



Public Notice

Applicant:

Flat Rock Wind Power,
LLC

Date:

Published: February 17, 2004
Expires: March 18, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 2002-02165(1) **Section:** NY 404/10

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Flat Rock Wind Power (FRWP), LLC, 7612 State Street, Suite 7, Lowville, New York 13376 has requested a Department of the Army permit to permanently impact approximately 2.04 acres of wetland and stream and to temporarily impact approximately 2.82 acres of wetland and stream for the development of a 300-megawatt (MW) windpowered electric generating facility. The project area consists of 21,000 acres on leased private land located on the eastern edge of the Tug Hill plateau, west of the Village of Lowville, in the Towns of Martinsburg, Lowville, and Harrisburg, Lewis County, New York.

The project will be constructed in two phases. Phase I involves the installation of 94 - 1.65 MW wind turbines and Phase II involves the installation of 93 - 1.65 MW wind turbines. No turbines will be located in waters of the United States. Both phases will also include associated buried electrical interconnect cables, access roads, meteorological towers, an above ground 34.5 kV electric distribution line and a construction staging area. Proposed jurisdictional impacts are as follows:

1) Phase 1: The construction of access roads, temporary and permanent, will be required to access the turbines, resulting in wetland and stream impacts. Access to the turbines will result in approximately 0.54 acres of permanent impacts to wetlands and 0.02 acres of impact to streams. An additional 0.54 acres of wetland and 0.02 acres of stream will be temporarily impacted as a result of the fill for temporary access during construction (See Sheets 13, 14, 15).

The buried electrical interconnect cables will impact a maximum of 0.42 acres of wetland and 0.12 acres of stream (See Sheets 10, 11, 12). In most cases, cables will be installed via cable plow or rock trencher. Note that if they are installed via cable plow, there will be no resultant discharge of dredged or fill material and therefore would not be jurisdictional. The total width of disturbance for rock trenching would be 2 feet. If rock trench or cable plow techniques are not feasible (due to terrain), then the trench will be excavated (with a 3 foot bucket), and all material will be temporarily stored in upland areas. If flowing water is encountered during installation in

a stream channel, a sandbag cofferdam will be constructed to divert the water during construction (See Sheet 96).

2) Phase 2: Approximately 1.17 acres of wetland and 0.01 acres of stream will be permanently impacted as a result of the construction of access roads to turbines in Phase 2. In addition, the same amount of impacts are expected to occur as temporary impacts to wetlands and streams as a result of the temporary access roads needed during construction (See Sheets 21, 22, 23). The buried electrical interconnect cables will temporarily impact a maximum of 0.44 acres of wetland and 0.10 acre of stream during construction of Phase 2 (See Sheets 17-20). Note that the wetland delineation for Phase 2 was completed during the winter of 2003, and it has not yet been verified by this office.

3) The applicant also proposes to construct a 230 kV overhead electric transmission line to transmit power from the proposed 300 MW Generating Project to the Niagara Mohawk Power Corporation 230 kV Adirondack-Porter Transmission Line. FRWP proposes to construct a substation in the Town of Martinsburg and an Interconnect Station in the Town of Watson. These stations will not involve impacts to waters of the United States. However, access roads to construct the lines and stations will result in permanent impacts to 0.22 acres of wetland and 0.08 acres of stream (See Sheets 7, 8, 9). The transmission line will also cross 220 linear feet of the Black River, a navigable waterway. No towers will be located below the Ordinary High Water mark of the river, and the line will be a minimum of 44 feet above the river.

The applicant is currently investigating mitigation options to compensate for the wetland impacts proposed.

The purpose of the project is to create a utility-scale wind-powered electrical-generating facility to provide a source of electricity within New York State that is generated from renewable energy sources, in accordance with Executive Order 111.

Location and details of the above described work are shown on the attached maps and drawings. In addition, copies of the Draft Environmental Impact Statement, prepared in accordance with State Environmental Quality Review Act (SEQRA) requirements, and the Corps application package can be found on the applicant's web site: <http://www.flatrockwind.com>, as well as at the following Town offices and libraries:

William H. Bush Memorial Library
Whittaker Road
Martinsburg, New York 13404

Lowville Free Library
5387 Dayan Avenue
Lowville, New York 13367

Malinda Zehr, Town Clerk
Town of Lowville
5481 Bostwick Street
Lowville, New York 13367

Mary Kelley, Town Clerk
Town of Martinsburg
RR 26
Martinsburg, New York 13404

Cathryn Hosmer, Town Clerk
Town of Harrisburg
P.O. Box 52
Lowville, New York 13367

Honorable Virgil E. Taylor
Supervisor
Town of Watson
7316 Number Four Road
Lowville, New York 13367

Questions pertaining to the work described in this notice should be directed to Margaret A. Crawford, who can be contacted by calling (315) 255-8090, or by e-mail at: margaret.a.crawford@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

Numerous cultural resources have been identified which may be impacted by the proposed project. The applicant is currently consulting with the State Historic Preservation Office to ensure compliance with the National Historic Preservation Act.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Philip D. Frapwell
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.