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Three Empire State Plaza, Albany, NY 12223-1350
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January 4, 2021

Via Electronic Mail

Mr. Eric Miller
Director, Business Development
Invenergy LLC
One South Wacker Drive, Suite 1800
Chicago, IL 60606
emiller@invenergyllc.com

RE: Case 16-F-0328 - Application of Number Three Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind and Solar Project Located in Lewis County.

Dear Mr. Miller:

On December 21, 2020, Number Three Wind LLC (NTW or the Applicant) filed a Petition for Amendment (Amendment Petition) of the Certificate of Environmental Compatibility and Public Need, with Conditions, issued by the New York State Board on Electric Generation Siting and the Environment (Siting Board) on November 12, 2019 (the Certificate). This letter is to advise you that the Amendment Petition does not constitute a “revision” under 16 NYCRR §1000.16(b) and no hearing will be required.

The Certificate authorizes NTW to construct and operate a 105.8 MW wind-powered electric generating facility of up to 31 utility-scale wind turbines in Lewis County (13 of which are to be located in the Town of Lowville and 18 of which are to be located in the Town of Harrisburg) (the Project). The Project consists of five GE 2.3-116 turbines with a total height of approximately 453 feet and 26 GE3.6-137 turbines with a total height of approximately 586 feet, as well as above-ground and underground transmission lines, temporary and permanent access roads, underground collection lines, a collection substation, an Operations & Maintenance (O&M) building and construction laydown yard. In its Amendment Petition, NTW seeks approval to install fewer turbines (29) but to increase the turbine height for up to 26 turbines up to 650 feet. This will require one turbine to shift five feet to comply with local law property line

setbacks. Other than the shift of one turbine, the Amendment Petition does not propose any shift in turbine locations, access roads or collection alignments. According to NTW, the changes are necessary because the GE3.6-137 turbines are no longer commercially available and the proposed turbines (Vestas V150 turbines) are available and are preferable to meet the “Project parameters including targeted energy production and capacity and the limitations imposed by the Federal Aviation Administration and the United States Army at Fort Drum.” Amendment Petition, p. 3.

In its Amendment Petition, NTW argues that the studies submitted with the Amendment Application “demonstrate that the change in turbines will not significantly increase the impacts, or create impacts of a different quality, compared to those reviewed by the Siting Board and found to meet the applicable standards.” Amendment Petition, p. 4.

The regulations at 16 NYCRR §1000.16(b)(1) and (2) require a petition to “describe the amendments proposed and the relevant engineering design, performance or operational changes proposed, with supporting documentation to describe the nature of the changes caused by or related to the amendment,” and include “the data and information required by this Subchapter that would otherwise be necessary to support an application for a certificate.” The Department of Public Service Staff (DPS Staff), in consultation with the Department of Environmental Conservation and the Department of Health, reviewed the Amendment Petition and concluded that the proposed modifications would not result in a significant adverse increase to environmental impacts as compared to the Certificated Facility. 16 NYCRR §1000.16(a).

Visual

NTW’s consultant, Saratoga Associates, performed a supplemental visual impact analysis to assess the impacts of the changes proposed in the Amendment Petition and concluded that “[e]ven with the minimal increase in overall structure height for 24 of the proposed turbines, the actual geographic area impacted by the Project does not result in a general increase in visibility. Amended Petition, Visual Technical Memo, p. 4. They also concluded the “overall geographic Project visibility of the 2020 Layout would have a minor increase of approximately 0.1% (98 acres) within the five-mile Study Area and less than 0.1% (approximately 39 acres) within the ten-mile Study Area.” Id.

Although the increased turbine heights will result in the discrete additional visual impacts discussed above, the overall reduction in the number of turbines reduces the visual impacts as compared to the Certificated Facility. The minor increase of five feet in height of wind turbines will not significantly increase visibility or increase contrast with existing conditions as evaluated in the Application and addressed in the Certificate. Mitigation measures required by the Certificate will remain applicable to the amended project.

Shadow Flicker

Shadow flicker is addressed by Certificate Condition 57 (Shadow Flicker Impacts Analysis, Control, Minimization and Mitigation Plan), which provides: “Shadow flicker caused by wind turbine operations shall be limited to a maximum of 30 hours annually at any residential

receptor, subject to verification using shadow detection and operational controls at appropriate wind turbines.”

NTW provided an “Expected Annual Shadow Hours - Oct 26 2020 Update” table with its Amendment Petition with the results of a shadow flicker study using the proposed turbine models under consideration to assess the “worst-case” and “expected” scenarios without vegetative cover. There will be one minor decrease and three minor increases in duration of shadow flicker at non-participating residential receptors with no intervening vegetation or structures. With the appropriate mitigation required by Certificate Condition 57 for shadow flicker, the changes proposed in the Amended Petition are not expected to result in any significant increase in shadow flicker impacts as compared to the Certificated Facility.

Noise

NTW’s consultants performed an updated “Preliminary Noise Impact Assessment” included with the amendment “which shows that the amended facility will comply with all noise goals and certificate conditions.” NTW also states that “[t]he requested amendment would not result in any increase in any adverse impacts associated with the approved facility nor any other change in turbine locations.” Amendment Petition, p. 3. DPS Staff advises that the proposed changes in the Amendment Petition will not significantly increase impacts on noise and vibration and recommends that compliance requirements of the Certificate remain applicable. To ensure there is no misunderstanding of this point, NTW remains obligated to make all of the required filings under 16 NYCRR Part 1002.1, demonstrating compliance with the existing Certificate Conditions.

In conclusion, as discussed in the Amendment Petition and above, the modifications for the Project are not expected to result in an increase in the environmental impacts as compared to the Certified Facility and, therefore, do not constitute a “revision.” No hearing will be required, and the Siting Board will consider the Amendment Petition.

Please contact me if I can be of any further assistance.

Sincerely,



Michelle L. Phillips
Secretary

cc: Service List