

**DRAFT SCOPE
FOR THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**Moresville Energy Center
Town of Roxbury and Town of Stamford New York**

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1.0 INTRODUCTION

Moresville Energy LLC (herein “Moresville Energy”) is seeking approval for the construction and operation of approximately thirty three (33) wind turbine generators (WTG) in the Towns of Roxbury and Stamford, in Delaware County, New York, to be known as the Moresville Energy Center (herein the “Project” or “MEC”). The Project will include construction of wind turbines, access roads, an electrical collection system and ancillary structures (e.g., operations and maintenance building, switchyard, substation, lay down areas, parking facilities etc.) located on private land, under lease agreement. The MEC will have a total nameplate capacity of approximately 99 megawatts (MW).

The Town of Roxbury Planning Board has designated the Project a Type I action and is seeking to be the Lead Agency for purposes of review under the State Environmental Quality Review Act (“SEQRA”). It is expected that the Planning Board will issue a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (“DEIS”). The Planning Board has decided to conduct scoping to identify relevant environmental issues to be addressed in the DEIS. The purpose of the scoping process is to provide early involvement by the public and involve any interested local and state agencies in identifying potentially significant environmental impacts related to the Project and evaluating reasonable alternatives. Scoping can be conducted either by holding a public scoping session and/or submission of written comments.

This Draft Scope is being submitted in accordance with 6 N.Y.C.R.R. 617.8 to provide a basis for the Town Planning Board’s scoping activities.

2.0 SCOPING

The purpose of scoping is to provide a guide for the preparation of a DEIS. The SEQRA regulations define scoping as:

The process by which the lead agency identifies the potentially significant adverse impacts related to the proposed action that are to be addressed in the DEIS including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant issues. Scoping provides a project sponsor with guidance on matters which must be considered and provides an opportunity for early participation by involved agencies and the public in the review of the proposal.

6 N.Y.R.C.C. 617.1(af).

Under the SEQRA regulations, the Draft Scope must include the following items:

- A brief description of the Project;
- The potentially significant adverse impacts identified both in the positive declaration and as a result of consultation with the other involved agencies and the public, including the identification of those particular aspect(s) of the environmental study that may be impacted;
- The extent and quality of information needed so that the preparer can adequately address each impact, including identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information;
- An initial identification of mitigation measures; and
- The reasonable alternatives to be considered.

6 N.Y.C.R.R. 617.8(f)(1-5).

After the receipt of this Draft Scope, the Planning Board must allow for public participation in the scoping process. This will be done by submission of public comments. SEQRA regulations do not set out a time frame for a public comment period, except that if a final written scope is not adopted within sixty days of submission of the Draft Scope, the project sponsor may submit a DEIS based on the Draft Scope.

3.0 DESCRIPTION OF THE PROJECT

Moresville Energy is seeking approval to develop, construct and operate the MEC in the Towns of Roxbury and Stamford, Delaware County, New York. The Project Area is located in the Catskill Region of New York, approximately 85 miles northeast of Binghamton, 68 miles southwest of Albany, and 62 miles northwest of Kingston. The Project will include wind turbines that are located along a series of ridgelines in the Towns of Roxbury and Stamford. The total size of the Project's permanent/operational footprint (Project Site) is approximately 24 acres. The total size of the Project Area (including easements and setbacks) is approximately 8,020 acres. The wind turbines are located south of New York State Route 23 and extend east of New York State Route 10 and to the west of New York State Route 30. Wind turbines will be located on private land under lease agreement with Property owners. The MEC will have a total operational capacity of approximately 99 MW, derived from 33 Vestas V-90 wind turbines with a nameplate capacity of 3 MW each. In addition to the wind turbines, Moresville Energy will construct access roads, an underground electrical collection system (ECS), a substation, switchyard, operations and maintenance facility, lay down areas and parking facilities.

Each wind turbine will sit on a concrete pad that is approximately 20 feet in diameter (exposed at ground surface). Wind turbines will be connected through a series of

access roads to be constructed for installation and operational maintenance purposes. The proposed access road system will include a combination of new gravel service roads and improved existing farm roads. Adjacent wind turbines will be spaced no closer than 615 feet from any pre-existing structures (approximately 1.5 times the maximum tip height of the wind turbine). A 34.5 kilovolt (kV) ECS will link the wind turbines. The ECS will deliver 34.5 kV power through a substation that will connect the MEC to the New York State power grid 115 kV line.

Permanent gravel access roads will typically be 16 feet wide during the operational phase of the Project. The construction phase of the Project will require temporary access road widths of approximately 35 feet to provide sufficient room for overwidth/overweight delivery vehicles, and to prevent soil compaction on field edges. Following construction, access roads will be reduced in width to approximately 16 feet, and temporary portions of the access road will be decompacted (e.g, 9.5 feet on either side of the original temporary 35 foot access road) and restored to pre-construction conditions. Deforested areas will be allowed to regenerate or be maintained as grass/shrubs, while agricultural activities will resume up to the margins of turbine pads and service roads.

The Vestas V-90 wind turbines will be approximately 262.5 feet tall (80 m) from the ground to the nacelle. The tubular tower supporting each wind turbine will be approximately 12-feet wide at the base and 7 ½-feet wide at the top. Each of the three wind turbine blades will be approximately 147.5 feet in length, with the apex of blade rotation reaching a maximum height of approximately 410 feet above ground elevation (e.g., from the base of the tubular tower). The color of the blades, nacelle, and tower will be off-white. The towers will be a tapered tubular steel monopole. In addition to the wind turbines and access roads, the Project will include a 3.0 +/- acre substation and switchyard, which will be located

adjacent to the existing 115 kV transmission line, an operation and maintenance building and storage yard. During construction, several construction trailers will be located within the Project Area and will be used by Moresville Energy employees and its subcontractors. Temporary construction laydown and work areas will be located near each proposed wind turbine. The Project is shown in detail on a site plan that was previously submitted to the Town Planning Board in the Moresville Energy Center Application.

4.0 POTENTIALLY SIGNIFICANT IMPACTS TO BE CONSIDERED

SEQRA does not require the study of every possible impact, but rather requires that a DEIS assemble relevant material facts for an agency decision to be made and analyze significant adverse impacts and evaluate reasonable alternatives. 6 N.Y.C.R.R. 617.9(b)(1). Potentially significant adverse impacts are limited to those that can be reasonably anticipated and/or have been identified in the scoping process, 6 N.Y.C.R.R. 617.9(b)(2).

5.0 METHODOLOGIES TO BE EMPLOYED

Methods to be used in preparing the DEIS include but are not limited to:

1. Moresville Energy will prepare a Site Plan that will show how the Project layout can minimize impacts on the Project Area.
2. Moresville Energy will consider alternatives in Project size, scope and design of the Project in the DEIS.
3. Moresville Energy will consider the impact on the historical nature of local properties and surrounding properties.

4. Moresville Energy will review and identify measures to minimize potential impacts on the surrounding neighborhood. This will be accomplished using GIS-based software that can map and layer various forms of data in order to conduct final adjustments on Project layout.
5. Moresville Energy will identify environmental impacts through accepted scientific research and methodologies. Mitigation strategies will be provided that will either avoid or minimize recognized environmental impacts.

6.0 INITIAL IDENTIFICATION OF MITIGATION MEASURES

SEQRA requires the lead agency to identify and, to the maximum extent practicable, mitigate adverse impacts, Environmental Conservation Law § 8-0109(1),(8). Scoping regulations require that the Draft Scope make a preliminary identification of mitigation measures. These are:

1. The Project proposed by Moresville Energy will use a limited amount of space as is required. Based on the current Project design, less than 24 acres of permanent improvements are being proposed within an approximate 8,020 acre Project Area. This represents approximately 0.3% of the total Project Area set aside for permanent development.
2. Landscaping will be provided for the substation to further reduce any aesthetic impact of the Project.
3. Access roads for the project will be located on existing farm/forest roads, where available, and will be upgraded to suit project construction needs. New roads will be designed to limit any potential impact to streams/wetlands and where possible, limit the amount of clearing that would otherwise be required

7.0 REASONABLE ALTERNATIVES TO BE CONSIDERED

SEQRA requires the DEIS to include “a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the Project sponsor,” 6 N.Y.C.R.R. 617.9(b)(5)(v). The alternatives to this Project to be reviewed are:

1. A no action alternative will be assessed that examines a no build option. This Section of the DEIS will assess the merits of a no build option, including the reduction in financial benefits to the Town and local residents, and the loss of additional green energy for the State.
2. Alternative Project sizes will be considered, including different numbers of WTGs, WTG manufacturers and tower heights.
3. Alternative construction phasing will be assessed, that will examine how altering the construction schedule will influence local impacts during Project construction.

8.0 CONTENTS OF THE DEIS

The following Section provides an outline of the contents of the DEIS. A draft table of contents is provided at the end of this Draft Scope.

Cover Page and Table of Contents

The cover page will include the name and location of the Project, state that the document is a Draft Environmental Impact Statement (DEIS), identify the Project sponsor, and provide the name and address of the Lead Agency. The cover page will be followed by a table of contents, listing all of the Sections, figures, tables and appendices contained in the DEIS.

Executive Summary

The executive summary will provide a summary of the DEIS contents, a Project summary, a summary of the environmental impacts associated with the Project, and a summary of the proposed mitigation measures.

Section 1.0 - Description of Project

This Section will provide a detailed description of the surrounding area, the Project Site and the Project, including construction and operation of the MEC.

Section 1.1 - Site Description

This Section provides descriptions of the local environment where the Project is being proposed, define the local and regional boundaries, identify all participating and non-participating landowners, and identify significant land uses in the area, including natural features such as streams, wetlands and forested areas. Other significant features, such as school districts, historical areas, agricultural districts, and the local road system will also be described in detail, and depicted on Project maps.

Section 1.2 - Detailed Description of Project

This Section will provide a detailed description of the Project, the construction and the operation of the MEC. Various maps will be provided, as well as descriptions of the total size of the Project, including the layout of all associated structures. This includes wind turbines, access roads, electrical collection system, transmission lines, substation, switchyard, and ancillary facilities (parking, operations and maintenance building, storage and lay down yards). In addition, Project maps will be provided identifying parcel boundaries and

participating and non-participating landowners. A description of temporary and permanent impacts related to the Project will also be provided.

Section 1.3 - Project Need and Purpose

This Section will provide a description of the benefits related to the Project, and the positive attributes it is expected to generate from a local and regional perspective.

Section 1.4 - Project Alternatives

Alternatives that will be considered for the MEC are discussed in this Section. This Section will include the methodology employed for selecting the Project Area, as well as alternative Project designs including alternative sizes, alternative wind turbines, alternative numbers and the no-build alternative.

Section 1.5 - Government Agencies and Approvals

This Section will identify all interested and involved agencies, including their associated jurisdiction and approvals and permits (where appropriate) related to each agency. All federal, state, county and local agencies will be identified. Any consultation that has been provided from a government agency will also be discussed.

Section 1.6 - Construction Staging and Operational Phase

This Section describes the construction sequence of the MEC, including significant milestones of the construction schedule. A description of all major construction works will be provided, including construction area preparation (e.g., clearing, removing tree

stumps, stockpiling), execution of Storm Water Pollution Prevention Plans (SWPPPs) and environmental monitoring.

Section 2.0 – Environmental Setting, Environmental Impacts, Mitigation Strategies

This Section will provide a description of the existing conditions in the Project Area, anticipated impacts associated with either the construction or operation of the MEC and finally mitigation strategies that will be to either avoid or minimize Project-related impacts.

Specifically, Section 2 will address the following areas:

- local soils and geology;
- surface and subsurface (groundwater) hydrology;
- wetlands;
- local ecology/biology;
- avian and bats;
- visual/aesthetic resources;
- noise resources;
- local, regional and state climate;
- local communications;
- traffic management and local road use;
- land use and property values;
- cultural and historical resources;
- decommissioning; and
- health and safety.

The above-noted Sections will be supplemented, where required, with detailed studies provided in attached appendices. A list of accompanying appendices to the DEIS is provided at the end of the draft table of contents at the end of this Draft Scope.

2.1 - Local Soils, Geology and Topography Description

This Section will provide a description of surface and subsurface soils, as well as bedrock and local topography within the Project Area. The effect of dominant topography, soil types, soil textures, depth to water table, and hydric and non-hydric soils will be evaluated relative to their impact to the Project (e.g., erosion potential, bearing capacity, cohesiveness etc.). In addition, agricultural districts will be identified, including significant soil features (e.g., soil series, boulders, rock outcrops, etc.). Also included in this Section will be soil maps and bedrock maps, overlain on top of the Project Area.

2.2 - Local Soils and Geology Impacts and Mitigation

This Section will provide a description of anticipated impacts as a result of the Project on surface and subsurface soils, bedrock, and agricultural districts. Mitigation strategies such as development of SWPPPs, adhering to NYS Agriculture and Markets Guidelines, topsoil segregation and stockpiling, will be specified in this Section.

2.3 - Surface and Subsurface (Groundwater) Hydrology Description

This Section will provide details on local water courses (streams, brooks, rivers, etc.) and other surface water features (lakes, ponds, etc.). These surface water features will be identified in accordance to names on the USGS topographic maps. If no names are listed then names on NYSDEC databases and local names will be used. If no names exist, these features

may be identified as unnamed tributaries to the appropriate named stream. NYSDEC stream classifications will also be listed as well as any special designation such as state or federal scenic rivers. Groundwater resources including water table depth, aquifers, known recharge areas, floodplains (FEMA-regulated) and water supply wells will be identified. Any special state or federal designation of the aquifer will also be identified. This information will mainly be derived from existing data and maps, and will be supplemented with any available site-specific information. Results of agency consultation will also be included in this Section.

2.4 - Surface and Subsurface (Groundwater) Hydrology Impacts and Mitigation

This Section will describe the anticipated impacts as a result of construction of the Project and runoff during construction and operation of the MEC. Impacts on surface and sub-surface hydrology will be evaluated in relation to installation of the wind turbines and ancillary structures (e.g., electrical interconnection system), on local surface water, groundwater and aquifers. Other issues such as the potential for accidental chemical or fuel spills will be identified. Mitigation strategies, such as adoption and implementation of SWPPPs and chemical/fuel spill emergency response plans will be described.

2.5 - Wetlands Description

This Section provides maps and descriptions of state (NYSDEC) and federal (Army Corps of Engineers) identified wetlands. These will be identified and discussed using maps in relation to the Project Area. Results of agency consultation will be included in this Section.

2.6 - Wetlands Impacts and Mitigation

All listed and unlisted wetlands mapped or delineated within the Project Area will be described in relation to individual Project Sites, and any anticipated impacts as a result of construction or operation of the MEC on those wetlands. Mitigation strategies, including avoidance of wetlands will be described. Where wetlands cannot be avoided, a description will be provided indicating how Project-related impacts to wetlands have been minimized, either through Project design, or through adoption of mitigation strategies such as SWPPPs, best-management construction practices, or chemical/fuel spill emergency plans.

2.7 - Local Ecology/Biology Description

Information on the Project Area terrestrial and aquatic biology and resources will be described in this Section using existing sources of data and consultation with state and federal agencies. Dominant flora and fauna will be identified using information sources such as United States Fish and Wildlife Service (USFWS) and NYSDEC. Results of agency consultation will be included in this Section.

2.8 - Local Ecology/Biology Impacts and Mitigation

Potential impacts to local flora and fauna will be evaluated using data obtained from agency consultation and other information sources. This will include general species identification, focused species and habitat. Based on these data and consultation with agencies, mitigation strategies such as avoidance of sensitive areas, adjusting the Project numbers, or developing adaptive management plans will be described.

2.9 – Avian and Bat Description

Avian and bat species known to exist in the Project Area will be described, including habitat, sensitive species, and state and federal listed species. Results of agency consultation will be included in this Section.

2.10 – Avian and Bat Impacts and Mitigation

This Section will evaluate potential mortality risk to avian and bat species based on breeding bird surveys, migratory surveys and raptor surveys conducted for Avian and Bat Risk Assessment studies. Methodologies for collecting data, assessing mortality risks (based on avian and bat and habitat surveys) will be presented. Post-construction monitoring protocols will be presented in which actual mortality rates are compared with those presented in the risk assessment phase of the Project. Mitigation measures will be presented which could include modification of the Project numbers, adaptive management strategies and adjustment of construction phasing/scheduling in order to avoid peak migration/breeding seasons.

2.11 – Visual/Aesthetic Resources Description

A Visual Resource Assessment (VRA) to evaluate the potential visibility of the Project will be completed to objectively determine the difference in the visual character of the landscape with and without the Project in place (visual impact). The VRA will be completed to be consistent with the New York State Department of Environmental Conservation Program Policy “Assessing and Mitigating Visual Impacts” (DEP-00-2).

2.12 – Visual/Aesthetic Resources Impact and Mitigation

Following the NYSDEC policy, this Section will present the Visual Resource Assessment (VRA) within a 5-mile radius of the Project. The VRA will include photographic simulations of the Project Area, both prior to and following construction. The VRA will identify the geographic area falling within the shadow zone of one or more wind turbine rotors will be mapped. The maximum hours of potential shadow flicker for affected receptors, existing topography and the precise solar conditions of the Project Area will be calculated. Solar conditions will be based on publicly available data.

Both local and regional significant resources will be identified and assessed in the VRA for potential visibility. Mitigation strategies will also be presented.

2.13 – Noise Resources Description

This Section will document background sound levels using IEC standard methodologies and monitoring equipment. A description of existing noise sources in the Project Area will also be provided.

2.14 – Noise Resources Impacts and Mitigation

Noise modeling studies will be discussed, in relation to background noise, limits specified in the Local Laws, and using the NYSDEC guidelines. Noise impacts will be discussed for both construction and operational phases of the Project. Mitigation strategies, including the use of setbacks, appropriate wind turbine technology, post-construction monitoring and development of a Complaint Resolution Process will be presented.

2.15 - Local, Regional and State Climate

Existing air quality from a local, regional and state perspective is presented in this Section. Potential impacts as a result of the Project construction are presented, including mitigation measures that will be adopted (e.g., dust control). The potential effects of the Project on climate, following commissioning will also be presented.

2.16 - Local Communications Description

This Section will describe existing infrastructure related to local and regional communications, including microwave transmitters, television, radio and other broadcast signals.

2.17 - Local Communications Impacts and Mitigation

Based on the details provided in Section 2.16, an assessment of potential impacts from the Project will be evaluated. Mitigation efforts will generally be restricted to a Complaint Resolution Process, in which individual impacts will be assessed on a case by case basis.

2.18 - Traffic Management and Local Road Use Description

Existing local and regional traffic conditions and road conditions will be described in this Section. Significant road systems and corridors will be described, including school bus districts.

2.19 – Traffic Management and Local Road Use Impacts and Mitigation

A road use plan and haul route survey will be presented in this Section. This will include a description of necessary improvements required for overwidth/overweight delivery vehicles. In addition, fully loaded vehicle dimensions, weights and turning radii, with graphical representations will be presented in this Section. Mitigation strategies may include measures such as pre-construction reinforcement and post-construction improvements will be presented.

2.20 – Land Use and Property Values

Local and regional land use, both existing and future/anticipated land use trends will be described in this Section. Where available, the Project will be compared against local land use plans, including zoning and future plans. The presence of any conflicts between the Project and land use plans will be evaluated. In addition, this Section will discuss property value impacts related to the Project.

2.21 – Cultural and Historical Resources Description

This Section will identify local, regional, state and federal significant (i.e., national register of historic places listed or eligible) cultural resources recorded by the New York State Office Of Parks, Recreation and Historic Preservation/New York State Historic Preservation Office (architectural) that exist within 5 miles of the Project Area and an initial national register evaluation of structures over 50-years old. Archaeological cultural resources located within the Project foot print and a surrounding one mile radius will also be identified. The data will also be presented in a Phase 1A archaeological investigation and an initial historic structure survey. Consultation with the New York State Office of Parks, Recreation and Historic

Preservation will also be included in this Section. A complete historic structures survey of the 5-mile radius will be completed evaluating all structures 50-years or older for national register eligibility and a Phase IB archaeological survey will be completed for all the Project component impact areas in compliance with New York State Office Of Parks, Recreation And Historic Preservation wind farm cultural resources guidelines.

2.22 - Cultural and Historical Resources Impacts and Mitigation

Impacts resulting from the construction and operation of the Project will be discussed in this Section, including disturbances during construction, and visual disturbance during operation of the Project. Mitigation measures will be developed based on anticipated construction and operational impacts; these may include adjusting Project layout to avoid archaeological sites, Phase III mitigation of archaeological sites, reducing the visual impact through screening, and in the majority of cases off-setting visual impacts through local preservation projects (indirect mitigation). Any additional agency consultation will be included in this Section.

2.23 - Decommissioning Plan

A decommissioning plan will be included that will provide:

- the anticipated life of the Project;
 - the estimated decommissioning costs in current dollars;
 - how the estimate costs were determined;
 - the method of ensuring funds will be available for decommissioning and restoration;
 - the method (e.g., annual re-estimate) that the decommissioning cost will be kept current;
- and

- the manner in which the Project will be decommissioned, including restoration.

2.24 - Health and Safety

Both public and worker safety will be discussed in this Section, including construction and operational phases of the Project. Details regarding special training measures for local emergency responders will also be provided in this Section. In addition, special consideration for specific issues such as tower collapse, nacelle fires or ice shed will also be provided in this Section.

3.0 - Cumulative Impacts

Cumulative impacts will be addressed in this Section. Moresville Energy will assess the cumulative impacts related to the MEC, insofar as it includes applications for wind turbines in the Town of Roxbury and the Town of Stamford. This Section will assess the cumulative impact of the Town of Roxbury proposal and the Town of Stamford proposal.

MORESVILLE ENERGY CENTER
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