

## 5.0 PROJECT EFFECTS

### 5.1 Permanent Impacts

As described in the section 3.0, SLW has minimized wetland impacts to the extent feasible. There is no permanent wetland fill proposed at the wind turbine sites. The proposed 14.9 miles of permanent, gravel access roads that will be constructed for the Project will unavoidably cross 2 intermittent streams/watercourses and 42 wetlands. The proposed temporary and permanent wetland impacts are summarized in Table 5-1.

As described in the following paragraphs, unavoidable permanent fill areas are located at relatively narrow wetland crossings with limited wetland functions and values. Table 5-2 summarizes the temporary excavation of wetland crossings for the installation of underground (buried) electric cable (see cable corridors on Figure 2).

The wetland types subject to proposed fill include:

- two (2) deciduous broad-leaf forested and emergent wetlands;
- thirty-four (34) emergent vegetated wetlands;
- one (1) scrub-shrub wetlands; and
- five (5) of the delineated wetlands within the Project corridor consist of two or more wetland types; one (1) with a stream within a palustrine emergent wetland and four (4) others with mixed emergent and scrub/shrub palustrine wetlands.

Based on the results of Project field delineation, only two watercourses meet the NYSDEC definition of a stream, and will be affected by the Project. These streams are delineated as W26 and W26-T2. W26 corresponds with a mapped NYSDEC tributary and is located within the Project mapped wetland W26; however, W26-T2 is delineated as an intermittent stream with no bordering wetland. The proposed stream crossing at W26 is associated with a proposed access road southeast of Turbine 22, and the stream crossing at W26-T2 is associated with the proposed cable interconnection northeast of Turbine 20. Proposed temporary stream bank alteration is estimated at 40 and 10 linear feet, respectively. The remaining seven delineated streams identified in the Project area are associated with the overhead transmission line. Project related impacts to these mapped streams are not anticipated because these streams have culverts under the existing old railroad bed right-of-way and will not be altered during construction.

As previously mentioned, SLW proposes an overhead wire crossing of the Chaumont River and floodway for the overhead transmission line. There is no proposed work directly in the river or nearby wetlands. This Joint Permit application includes a request for the eligibility of Nationwide #12 for this overhead wire crossing of the Chaumont River under the jurisdiction of Section 10 of the U.S. Rivers and Harbors Act.

**Table 5-1: St. Lawrence Wind Farm Wetland Delineation and Proposed Fill (impact)**

Figure 2 8"x11" Sheet Number	Wetland ID	Wetland Type <sup>1</sup>	Associated Turbine Location	NYS DEC Mapped Wetland (#)	Cowardin Classification <sup>2</sup>	Proposed Temporary Fill/Excavatio n (Cable & Road Disturbance) <sup>3</sup> (sq. ft.)	Proposed Permanent Fill (Roads) Area <sup>3</sup> (Sq. ft.)	Proposed "Stream" Bank Alteration <sup>4</sup> (ln. ft.)	Forested Wetland Conversion (sq. ft.)	Longitude (West)	Latitude (North)
1	W22	Scrub-shrub wetland located in old pasture	3	No	PSS1/PEM1	11,923.6	5,898.1			76.32384994	44.11195805
1	W24-T	Herbaceous wetland with intermittent drainage into W24	2	No	PEM1	130.7	137.7			76.32889267	44.10795342
1	W45	Herbaceous wetland with intermittent drainage	1	No	PEM1	277.0	92.5			76.33050074	44.10884283
2	W18	Herbaceous wetland with associated ditch system	5,6,7	No	PEM1	3,925.0	962.0			76.31496638	44.11714071
3	W18-T2	Herbaceous wetland with intermittent drainage from agricultural fields into W18	7,8	No	PEM1	224.9	61.0			76.31016792	44.12113731
7	W59	Herbaceous wetland in an isolated depression in farm field	15	No	PEM1	180.7	161.3			76.25857198	44.13331529
8	W26	Small "braided" intermittent stream (stream Class D) through an agricultural field	20,22	No	R4/PEM1	589.5	453.6	40.00		76.27061492	44.15230737
8	W48	Herbaceous wetland in depressed area	23	No	PEM1	746.5	300.0			76.27248029	44.15027511
9	W34-T11	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	17	No	PEM1	4,026.8	999.2			76.25801344	44.14469732
10	W34-T9	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	16	No	PEM1	228.5	180.0			76.25777692	44.14065201

**Table 5-1: St. Lawrence Wind Farm Wetland Delineation and Proposed Fill (impact)**

Figure 2 8"x11" Sheet Number	Wetland ID	Wetland Type <sup>1</sup>	Associated Turbine Location	NYS DEC Mapped Wetland (#)	Cowardin Classification <sup>2</sup>	Proposed Temporary Fill/Excavatio n (Cable & Road Disturbance) <sup>3</sup> (sq. ft.)	Proposed Permanent Fill (Roads) Area <sup>3</sup> (Sq. ft.)	Proposed "Stream" Bank Alteration <sup>4</sup> (In. ft.)	Forested Wetland Conversion (sq. ft.)	Longitude (West)	Latitude (North)
12	W26-T1	Intermittent agriculture drainage through an agricultural field, with herbaceous species on banks that connects to W26	23	No	PEM1	215.2	91.1			76.27907943	44.14915924
13	W34-T10	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	27	No	PEM1	1,220.3	362.1			76.25349406	44.15132381
13	W42-T	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W42	27-29	No	PEM1	251.6	136.9			76.24953203	44.15217323
17	W10	Intermittent channel supporting wetland vegetation	36	No	PEM1	2,458.9	771.3			76.2362221	44.16321316
19	W11-T	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W11	32,33	No	PEM1	216.4	87.0			76.21611735	44.15344674
23	W31	Forested wetland with an existing agricultural equipment road crossing.	44	No	PFO1	9,761.8	3,658.6		13,420	76.20862303	44.17473343
Figure 3	OT-18	Herbaceous/scrub-shrub wetland associated agricultural drainage	Along overhead Transmission route	No	PEM1	625.0	10.0				
Figure 3	OT-13	Herbaceous/scrub-shrub wetland in pasture	Along overhead Transmission route	No	PEM1	625.0	10.0				

**Table 5-1: St. Lawrence Wind Farm Wetland Delineation and Proposed Fill (impact)**

Figure 2 8"x11" Sheet Number	Wetland ID	Wetland Type <sup>1</sup>	Associated Turbine Location	NYS DEC Mapped Wetland (#)	Cowardin Classification <sup>2</sup>	Proposed Temporary Fill/Excavatio n (Cable & Road Disturbance) <sup>3</sup> (sq. ft.)	Proposed Permanent Fill (Roads) Area <sup>3</sup> (Sq. ft.)	Proposed "Stream" Bank Alteration <sup>4</sup> (In. ft.)	Forested Wetland Conversion (sq. ft.)	Longitude (West)	Latitude (North)
<b>Temporary Impacts only</b>											
4	W54	Herbaceous wetland with intermittent drainage	9	No	PEM1	158.6	0.0				
6	W55	Scrub-shrub wetland connecting to a forested wetland located off the assessment corridor	20	No	PSS1	725.9	0.0				
8	W26-T2	Intermittent stream in agricultural field, with herbaceous species on banks (stream Class D) that connects to W26	20,22	No	R4	361.8	0.0	10.00			
8	W26-T3	Intermittent drainage swale through forested wetland that connects to W26	20,22	No	PFO	1,360.8	0.0		1,361		
8	W49	Herbaceous wetland, ditch bisects wetland	20	No	PEM1	642.1	0.0				
9	W35	Herbaceous wetland in depressed area	18	No	PEM1	1,731.8	0.0				
10	W34-T5	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	17	No	PEM1	1,825.2	0.0				
10	W34-T6	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	16, 17	No	PEM1	697.3	0.0				
10	W34-T7	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	16, 17	No	PEM1	356.4	0.0				

**Table 5-1: St. Lawrence Wind Farm Wetland Delineation and Proposed Fill (impact)**

Figure 2 8"x11" Sheet Number	Wetland ID	Wetland Type <sup>1</sup>	Associated Turbine Location	NYS DEC Mapped Wetland (#)	Cowardin Classification <sup>2</sup>	Proposed Temporary Fill/Excavatio n (Cable & Road Disturbance) <sup>3</sup> (sq. ft.)	Proposed Permanent Fill (Roads) Area <sup>3</sup> (Sq. ft.)	Proposed "Stream" Bank Alteration <sup>4</sup> (In. ft.)	Forested Wetland Conversion (sq. ft.)	Longitude (West)	Latitude (North)
10	W34-T8	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	16, 17	No	PEM1	568.4	0.0				
11	W53	Scrub-shrub wetland with temporary impact on associated agricultural ditch consisting of herbaceous vegetation	14,15	No	PSS1/PEM1	258.1	0.0				
13	W41	Wooded hedgerow showing wetlands characteristic	28	No	PFO1/PEM1	877.0	0.0				
13	W34-T12	Scrub/shrub wetland along ditches associated with Wetland W34 and W41 that drains to NYDEC wetland ST-9	17,28	No	PEM1	800.0	0.0				
14	W34-T1	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	28	No	PEM1	48.6	0.0				
14	W34-T2	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	17,28	No	PEM1	103.4	0.0				
14	W34-T3	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	17,28	No	PEM1	157.2	0.0				
14	W34-T4	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W34	17,28	No	PEM1	651.0	0.0				
15	W52	Herbaceous wetland in depressed area alongside a road	26	No	PEM1	357.1	0.0				

**Table 5-1: St. Lawrence Wind Farm Wetland Delineation and Proposed Fill (impact)**

Figure 2 8"x11" Sheet Number	Wetland ID	Wetland Type <sup>1</sup>	Associated Turbine Location	NYS DEC Mapped Wetland (#)	Cowardin Classification <sup>2</sup>	Proposed Temporary Fill/Excavatio n (Cable & Road Disturbance) <sup>3</sup> (sq. ft.)	Proposed Permanent Fill (Roads) Area <sup>3</sup> (Sq. ft.)	Proposed "Stream" Bank Alteration <sup>4</sup> (In. ft.)	Forested Wetland Conversion (sq. ft.)	Longitude (West)	Latitude (North)
16	W16-T1	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W16	31	No	PEM1	661.9	0.0				
16	W16-T2	Herbaceous wetland with intermittent flow located within an agricultural field that connects to W16	31	No	PEM1	238.7	0.0				
18	W17	Herbaceous wetland with intermittent flow supporting wetland vegetation	35	No	PEM1	2,317.8	0.0				
20	W60	Herbaceous wetland with intermittent drainage	38,39	No	PEM1	208.2	0.0				
21	W9	Herbaceous wetland (with possible intermittent flow) and constructed farm pond	41,42	No	PEM1/PUBH	560.2	0.0				
<b>Totals</b>						<b>53,294.9</b>	<b>14,372.4</b>	<b>50.00</b>	<b>14,781</b>		

**Notes:**

<sup>1</sup> See Wetland Delineation Report and data sheets for detailed wetland types and description of hydrology, soils, and vegetation composition in delineated wetlands.

<sup>2</sup> Cowardin Class.

PFO1 – Palustrine forested wetland, broad-leaved deciduous

PEM1 – Palustrine emergent wetland, persistent

PSS2 – Palustrine scrub-shrub wetland, broad-leaved deciduous

PUBH – Palustrine unconsolidated bottom, permanently flooded

R3 – Riverine, upper perennial

R4 – Riverine, intermittent

<sup>3</sup> – The design layout process (i.e. alternative analysis) involved establishing 250' wide study corridors to identify wetland and stream resources. Project effects (i.e. impact areas") were calculated based on the width of the necessary corresponding turbine sites and infrastructure components and dimensions: temporary work areas surrounding turbines at a 150 foot radius cleared and leveled with access to turbines consisting of permanent roads at 17 feet at wetland crossings; temporary roads at 39 feet wide to accommodate large crane access; underground cable trench construction at 4 foot wide trench with 25 foot disturbance zone.

<sup>4</sup> The streams and intermittent streams were field observed and characterized according to definitions enumerated the NY Environmental Conservation Law code Part 810 §810.2 (j) and (k). Very few drainages observed in the study corridors classified as "streams". All streams and intermittent streams are classified as "C". None of the streams or intermittent streams are "protected streams" under Part 608 of the NY Conservation Law code.

### **5.1.1 Proposed Fill Location and Area**

In summary, SLW proposes to discharge a total of 14,372 square feet (0.33 acres) of permanent fill material into “waters of the U.S.”, including wetlands and 50 linear feet of stream bank for the construction of access roads and utilities for the proposed industrial/commercial development known as the St. Lawrence Wind Farm. The Project includes these specific activities in waters of the U.S.:

- Placement of permanent road bed fill, installing culverts, and grading activity (0.32 acres and 50 linear feet of stream bank), as well as construction related grading activities for temporary access road crossings and the installation (bed and backfill) of underground electric interconnect cables (1.95 acres);
- Placement of fill/structure material in 90 square feet of wetlands to accommodate the installation of transmission poles.

In addition to the permanent fill described above, there will be a conversion of 14,781 sq. ft. (0.33 acres) of forested wetlands for the permanent installation and maintenance of underground cable permanent right-of-way.

### **5.1.2 Compensatory Mitigation**

Compensatory mitigation for the impacts to “aquatic resources” (wetlands) will consist of the following:

- 1) The establishment of 0.7 acres of wetlands (a 2:1 ratio of lost wetlands) from on-site uplands in the Project area adjacent to one existing wetland area;
- 2) the restoration of 1.95 acres of wetland; and
- 3) the establishment of a conservation easement of at least one acre of existing forested wetland habitat and associated upland buffer to mitigate the conversion of existing forested wetland habitat to emergent wet meadow habitat resulting from the Project activities.

## **5.2 Temporary Impacts**

There will be temporary impacts associated with the construction of temporary roads and the installation of the proposed underground electric cable connecting the turbines in the wind farm. The permittee (SLW) will ensure all temporarily filled or excavated wetlands will be returned to the pre-construction contours by replacing the segregated topsoil removed during the installation of the underground cables. Following re-grading, SLW will establish temporary stabilization of soils with annual rye grass for erosion control until the disturbed areas have re-vegetated. In addition, SLW will restore the affected areas along the proposed overhead transmission line right-of-way with the same procedures. The details for the proposed restoration and mitigation of wetlands for the Project are enumerated in section 7.0.

### **5.3 Wetland Impact Assessment and Pollution Control**

The effects associated with the construction and operation of the Project is not anticipated to result in adverse impacts to surface waters or groundwater. Potential indirect or secondary impacts may result from unintended discharges of fill or storm water runoff if not properly mitigated with pollution controls.

The potential pollution sources from storm water contaminants include: sediment runoff from unprotected disturbed soil or soil stockpiles during construction, or spills and leaks that could come from construction equipment that comes in contact of storm water. Erosion and sediment procedures to protect wetlands during construction are described in section 7.0. An Individual SPDES Storm Water Permit for Construction Activity will be required for the Project and it will include a Storm Water Pollution Prevention Plan. The SWPPP will include erosion and sedimentation control plans and appropriate Best Management Practices (BMPs) that minimize soil erosion and sediment transport associated with construction activities.

The stream and wetland crossings associated with the Project have been designed to continue to convey storm water flow and spring runoff similar to existing flow conditions. Bottomless culverts are proposed at stream crossings W26 and W6-T2. Appropriately sized culverts will be installed at the other relatively narrow wetland and intermittent drainage areas that will be crossed for road access to maintain over land flow conditions in these areas. Existing stream flow volumes/rates will remain the same following Project completion. With proposed storm water controls, restoration practices and wetland mitigation, the proposed fill in wetlands will not have a significant adverse impact on existing functions and values of affected wetland and waterway areas. The Project will not contribute to the pollution of groundwater or surface water. The proposed wetland protection and wetland mitigation will not result in the discharge of pollutants that would adversely affect stream or wetland water quality standards.

Section 7.0 describes the proposed compensatory mitigation and restoration for the Project.

#### ***5.3.1 Potential Effects on Threatened, Endangered, and Special Concern Species***

The status of species specific consultation with New York State Natural Heritage Program (NYNHP) for this Project is summarized in Table 5-2.

Correspondence received from the NYNHP (December 2006) indicated a records review of occurrences of threatened or endangered species and unique or significant natural communities in the Project Area included the following: three endangered, eight threatened, and three special concern bird species; one endangered and one special concern bat species; one threatened turtle species; one rare fish species, and two endangered plants species occur near the Project. In addition, a search of the USFWS Jefferson County list of Threatened, Endangered, and Candidate Species; and the List of Extirpated Species was conducted in September 2008. Search results indicated that the bald eagle (formerly threatened), the Indiana bat (endangered) and Designated Critical Habitat for the Great Lakes population of piping plover (endangered) are currently documented in Jefferson County.

**Table 5-2: Summary of Listed Species Reported in the NYS Natural Heritage Program Database**

Common Name	Scientific Name	Status (State/Federal)	Source	Suitable Habitat On-Site? <sup>1</sup>	Suitable Habitat in Project Area? <sup>1</sup>	Suitable Habitat in Project Area? <sup>1</sup>
<b>VASCULAR PLANTS</b>						
Michigan Lily	<i>Lilium michiganense</i>	Endangered (St.)	NHP	Yes	Yes	Wet meadows, floodplain forests, swamps
Autumnal Starwort	<i>Callitriche hermaphroditica</i>	Endangered (St.)	NHP	Yes	Yes	Lakes and streams
<b>FISH</b>						
Quillback	<i>Carpionoxenus cyprinus</i>	S2-Imperiled (NHP listing)	NHP	No	Yes	Rivers and lakes
<b>REPTILES</b>						
Blanding's Turtle <sup>1</sup>	<i>Emydoidea blandingii</i>	Threatened (St.)	NHP	Yes	Yes	Shrub swamps, marshes, and shallow ponds
<b>BIRDS<sup>2</sup></b>						
Short-eared owl	<i>Asio flammeus</i>	Endangered (St.)	NHP	Yes	Yes	Marshes, grasslands and croplands
Black Tern	<i>Chlidonias niger</i>	Endangered (St.)	NHP	No	Yes	Freshwater marshes
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Endangered (St.)	NHP	Yes	Yes	Agricultural areas
Common Tern	<i>Sterna hirundo</i>	Threatened (St.)	NHP	Yes	Yes	Grasslands and rocky inland shores
Least Bittern	<i>Ixobrychus exilis</i>	Threatened (St.)	NHP	No	Yes	Marshes
Upland sandpiper	<i>Bartramia longicauda</i>	Threatened (St.)	NHP	Yes	Yes	Grasslands
Northern harrier	<i>Circus cyaneus</i>	Threatened (St.)	NHP	Yes	Yes	Agriculture fields, grasslands
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened (St./Fed.)	NHP	No	No	Lakes, rivers, reservoirs

**Table 5-2: Summary of Listed Species Reported in the NYS Natural Heritage Program Database**

Common Name	Scientific Name	Status (State/Federal)	Source	Suitable Habitat On-Site? <sup>1</sup>	Suitable Habitat in Project Area? <sup>1</sup>	Suitable Habitat in Project Area? <sup>1</sup>
Pied-billed grebe	<i>Podilymbus podiceps</i>	Threatened (St.)	NHP	No	Yes	Streams, ponds, lakes, marshes
Sedge Wren	<i>Cistothorus platensis</i>	Threatened (St.)	NHP	Yes	Yes	Marshes and wet meadows
Henslow's sparrow	<i>Ammodramus henslowii</i>	Threatened (St.)	NHP	Yes	Yes	Grasslands
Common Loon	<i>Gavia immer</i>	Special Concern (St.)	NHP	No	Yes	Lakes
Great Blue Heron	<i>Ardea herodias</i>	Special Concern (St.)	NHP	Yes	Yes	Marshes and swamps
Clay-colored sparrow	<i>Spizella pallida</i>	Special Concern (St.)	NHP	Yes	Yes	Grasslands
<b>MAMMALS<sup>3</sup></b>						
Indiana bat	<i>Myotis sodalis</i>	Endangered (St./Fed.)	NHP	Yes	Yes	Caves, mines, under rocks and tree bark, floodplain forest, beech-maple forest, limestone woodlands
Eastern small-footed myotis	<i>Myotis leibii</i>	Special Concern (St.)	NHP	No	Yes	Caves, mines, under rocks and tree bark, forest and forest edge

1. Documented within 0.6 mile of project site (NHP)
2. Avian species that may be located within a 10-mile buffer of the project boundary
3. Bats that may be located within a 40-mile buffer of the project boundary but have been documented beyond the boundaries of the project site

### 5.3.1.1 NYSNHP Consultation Status

Of the 20 state listed species initially identified by the NHP, seven species were also documented during 2006-2008 surveys on the Project Site. These include: northern harrier and bald eagle (state threatened); Cooper's hawk, sharp-shinned hawk, horned lark, grasshopper sparrow (state species of concern); and Indiana bat (state endangered).

While suitable habitat for two threatened plant species, the Michigan lily and autumnal water-starwort are potentially associated within the wetland habitats found in the Project landscape, these species have not been documented during site wetland delineation efforts.

Review of the New York State Amphibian and Reptile Atlas identified twenty reptile and amphibian species reported to use the Project area. According to the Atlas, the Blue-spotted Salamander, a state species of Special Concern, has been reported on the tip of the cape in Cape Vincent. The Atlas also lists the Blanding's turtle, a listed state Threatened species, as using the Project Area. Riveredge Associates performed a mid-November 2007 Blanding's turtle habitat survey to evaluate wetlands and adjacent areas for potential use by the species. They determined that the vegetative structure, vegetative species composition, and other habitat parameters present in six wetlands in and around the Project area and overhead transmission corridor represent suitable habitat for Blanding's turtle for foraging, nesting, and/or overwintering.

Five listed bird species were observed during 2006 breeding bird point count surveys: the northern harrier, state threatened; horned lark and grasshopper sparrow, state species of concern; and bobolink and wood thrush, USFWS 2002 Birds of Conservation for the Lower Great Lakes/St. Lawrence Plain region. Winter raptor surveys did not record short-eared owls; however, two stated listed species of concern, Cooper's hawk and sharp-shinned hawk, were documented.

Additional consultation with the USFWS revealed that a hibernaculum for the Indiana bat is located approximately 17 miles southeast of the proposed Project area. Multiple Indiana Bat spring/summer roosts have also been documented within ten miles of the Project area. Bald eagles winter along the St. Lawrence River between Cape Vincent and Massena. Common tern have been documented in the Wilson Bay Marsh located west of the Project area; the short-eared owl has been documented in the Dutch Point Uplands southwest of the Project area; and the great blue heron has been documented in Kents Creek also west of the Project (Payne and Cochran, 1972). The northern harrier has been documented at all three locations as well and within the Project area (WEST 2007). Designated critical habitat for the endangered piping plover is located in the coastal areas of Lake Ontario in southern Jefferson County. This habitat is limited to sandy shorelines bordering the lake. Also, two species of conservation concern (USFWS 2002), bobolinks and wood thrushes were observed during pre-construction surveys.

### 5.3.1.2 Federal Consultation Status

The Applicant, working with the ACOE, USFWS, and NYSDEC, is in the process of preparing a Biological Assessment (BA) to evaluate possible impacts to Indiana Bat populations due to construction and operation of the proposed Project. The BA will be used to initiate formal

consultation with the USFWS under the Endangered Species Act. Results of the consultation process will determine conservation measures for avoiding, minimizing, and mitigating potential impacts from the Project on Indiana bats. The Biological Opinion of the USFWS resulting from the formal consultation will identify provide legally binding conditions the project must comply with for Indiana bat conservation. The Project will be required to comply with conditions and mitigation measures derived through the formal consultation process in addition to any conditions associated with the Town permit. The Applicant will provide the results of the federal consultation process to the ACOE in accordance with the federal Endangered Species Act.

### ***5.3.2 Coastal Zone Consistency Status***

The proposed SLW turbine windpower farm is not located in the state designated coastal zone. The only structure in the St. Lawrence Windpower Project that is within the state-designated coastal zone is a portion of the proposed overhead transmission line where it would cross the Chaumont River in the Town of Lyme (See Coastal Zone Boundary maps in Attachment E). The inland coastal boundary of the coastal zone is variable by region (the Town of Lyme is in the Great Lakes Region) but generally is 1,000 feet from the shoreline in non-urbanized areas, and 500 feet or less from the shoreline in urbanized areas.

The St. Lawrence Windpower Project is eligible for the Federal Clean Water Act Nationwide Permit program (NWP), namely, NWP 24 and 14. Pursuant to 15 CFR Part 930.41, the NYS Department of State concurs with the Corps consistency determination for many Nationwide Permits, including NWP 12 and 14, where the activities to be authorized would occur outside of areas covered by the following Coastal Zone Management Program (CMP) special management areas:

- 1) The Long Island Sound Regional Coastal Management Program;
- 2) Local Waterfront Revitalization Programs;
- 3) Significant Coastal Fish and Wildlife Habitats;
- 4) Scenic Areas of Statewide Significance; and
- 5) Harbor Management Plans.

All activities relating to the proposed St. Lawrence Windpower Project would occur outside of areas covered by the five preceding special management areas (See Attachment E); thus the Project has concurrence from NYSDOS with coastal zone consistency. However, St. Lawrence Windpower has included in Attachment E, for general review purposes, the Coastal Zone Consistency Form and an assessment of the State Coastal Management Policies that would otherwise be applicable, if such concurrence was not already made through the NWP 12 and NWP 14.