

# New York State Department of Environmental Conservation



## Division of Environmental Permits, 4<sup>th</sup> Floor

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January 25, 2006

Richard A. Jacks, Supervisor  
Town of Warren  
544 Kingdom Road  
Mohawk, NY 13407

**Re: Jordanville Wind Power Project, Community Energy  
State Highway 167, County Highways 18 and 116  
Town of Warren and Town of Stark, Herkimer County, NY**

Dear Mr. Jacks;

This letter provides comments on the draft scoping document provided by Community Energy on January 11, 2006. Community Energy indicated they had participated in informal scoping with the Town of Warren, and provided a copy of that document for our review. As you are aware, the New York State Department of Environmental Conservation (Department) letter of January 4, 2006 regarding the Lead Agency Request of the Town of Warren had identified several resource categories and impact assessments which were recommended for inclusion in the studies for project impact assessment. Although some of those comments/issues appear to be included in the draft scoping document, there are several areas where it is less clear, and the Department recommends that the following items be included in the final scope of studies for the draft environmental impact statement (DEIS). The topic headings are taken from the draft scoping document.

### **3.0 Existing conditions**

This section should have a discussion about measures taken to avoid and/or minimize impacts to natural resources. This is stated in section 3.3, but should be included here as well. In addition, there should be a clear description of existing and proposed facilities and infrastructure.

### **32 Water resources**

Stormwater drainage from both temporary and permanent aspects of the project should be carefully evaluated for runoff potential to protected streams.

### **3.3 Biological Terrestrial and Aquatic Ecology**

The DEIS should include a detailed habitat/natural resource inventory and the developers plans to maintain the resources. This should include the results of any agency consultation (Natural Heritage list for example) and species list for mammals, birds , herps etc. for the area to be affected. Strategies to avoid and/or minimize impacts to habitat should be fully explored prior to any consideration of mitigation for impacts to the natural resources. A copy of the Avian and Bat work plan should be included in the section on avian and bat studies.

### **3.5 Aesthetic/Visual resources**

There is no mention of the Department's visual policy in the draft scope. As indicated in our January 4, 2006 letter, the Department recommends that a visual analysis completed by the project sponsor be prepared consistent with the Department's existing visual policy ( Assessing and Mitigating Visual Impacts, DEP-00-2). Department staff concur with the comments provided by the NYSDPS concerning an expansion of the 5-mile stud area with respect to important resource areas. Since a wind farm represents a large landscape alteration, the assessment should examine an area greater than 5 miles from the turbines if there are any potential sensitive receptors as described in section V (B) of the DEC Program Policy.

The Department appreciates the opportunity to informally comment on the draft scope, and looks forward to working with the Town of Warren throughout the remainder of the SEQR and permit review process. However, the Department does recommend that formal scoping be conducted in order to provide an opportunity for public input into the scope of the DEIS. If you have any questions, please contact me at (518) 402-9161.

Sincerely,

/s/

Kevin Kispert  
Project Manager

cc: D. Malone, Malone & Malone LLP  
A. Halkowich, Town Clerk  
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