

Jordanville Wind

Developer: Community Energy

Location: Herkimer County, New York

Prepared July, 2008

For updates, see www.macalester.edu/windvisual

BACKGROUND

The Jordanville Wind project was proposed in the towns of Stark and Warren in Herkimer county in upstate New York. Herkimer county has a population of 64,427 or 46 people per square mile. The county has a median household income of \$32,924.

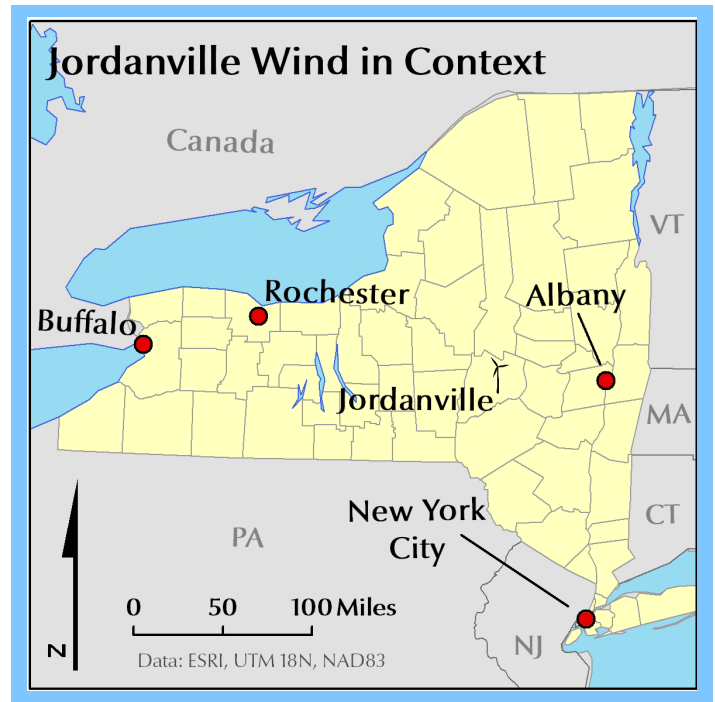
Community Energy, Inc. (CEI) is a subsidiary of Iberdrola, a Spanish energy company which leads the world in renewable energy. CEI is partnered with the large New York utility, NYSEG, to offer wind produced electricity as a premium product called NewWind Energy. CEI proposed a wind farm of approximately 70-75 2 MW turbines around the hamlet of Jordanville in 2005. CEI later reduced the quantity of turbines they were proposing to 68. The turbines were to be sited on privately owned dairy farms in the two towns of Stark and Warren. Jordanville is an unincorporated hamlet in the town of Warren.

The project site is twenty miles from the historic village of Cooperstown, on Otsego Lake. It is home to the Baseball Hall of Fame, the Glimmerglass Opera, the Farmer's Museum and many other attractions. The Holy Trinity Monastery, a Russian Orthodox community has been located in Jordanville since 1935.

The state has seen a wind development boom following New York's enactment of a Renewable Portfolio Standard in 2004 requiring 24% of the state's energy come from renewable sources by 2013. New York State has 424.8 MW of installed wind capacity, with another 636 MW under construction.

POLICY CONTEXT

Under the New York State Environmental Quality Review Act (SEQRA), projects such as Jordanville Wind are required to prepare an Environmental Impact Statement (EIS). The EIS was prepared by Environmental Design and Research (EDR) and was accepted by the Town of Warren Town Board. Prior to the acceptance of the Final EIS, two drafts were presented, followed by periods for public comment. The Environmental Impact



Statement documents were prepared by Environmental Design & Research (EDR), one of the largest companies providing such services and a frequent consultant in New York projects.

A pivotal section of the EIS was the Visual Impact Assessment (VIA). Using viewshed analysis, cross section analysis and field analyses, EDR concluded that the impact would be low to moderate and that public reaction would be variable, but generally positive. They noted that the project would likely be visible from several historic landmarks.

The Herkimer County Industrial Development Agency (HCIDA) arranges Payment In Lieu of Taxes agreements for projects such as this. In a PILOT agreement, the developer is exempted of all local property taxes, making predetermined payments to local municipalities instead. Such an agreement was negotiated between HCIDA and Community Wind, with the developer initially offering \$15 million over twenty years.

Renewable energy projects in New York are tax-exempt unless the local government passes a law to allow taxation. Warren had such a law, but rescinded it in April 2007 to allow for PILOT negotiation.

The towns of Stark and Warren approved special use permits in June 2007. They allowed the building of 34 turbines in each of the two towns.

PUBLIC RESPONSE

The proposal to place several turbines on the hills around Jordanville caused immediate controversy. On one hand there were groups and individuals who were enthusiastic about the economic development and environmental promise. A group called Friends of Renewable Energy supported the development, as did The Alliance for Clean Energy New York, and the Sloop Clearwater.

On the other hand, there were other organizations and individuals who were absolutely horrified by the prospect of the turbines impacting their landscapes, depressing property values

OTHER WIND PROJECTS IN LEWIS, HERKIMER & OTSEGO COUNTIES:

Project	Location	Developer	Turbines	Status
Maple Ridge Wind	Lowville	PPM Energy & Horizon	195	Operating
East Hill Wind	Cherry Valley	Reunion Power	24	Failed
Herkimer Wind Farm	Fairfield & Norway	PPM Atlantic Renewable	61	Failed



Simulation of view from “from County Route 18 at the intersection of County Route 116 looking northwest” (EDR)

and negatively effecting tourism. Otsego2000 an organization founded to (successfully) resist a powerline project and a public boat launch in the area applied the same rhetoric to the wind farm. The monks of the Holy Trinity Monastery were also vehemently opposed to the project. An organization called Advocates for Stark was also vocal against the turbines. The Preservation League of New York State listed Holy Trinity as one of the state’s seven “most-threatened historic resources.”

Otsego2000 funded research which countered CEI’s EIS. Where the EIS found low to moderate visual impact, the reports produced for Otsego2000 claimed a high impact. They produced photo simulations showing significant views of the project from Otsego Lake. While EDR claimed the project would not be visible from the Glimmerglass Historic District, the researchers for Otsego2000 found that it would be. In comments to the Town of Warren Town Board, Otsego2000 claimed the EIS was inadequate, failing to meet legal standards and that the project would have significant impacts.

Otsego2000’s research and language were apparently persuasive to the state Public Service Commission (PSC) which incorporated some of their language in their decision to cut nineteen turbines from the project. This meant some landowners previously involved were now excluded from the project and that the PILOT would be smaller. Proponents were therefore outraged. The cut also failed to satisfy opponents of the project. The cuts served mainly to reduce the visual impact of the wind farm on those viewing Lake Otsego from Cooperstown.

The Holy Trinity monastery is a deeply traditional place. The buildings, habits and routines of the monks are meant to continue a monastic tradition from the 15th century. It is perhaps not surprising that the monks and the nuns from the associated convent had a swift, negative and dramatic reaction to the wind farm. “This has a deep, deep effect, and it’s going to ruin the landscape” one nun said. “Even if you close your eyes, you’ll be able to feel them, to sense them.”

During the summer of 2007, the monks protested the proposed wind farm, holding a service of intercession. Just as Joshua marched his army around Jericho—leading to the walls tumbling down—the monks marched around the site of the planned

farm, sprinkling holy water.

But the the monks did not rely on divine intervention to stop Jordanville wind. Calling it their “last earthly resort,” they became petitioners in an Article 78 suit, along with Otsego2000 and Advocates of Stark. The suit claimed that the Town Boards of Stark and Warren had broken New York’s Open Meetings Law and that the SEQRA process had been pursued insufficiently. A supreme court justice ruled against the town boards, voiding the SEQRA process and requiring the towns to cover the legal costs of the petitioners. The town boards decided against appealing the decision and CEI has decided to start over again, this time proposing forty turbines in about the same location. They will likely still be visible at the monastery.

SUMMARY

Although CEI has not given up on Jordanville Wind, its first effort has clearly failed. Despite support among the public and on the town boards, the project suffered administrative and judicial defeats. A ruling that the towns defied Open Meeting Law reinforces perceptions some have that wind companies are foisting their projects on local communities with dubious methods. CEI chose to propose the project in an area with a history of well funded and effective campaigns against development threatening the traditional view from Otsego Lake. They also placed it beside a monastery, a community of people extremely resistant to change—people who might have been expected to loudly protest such a massive change to their landscape.

For more information on this case, and on others, go to www.maclester.edu/windvisual

Bibliography

- Ackerman, Bryon. “Herkimer County weighs pros, cons of wind power.” March 6, 2008. <http://www.wind-watch.org/news/2008/03/06/herkimer-county-weighs-pros-cons-of-wind-power/> (accessed June 23, 2008).
- Ackerman, Bryon. “Wind farm project gets scaled down again” *The Observer-Dispatch* (Jun 19, 2008), <http://www.wind-watch.org/news/2008/06/20/wind-farm-project-gets-scaled-down-again/>. (accessed June 23, 2008).
- “EDR Jordanville Photo Simulations.” <http://www.njwind.com/jordanville/pdf/DEIS%20Figures/05009%20DEIS%20Figure%2012-15%20Visual%20Simulations.pdf> (accessed June 23, 2008).
- Giordano, Janine. “PSC decision pleases neither side” *Richfield Springs Mercury* (August 30, 2007), <http://www.wind-watch.org/news/2007/08/31/psc-decision-pleases-neither-side/>. (accessed June 29, 2008).
- Grace, Tom. “Wind turbines would ruin site, group says” *The Daily Star* (January 8, 2008), http://www.thedailystar.com/local/local_story_008040046.html. (accessed June 23, 2008).
- “Jordanville Wind Farm.” <http://www.jordanvillewind.com/> (accessed June 23, 2008).
- “Judge: Towns failed to follow law” *Observer-Dispatch* (Dec 14, 2007), <http://www.uticaod.com/homepage/x1908591041>. (accessed June 23, 2008).
- “Monk challenges turbines” *The Freeman’s Journal* (July 2007), <http://www.wind-watch.org/news/2007/07/20/monk-challenges-turbines-otsego-2000-also-set-to-sue-over-jordanville-project/>. (accessed June 29, 2008).
- “Monks model challenge after Joshua at Jericho” *The Freeman’s Journal* (August, 2007), <http://www.wind-watch.org/news/2007/08/16/monks-model-challenge-after-joshua-at-jericho/>. (accessed June 29, 2008).
- Nearing, Brian. “Monks gain support in fight over wind project” *Albany Times Union* (Jan 5, 2008), <http://www.wind-watch.org/news/2008/01/05/monks-gain-support-in-fight-over-wind-project/>. (accessed June 23, 2008).
- Otsego2000, “Resolution for Jordanville Wind Power Project” (August 18, 2006), http://www.otsego2000.org/documents/Resolution8.16.06_000.pdf. (accessed June 23, 2008).