossible at this point to quantify whether such spending will include hotels and food needed by non-locals (as opposed to local based employees).
237	James and Peggy Owsian	Public Benefits	The applicant states that "All of the foregoing benefits will be provided without any corresponding increased burden on local schools and other public services." It should be noted that the same can be said for the 400+ non-residents who contribute significantly to the tax base in Wethersfield without using these services.	Comment noted.
238	James and Peggy Owsian	Public Benefits	The DEIS should include an objective estimate of the amount of annual tax revenues that will NOT be collected by the local tax-collecting entities (town, county, school districts) if the project sponsor is granted tax abatements by the Wyoming County IDA. Any grants and subsidies received by Noble should be detailed in order to properly assess the project's cost.	New York State has exempted wind projects from all taxes for 15 years, RPTL §487. There is no tax cost to building the project, any PILOTS and host agreements will increase funds that would otherwise not be received.
239	James and Peggy Owsian	Public Benefits	Turbines will increase, not decrease the cost of electricity perhaps more than doubling it in a few years. Denmark and Germany, since the addition of wind power, have seen great increases in their electric rates.	According to <i>the Energy and Transport in Figures</i> published by the European Commission, Directorate-General for Energy and Transport in 2004, 4.8 % of the EU's electricity production capacity came from wind energy, whereas 57.9% came from conventional thermal methods such as gas fired or coal fired power plants. Additionally, 50% of the EU's energy production was derived from fossil fuel imports. It is clear that electricity production from wind energy is small when compared to other forms of electric generation. Therefore, it is more likely that the EU's dependency on fossil fuel imports coupled with the increasing costs of fossil fuels caused increases in the price of electricity.
240	James and Peggy Owsian	Public Benefits	It is important to see the details of this agreement (PILOT) to ascertain the extent to which the taxing bodies are protected from inflation, get an increasing income based upon any increasing sales or profits, and have this income stream secured. How can the SEQR weighing test be accomplished when the economic benefit is still undetermined?	PILOTS are the province of the Wyoming County IDA. There is currently no PILOT for this project; none can be adopted until this SEQRA review is completed, the IDA holds its own review and public hearings, and adopts an agreement. The benefits discussed in the DEIS are based on current IDA policy.

Comment No.	Source of Comment	Topic	Comment	Response
241	James and Peggy Owsian	Miscellaneous	It (the DEIS) states that "the underground electrical collection system will be designed and installed such that the main conductors will have a minimum of 48 inches of cover" then says that at decommissioning time, "Cables will be cut back in the area of the pad mounts to a minimum of 48 inches below grade and abandoned in place." Is the intent of the applicant to abandon 30 miles of buried cable? If so, have participating landowners been advised of this?	Participating landowners have been informed of the decommissioning process. In some events, the process has been revised to accommodate landowner requests.
242	James and Peggy Owsian	Miscellaneous	The DEIS claims "the cables contain no materials known to be harmful to the environment." What materials do the cables contain? What if it's determined at a future date that they do include material harmful to the environment?	All materials will conform to applicable existing codes and standards. Noble cannot predict what materials may or may not be determined harmful in the future.
243	James and Peggy Owsian	Miscellaneous	If, for any reason, it becomes necessary for all underground cables to be removed and the owner of the Windpark has already dissolved their LLC and moved on to pilfer our tax dollars through some new business (underground cable removal, perhaps), who will be responsible for paying for the removal of the abandoned cables then, the town or the landowners?	If future underground cable removal is necessary, various options will be reviewed. Any required permits will be obtained and the decommissioning bond will be used to remove Windpark components in accordance with appendix M (Decommissioning Plan) of the DEIS.
244	James and Peggy Owsian	Miscellaneous	Noble claims to have "carefully estimated the costs of decommissioning Project components, salvage values for various components, and a net decommissioning cost per turbine", but does not indicate if the estimates are for what decommissioning would cost today or in 20, 30 or 50 years. The scrap metals market fluctuates greatly and according to supply and demand. When the price goes up, the amount of metals getting scrapped increases greatly and drives the price back down. Scrap metal prices should not be relied on to offset so much of the cost of decommissioning.	Pursuant to the Town of Wethersfield Local Law regulating wind energy conversion systems: the applicant shall post a bond or deposit with the Town, per Wind Energy Conversion Device, in an amount to be determined by the Town's engineer and to be held in escrow (the "Escrow Fund") by the Town pursuant to the terms of this local law. The Town reserves the right to review the bond or deposit annually to ensure sufficient monies are available for removal.

Comment No.	Source of Comment	Topic	Comment	Response
245	James and Peggy Owsian	Miscellaneous	It would be risky to assume that a company, most likely an LLC with no assets other than the wind project, who is no longer profiting from the Wind project would voluntarily spend many thousands of dollars to remove all the useless equipment they've abandoned. This needs to be guaranteed, by requiring the removal of all project components and requiring a cash bond for decommissioning, held in escrow by a third party. Surety bonds may only be good as long as the premiums are being paid and can't be counted on to ensure that the town or the landowners don't get stuck with the tab for decommissioning. It should be kept in mind that when the wind project's usefulness (or the subsidies) comes to an end, so will PILOT agreement and the payments to the landowners and the town. Which of them will be able to afford the decommissioning of 40 story machines when those payments end?	See response to comment 244.
246	James and Peggy Owsian	Wildlife	More study should be done to assess the impacts on bats before project approval. It's much more difficult, legally and practicably, to mitigate for adverse effects after the turbines are operational.	Conducting additional site-specific pre-construction bat studies is highly unlikely to result in a different estimate of the potential impacts on bats from the Project. It is uncertain if significant adverse effects to bats will occur. However, adaptive management is a component of the post-construction bird and bat studies work plan that will be used for mitigation if such adverse effects are encountered during operation of the Windpark. As indicated in Section 4 of the Bird and Bat Risk Assessment (Appendix F of the DEIS): There is no generally accepted understanding of the interaction of bats and wind turbines. To date, there has been no confirmed correlation between habitat availability and specific atmospheric or seasonal conditions that result in increased mortality, although preliminary data seem to indicate that mortalities occur during periods of lower wind speed and that temperature, precipitation, and humidity may also be contributors. Because of the general lack of understanding regarding the interaction of bats and wind turbines, the expectation is that continued monitoring and data analysis associated with operational and proposed windparks will contribute to the database regarding bat species and that windpark operators will need to implement management strategies that will evolve throughout the lifespan of windparks as more defined information is developed. As the breadth of knowledge regarding bat/turbine interactions increases, specific mitigation strategies can be developed to allow for the continued operation of windparks as a critical aspect of a global renewable energy approach, while reducing the potential impact on bats.
247	James and Peggy Owsian	Wildlife	There are no reliable studies of the effect of industrial wind turbine facilities on deer or other wildlife, which Noble expects will not be adversely impacted. The installation of such large structures in wild areas, along with supporting roads and transmission infrastructure and the clearing of trees on mountain ridges, inevitably has a negative effect, if only because of the loss, degradation, and fragmentation of habitat, especially ecologically vital interior forest. The turbines also move (producing noise and vibration) and are lit by strobes at night, adding to the distressing impact they likely have.	The Wethersfield Windpark has been sited to minimize environmental impacts to the maximum extent possible. Turbines are lit at night by red L.E.D. mechanisms and not "strobes" as assumed.

Comment No.	Source of Comment	Topic	Comment	Response
248	James and Peggy Owsian	SEQRA Process	The DEIS fails to provide the information necessary for appropriate public input and for the Lead Agency to take a hard look and provide a reasoned elaboration for any decision it might have to make. Project benefits are exaggerated, significant impacts minimized or ignored and not enough information given to compare the two. Because of these serious flaws, the DEIS should not be accepted as complete and environmental review should not be completed until all necessary information is provided by the applicant.	The Noble Wethersfield Windpark Draft Environmental Impact Statement (DEIS) was accepted by the lead agency on February 28, 2007. Prior to acceptance the DEIS was reviewed in detail by the Town's consultants, attorneys and the Board itself. Commenter fails to identify any impact that was not identified or other information not already supplied relevant to the Lead Agency's analysis of the Project.
249	David Bassett	SEQRA Process	The "Alternatives" Section of the DEIS should address the use of smaller machines in a more forthright manner. There ought to be some reason other than corporate profits as to why smaller machines are not being considered.	Page 1-23 of the DEIS discusses potential impacts associated with the use of smaller-sized turbines.
250	David Bassett	SEQRA Process	The large machines being proposed for Wethersfield were envisioned and designed for capturing the large wind resource found in the windiest dozen states, not for upstate New York.	The GE 1.5MW wind turbine proposed for the Noble Wethersfield Windpark is an optimal turbine for the wind characteristics found in Western NY. A discussion of turbine selection was presented in Section 1.3.2 of the DEIS.
251	David Bassett	SEQRA Process	Now that the DOE budget has helped to create these very large wind turbines, I believe that the proposed use of large machines in Western New York is essentially a bait and switch tactic and represents an inappropriate choice of technology.	Opinion noted.
252	David Bassett	SEQRA Process	Machines of the current Wethersfield scale (750 kilowatt or 0.75 megawatt) are more appropriate for populated areas like WNY.	See response to comment 250.
253	David Bassett	SEQRA Process	The Draft Environmental Impact Statement fails to discuss in detail the use of smaller wind turbines.	See response to comment 249.
254	David Bassett	SEQRA Process	The DEIS fails to indicate the extent to which smaller wind turbines would alleviate many of the environmental concerns now being raised by citizens of Western New York.	See response to comment 249.
255	David Bassett	SEQRA Process	These are serious shortcomings (failure to include an analysis of smaller turbines as an alternative) and must be addressed in detail before the Town Board can even think of considering the DEIS complete, let alone worthy of approval.	See response to comment 249.

Comment No.	Source of Comment	Topic	Comment	Response
256	David Bassett	SEQRA Process	The "Alternatives" Section of the DEIS is seriously flawed because it fails to illuminate for the Town Board any treatment of technologies and opportunities to reduce electricity demand. The DEIS should go beyond simply addressing very large multi-megawatt wind turbines as part of a production side solution to meet a need for electricity. The DEIS is totally silent on investments to reduce the demand for electricity in the first place. Consequently, the DEIS fails to inform adequately.	Current demand for electricity in New York is increasing at an alarming rate. Conservation methods to reduce electricity demand are being utilized, however with minimal effect. Last year (2006), New York set record highs for energy usage and is at a pace to exceed current generation capacity. Demand reduction is desirable as is displacement of polluting generation sources. A combination of these two activities is provided through wind energy.
257	David Bassett	SEQRA Process	The "Alternatives" Section of the DEIS should be expanded greatly to focus on the efficiency of end use (the demand side) to inform the Town Board of the many options before it.	The Town issued a positive declaration on the proposed wind power project immediately after the developer submitted an application. That legal action required the applicant to submit a draft environmental impact statement that would study the environmental impact of the proposed wind power project - not other forms of energy production.
258	David Bassett	SEQRA Process	The treatment of alternatives should be complete and comprehensive. It should present a landscape of alternatives and options for increasing energy efficiency. I believe that the alternatives Section of the DEIS provides a vitally important forum for more comprehensive thinking. As written, the Alternatives Section is nearly empty. It is vital that alternatives be brought before the public for open discussion now, because failed policies are hard to admit and harder still to correct.	See response to comment 257.
259	David Bassett	SEQRA Process	Before we throw away our Western New York vistas, and before we count dead birds on migration routes to Canada, let us pause to get perspective and to think more creatively about alternatives and future consequences of today's proposals.	See response to comment 257.
260	David Bassett	SEQRA Process	In addition to these divergent technical responses to the same problem, the DEIS should explore the financial flows associated with each pathway. The DEIS should explore alternative investments in energy efficiency on a financial scale similar to what is being proposed on the production side.	See response to comment 257.
261	David Bassett	SEQRA Process	The Town of Wethersfield, through the DEIS, should have a much better portrait of the investment landscape, and particularly of the proposed return on those alternative investments - keeping in mind who the ultimate beneficiaries may be and mindful of whether financial gains remain locally, or whether the greater portion of the profits are exported out of state.	Comment noted.
262	David Bassett	SEQRA Process	The DEIS should estimate the value of alternatives to the proposed wind farm -- What is the residual value to the Town of Wethersfield from each million dollars invested in energy efficiency instead of energy supply?	See response to comment 257.

Comment No.	Source of Comment	Topic	Comment	Response
263	David Bassett	SEQRA Process	Among a wide range of alternatives to the proposed project, the DEIS should address the generation efficiency of the current national fleet of electric power plants...To propose building new electrical generating capacity in the face of existing and overwhelming inefficiency of generation is foolhardy and unwarranted. It seems only prudent to clean up our existing inefficient house before building new.	Comment noted.
264	David Bassett	SEQRA Process	The DEIS should address, contrast and compare technologies to improve energy efficiency through co-generation, combined heat and power, district energy systems, distributed and on-site energy systems. These and other proven technologies can reduce the need for new generating capacity by generating and using energy more efficiently.	See response to comment 257.
265	David Bassett	SEQRA Process	The Convention Center at McCormick Place in Chicago operated by Trigen, Inc. converts the primary energy in fuel to useful human outcomes at an overall thermal efficiency of more than 90% -- three times the national average. We can do this in western NY as well. A local example of improvements may be found at the Wyoming County Community Hospital in Warsaw where energy facilities were recently upgraded with the help of NYSERDA to improve overall thermal efficiency.	Comment noted.
266	David Bassett	SEQRA Process	It is vitally important that this serious deficiency be addressed. Rather than risk the environmental consequences of this massive construction proposal, the Town of Wethersfield could achieve a more desirable result, without any of the environmental risks attendant with Noble's proposal.	Comment noted.
267	David Bassett	SEQRA Process	The Draft Environmental Impact Statement fails to adequately address energy efficiency alternatives posing far fewer and less severe environmental concerns. I believe that the Town Board cannot find the DEIS worthy of approval with such serious shortcomings.	Comment noted.