



July 9<sup>th</sup>, 2011

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Oblong Land Conservancy  
is a 501(c)3 organization

Mr. Stephen M. Tomasik, Project Manager,  
NYS Department of Environmental Conservation,  
Division of Environmental Permits,  
625 Broadway – 4<sup>th</sup> Floor,  
Albany, New York 12233-1750

Dear Mr. Tomasik,

**Cricket Valley Energy - Draft Environmental Impact Statement**

May I express appreciation, first, for the opportunity to offer some comments on this important project and, secondly, for the ability to do so at this additional hearing. It was not possible to attend on June 28<sup>th</sup> last.

The Oblong Land Conservancy is an all volunteer grass-roots land trust based in the neighboring community of Pawling. We were established in 1990 and since that time have been actively involved in acquiring property and conservation easements over approximately 1,100 acres in the south-east corner of Dutchess County. Pawling and Dover are our back yard and we are concerned to see that all development proceeds in a measured and appropriate way having regard to the long term needs of the community. The Harlem Valley is a rather special place and provides a number of unique habitats that we and many others would like to see conserved.

We participated in the Scoping Session that was held some 12 months or so ago and are pleased now to offer some comments upon aspects of this proposed development.

We are aware that a variety of questions have been raised including the short-term need for this plant, the long-term availability and cost of the gas used to power it, the linkage, if any, with the issue of hydro-fracking in the Marcellus Shale formation and the benefits that will accrue locally as opposed to regionally from the construction and operation of the plant. None of this we see as within our purview as a conservation organization. These are, nonetheless, important questions but they have to be addressed at a different level and by different sorts of organization than ourselves. We confine our input to conservation related matters.

In that connection we are very pleased to note that the proposal will conserve some 74 acres in a sensitive area adjacent to the Swamp River and our own "Carruth Preserve", and will provide for some remediation of formerly degraded wetlands. It will also clean-up an old industrial area that is a blight upon the landscape and in so doing will set a new standard for developments in the immediate area.

That said there are areas of concern and I will address these individually.

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### Air Quality

This is a subject that is complex at best and highly technical and as the DEIS notes the project will be a new major source of air emissions. As laymen it seems to us as though the air quality modeling is based upon data obtained from Poughkeepsie Airport. Admittedly adjustments have been made for the change in topography and ground cover but we are concerned that this modeling may not properly represent conditions in the Project Development Area. For example, the Harlem Valley is frequently subject to air inversions, with the Village of Pawling being located at the lowest elevation. We believe that air dispersion models must be developed based upon local conditions. In conjunction with this we believe that a specialist air quality firm must be engaged by the Town of Dover to review the DEIS and make recommendations thereon.

### Water

The project incorporates a number of conservation measures and pump tests have been run that would indicate that the needs of the project should not exceed local capacities. However, the fact remains that the communities in the valley rely upon an aquifer that is a finite resource. The Swamp River is also a slow moving stream with limited capacity to self-cleanse. Were the water resources to become contaminated or subject to chronic depletion present and future residents of the area would have nowhere to turn. In view of this we believe it prudent to look at water resources on a regional basis and consider the needs of CVE against the long term implications of additional piecemeal development in the area as well as large scale projects such as Dover Knolls.

Given the critical importance of this resource it would be prudent to examine the practicality of crafting and implementing a permanent monitoring regime so that the town is forewarned of changes in aquifer levels and water quality. Such a regime should be coupled with the requirement on the part of CVE to change its operating model to maintain a certain level of resource availability. In order to guarantee adequate groundwater supplies for neighboring residents, and unlimited supplies to sensitive hydrological resources like the several fens in the area and the wetlands and the Swamp River, this is a measure that would help ensure protection of these water resources.

### Noise

The DEIS states that CVE has carefully considered noise impacts to the surrounding community in developing the project layout and in the selection of facility components and orientation. As such, the project is not expected to produce a significant noise impact and will be consistent with the levels established in NYSDEC and local noise guidelines.

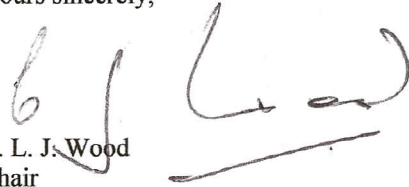
That said the project is expected to comply with the most restrictive night time sound level limit of the Town of Dover Zoning Code at the north and east property lines. However, the west property line abutting the Metro-North rail line and the southern proposed property line abutting other industrially zoned property are expected to be non-compliant. This is not anticipated to be problematic since these properties are not likely to be occupied by noise-sensitive users.

We cannot support the view that exceeding the Town of Dover's noise limits is acceptable under any conditions irrespective of whether adjacent land users are noise sensitive or not. Sound travels and there is no way to tell in advance what, in fact, the impact of this new source of sound will be.

Notwithstanding the modeling that has been undertaken we retain considerable reservations about the introduction of a new and continuous source of sound in a substantially rural area. In these circumstances the project should be required to comply with all existing sound regulations. Additionally, a permanent sound monitoring regime along the lines of that proposed for the water resources, and accompanied by the requirement for remediation in the event of significant noise impacts should be a requirement.

We appreciate the opportunity to submit these comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. L. J. Wood', written in a cursive style. The signature is positioned above the typed name and contact information.

C. L. J. Wood  
Chair  
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