

T H E S A R A T O G A A S S O C I A T E S



LANDSCAPE ARCHITECTS, ARCHITECTS, ENGINEERS AND PLANNERS, P.C.

March 27, 2003

Hon. Eleanor Stein
Administrative Law Judge
State of New York
Department of Public Service
Three Empire Plaza
Albany, N.Y. 12223-1350

Re: Case No. 03-E-0188
 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio
 Standard

Dear Judge Stein:

In conformance with your order dated February 20, 2003 concerning Procedure and Schedule, The Saratoga Associates hereby submits, via attachment to this correspondence, our Statement of Interests concerning the Renewable Portfolio Standard Policy. Also attached are the qualifications of Mr. J.Daniel Wojcik, Mr. Robert F. Bristol, Mr. Matthew W. Allen, and myself.

We provide planning, design, engineering and environmental impact assessment services to the electric power industry, including the renewable sector, as both project sponsor representative and as consultant staff to regulatory agencies. Therefore our interest in this proceeding is both philosophical and practical.

Thank you for providing this opportunity to participate in this very important State initiative.

Sincerely,

Richard Benas
Alliance Principal



STATEMENT OF INTERESTS

The Saratoga Associates supports the State's effort to diversify the electric energy mix and agree that increasing the renewable portion to at least 25% makes both economic and environmental sense. We provide environmental design and impact assessment services to the electric power industry including the renewable sector and we have provided these services as both project sponsor representative and as consultant staff to regulatory agencies. Therefore, our interest in this proceeding is both philosophical and practical.

Our primary interest is to support the emerging renewable electric energy generation sector of the power industry and ultimately advance recommendations and comments on the means to assure that the full range of environmental concerns are factored into the establishment of the State's Renewable Portfolio Standard (RPS) Policy. We note with interest the objective of the 2002 State Energy Plan to explore an RPS for electricity generation and the nexus between the Energy Plan and the State Environmental Quality Review Act in § 617.9(b)(5)(iii)('e'). To that end, our interests concern five of the 14 threshold issues identified in the Commission's order issued February 19, 2003. They are:

1. The types of resources that should be considered as "renewable" for the purposes of a renewable portfolio standard.

Consistent with environmental and other benefits that may be derived from renewable fuel and fuel diversity that are already established in the public record, TSA has an interest in supporting all traditional forms of "renewable" energy. This interest, however, is not unequivocal. It is tempered by our certainty that the environmental impacts of each fuel and electric generation technology, siting and deliverability must be weighed both generically in this process, and subsequently, on a site-by-site case-by-case basis, to assure that all environmental impacts are properly minimized to the maximum extent practicable.

We support the DPS approach to proceed from a draft Policy, developed through a consultative and collaborative process culminating in a final Policy through a concomitant Generic Environmental Impact Statement (GEIS). Our interests include having the DGEIS address the full range of impact issues, including visual and aesthetic impacts, community character, environmental justice and others even though the final form and mix of fuels may vary depending upon the outcome of site-specific projects and decisions. The DGEIS should be designed so that features and mitigation strategies may be determined and embraced by the Policy that ensure that all future actions do not have the potential for unaddressed significant adverse impacts.

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Our interests also include the potential use of non-traditional “renewable” fuels that under the right circumstances might be supportable. We believe that environmental benefits must be shown to outweigh environment impacts. Non-traditional renewables may include fuel cells and waste products that do not fall under the traditional green umbrella of renewable. Our interest also is to foster security provided by a properly designed and implemented RPS.

2. The appropriateness of including renewable resource energy procured from outside the State, such as hydropower from Canada or wind energy from New England.

Our interests concerning the procurement of out-of-state renewable energy relate to the potential for inappropriate exportation, or transfer of environmental impacts out-of-State. It is our continuing interest that overall environmental impacts, including those that may occur out-of-State, be addressed, and that incentives that support the portfolio standard be at levels or through means that preclude inappropriate impact transfer.

12. The practicality of installing new renewable facilities in the high load areas of the State. If the targeted renewables are built upstate, the impact, if any such construction might have on the addition of new resources in the load centers where they are most needed, and the appropriate means to ensure that additional generation and transmission resources will be built where they are most needed.

Reiterating our environmental interests, we believe that the means to deliver power from upstate locations to downstate must be addressed. Construction of facilities in load centers may entail consideration of offsets and other creative environmental mechanisms. Our interests include consideration of such mechanisms in this process to foster appropriate load considerations.

In addition, to satisfy load, we support consideration of distributed generation through appropriate small-scale applications at the architectural design level. Our interests here include consideration of subsidies for multiple environmental and social reasons such as the desirability of siting and employing suitable technologies such as fuel cells in communities that have experienced environmental injustice. Similarly, support should be considered for direct architectural applications and retrofits of solar technologies. It is our interest to explore increases in “use point” production to higher levels as is found in other developed countries and consider increasing subsidies for renewable fuels.

13. The impact, if any, the renewable portfolio standard would have on existing green marketing programs in the State, and what the State might do to support developers and green power marketers during the process of developing rules to implement the standard.

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As indicated our interests include supporting renewable energy resources and to that end we support the exploration of incentives or other means to foster a sufficient renewable portfolio standard. Our experience indicates that some small-scale renewable technologies when compared to other technologies may be less competitive though we offer no evidence concerning subsidies, externalities and other influences and complexities associated with electric generation economics. Instead, our interest remains in supporting renewable resources and a fair, thorough and creative consideration of their application.

Finally we believe that because there are a wide variety of fuel sources in the renewable mix limiting the portfolio standard to 25% may run counter to the benefits derived from a diversified mix and a furthering of the diminishment of greenhouse gases emitted from fossil fuel electric generation. Accordingly, our interest is to consider a higher standard perhaps by employing a sliding scale using a growth rate of the percent of renewables that is higher than the growth rate of energy needs or other creative or appropriate means to assure that the highest achievable level is attained.

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ROBERT F. BRISTOL, FASLA, MBA

Founding Principal

Professional Experience:

In 25 years of private practice, Mr. Bristol has developed extensive experience in visual assessment issues. He has lectured and had numerous published articles on the topic of planning and development. Mr. Bristol has served by invitation on a NYSDEC Commissioner's Advisory Committee on the 1987 SEQR regulatory update and is a member of the 1992 SEQR Handbook Ad Hoc Advisory Committee and the 1996 SEQR regulation update. He was a committee member of the Joint-Legislative Commission on Rural Resources charged with the effort to recodify the Town and Village land use laws of New York State.

As an early participant and recognized objective expert on visual assessment issues, Bristol is called upon frequently for his environmental expertise. He has lead the development of visual impact evaluation over the last 25 years. In so doing, his methodology has been subsequently accepted as the "standard" for courses in visual environmental assessment. He possesses the ability to coordinate a complex team of experts, integrate their findings and successfully manage all elements of an assignment. Currently, Bristol represents corporate, municipal, environmental, and developer clients in environmental regulatory and permitting matters and has served as an environmental expert witness on many occasions.

Representative Project Experience:

- St. Lawrence Cement Visual Assessment Alternatives Analysis and Mitigation Strategy, Greenport NY - Evaluation and mitigation of potential aesthetic impacts of a \$300 million cement manufacturing facility in the visually sensitive Hudson Valley. Prepared as part of a highly controversial SEQR application.
- Lockport Bridge Visual Simulation Study, Lockport NY - Computerized photographic quality simulation of several bridge reconstruction/replacement options. Prepared for NYS DOT.
- Irondequoit Bay Bridge Visual Simulation and Impact Assessment, Monroe County, NY - Alternatives analysis developed to evaluate several bridge design and siting options. Prepared for NYS DOT.
- MULTINAT, Inc. Radio Tower Visual Simulation and Impact Analysis, Lewiston, NY - Visual impact assessment report prepared to meet SEQR requirements of permit application.
- International Business Machines - Numerous projects at four major site locations
- Love Canal, Niagara Falls, NY - Rehabilitation Plan and accompanying EIS
- Developed the Pine Bush Intermunicipal Environmental Study
- Developed strategy for State of Connecticut Heritage Park System plan
- Has directly served numerous state and local government agencies on complicated land use environmental issues
- Has directly represented various Fortune 500 corporations and private developers in environmental planning and regulatory compliance issues
- Expert witness before NYS SEQR, FERC, and NYSPSC, APA and local planning/zoning board hearings on numerous occasions

Education: BLA and MLA, State University College of Environmental Science and Forestry at Syracuse University, School of Landscape Architecture
MBA, Rensselaer Polytechnic Institute with focus on finance and real estate investment

Registration: NY, MA, CT, FL, PA and national certification (CLARB)

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Organizations: Immediate Past President, Landscape Architectural Foundation; Associate Member, Urban Land Institute; Preservation League of New York State and Member, City of Saratoga Springs Planning Board

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J. DANIEL WOJCIK, FASLA

Founding Principal

Professional Experience:

With over thirty-five years of experience in the profession of landscape architecture, Mr. Wojcik was one of the founding principals of The Saratoga Associates. Prior to that, he was employed by the State University Construction Fund in Albany as a Senior Campus Planner where he guided the development of the new SUNY Buffalo Campus. Mr. Wojcik has directed a wide variety of large-scale master planning, environmental, educational, recreational and urban development projects. He also oversees the computer operations of the firm including the geographic information system.

Representative Projects:

- Adirondack North Country Association (ANCA) – NYS Scenic Byways Sign Manual
- Madison County, NY - US Route 20 Scenic Byway Corridor Management Plan
- Scenic Byways Program Nomination Handbook - NYS Department of Transportation
- Lake Champlain Byways, Essex County, NY – Corridor Management Plan
- Hudson River Valley Scenic Roads Handbook - NYS Dept. of Environmental Conservation
- Hudson River Shoreline Scenic District Handbook - NYS Dept. of Environmental Conservation
- Upper Hudson River Greenway Plan - Niagara Mohawk Power Corporation
- Salmon River Recreation/Greenway Plan - Niagara Mohawk Power Corporation
- Middle Hudson River Greenway Plan - Niagara Mohawk Power Corporation
- "Forever Wild" Property Evaluation - Niagara Mohawk Power Corporation
- Comprehensive Recreation Plans for the St. Regis River, Upper Raquette River, Black River, Hoosic River, Oswego River and Moose River - Niagara Mohawk Power Corporation
- Horizons Waterfront Action Plan - Master Plan for revitalization of the Erie County Shoreline
- Riverfront & Highway Corridor Plans and Design Guidelines - Potsdam, NY
- Tifft Farm Nature Preserve, Buffalo, NY - Restoration of recreational facilities, trails and nature center.
- Housatonic River Corridor Land Use Plan - Northeast Utilities
- Mohonk Mountain Resort, NY - Master Plan for core area development.
- Town of Colonie, NY – Schuyler Flatts Cultural Park
- The Last Encampment Of The Continental Army, New Windsor, NY - Master Plan
- Appalachian Power Company - Roanoke, VA - Community master plan.

Education: Bachelor of Science, 1960, State University College of Forestry at Syracuse University

Registration: Landscape Architect (initial registration - New York State)

Registration also held in: MA, CT, ME, RI, NJ and FL

Certified by the Council of Landscape Architectural Registration Boards

Organizations:

American Society of Landscape Architects - Fellow

NYS Council of Landscape Architects - President (1994 - 2000)

Land Trust of the Saratoga Region - Board of Directors.

NYS Board for Landscape Architecture - New York State Regents appointment (served max. two terms)

Council of Landscape Architectural Registration Boards (CLARB) - (Served as President)

Planning Board, Town of Colonie (served 5 years)

Land Use Management Advisory Council, Town of Colonie - (Served as Chair)

THE SARATOGA ASSOCIATES



RICHARD C. BENAS, RLA

Alliance Principal

Professional Experience:

Mr. Benas brings over 25 years regulatory experience in land use and visual assessment to the firm. Mr. Benas was the land use and aesthetics/visual assessment specialist for the New York State Department of Environmental Conservation (NYSDEC) from 1977 until his retirement from State Service in 2002. He is the author of the NYSDEC Policy "Assessing and Mitigating Visual Impacts". The Department Policy is the official review technique employed by NYSDEC staff for all applications submitted under the State Environmental Quality Review Act. Other State deliberative bodies such as The New York State Board on Electric Generation Siting and the Environment have required employment of the Policy. During his employment with NYSDEC, Mr. Benas served as the Department's only expert land use and visual assessment witness and testified in regulatory proceedings for projects totaling tens of billions of dollars in construction value. He established all of the visual criteria by which projects are currently evaluated by NYSDEC.

Representative Project Experience:

- New York State Power Authority Arthur Kill Coal/Refuse Derived Fuel Facility before the New York State Board on Electric Generation Siting and the Environment.*
- Sterling Forest Residential and Commercial Development before the New York State Department of Environmental Conservation*
- Cortland Valley Generic Environmental Impact Statement for Mining Projects before the New York State Department of Environmental Conservation*
- Millennium Natural Gas Pipeline before the Federal Energy Regulatory Commission*
- Marcy-South 345kV Electric Transmission Facility before the New York State Public Service Commission.*
- Greene County Nuclear Power Plant before the Federal Atomic Safety and Licensing Board.*
- State Energy Master Plan Proceedings before the New York State Energy Planning Board.*
- State Pollutant Discharge Elimination System Permits for Entergy Indian Point Units 2 and 3, Dynege Roseton Units 1 and 2, and Mirant Bowline Units 1 and 2 before the New York State Department of Environmental Conservation*
- Bowline Unit 3 before the New York State Board on Electric Generation Siting and the Environment.*
- Consolidated Edison's East River Steam Electric Generating Facility before the New York State Board on Electric Generation Siting and the Environment*
- New York State Department of Environmental Conservation Program and Commissioner Policy Development *
- Expert Witness before the New York State Department of Environmental Conservation, New York State Energy Planning Board, New York State Public Service Commission, Federal Energy Regulatory Commission, and the Federal Atomic Safety and Licensing Board.*

**Prior to association with The Saratoga Associates.*

Education: BS College of Environmental Science & Forestry at Syracuse University, New York
BSLA, College of Environmental Science and Forestry
BLA, College of Environmental Science & Forestry

Registration: New York
CLARB Certified Landscape Architect

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MATTHEW W. ALLEN, RLA

Associate Principal

Professional Experience:

A Senior Associate with our firm, Mr. Allen has significant experience in regional, community and environmental planning. Among his specific areas of expertise, Mr. Allen has over 15 years experience in specialized discipline of visual impact assessment. He is skilled in conducting visual evaluations utilizing SEQR, U.S. Army Corps of Engineers and Federal Highway Administration approved analysis methods. Mr. Allen was recently invited to provide a peer review for the July 2000 NYSDEC Program Policy concerning visual impact assessment and mitigation. To support The Saratoga Associates Visual Impact Assessment services, Mr. Allen is highly skilled in the application of advanced computer generated visual simulation and viewshed development technology.

Representative Visual Simulation and Assessment Projects:

- Benderson Development, Buffalo, NY - Expert testimony concerning site visibility of a retail center along a suburban commercial corridor.
- Seneca Meadows Landfill Visual Simulation and Assessment, Seneca Falls, NY - Visual impact analysis of a proposed height increase and site expansion of a regional landfill as part of a controversial SEQR application.
- Peckham Materials Mine Visual Simulation and Assessment, Easton NY - Evaluation of the visual impacts associated with a surface mining operation located within a historically sensitive landscape.
- St. Lawrence Cement Visual Assessment Alternatives Analysis and Mitigation Strategy, Greenport NY - Evaluation and mitigation of potential aesthetic impacts of a \$300 million cement manufacturing facility in the visually sensitive Hudson Valley. Prepared as part of a highly controversial SEQR application.
- Smith's Basin Mine Visual Assessment, Hartford, NY - Evaluation of potential visual impacts associated with the siting of a sand and gravel mine in a rural setting.
- NYSDEC Region 3 Expert Services – Evaluation of applicant's visual impact assessment reports/SEQR documents and expert testimony on visual issues on behalf of NYSDEC.
- Clinton County Landfill Expansion Visual Simulation and Assessment. Schuyler Falls, NY – Evaluation of impacts and development of a visual mitigation strategy associated with expansion of an existing regional solid waste management facility.
- PSEG Bethlehem Energy Center Article X Application, Bethlehem, NY – Visual impact assessment of a 750 MW electric generating facility along the Hudson River using the U.S. Army Corps of Engineers visual assessment methodology.
- Palisades Interstate Park Commission (PIPC) Article X Application Review, Orange Co. NY – Review of visual impact and mitigation program components of proposed Ramapo Energy Project Article X application on behalf of PIPC - a significant adjacent land owner.
- South Huntington Alliance for Responsible Energy Development (SHARED), Huntington, NY – Review and expert testimony concerning the proposed KeySpan Spagnoli Road Energy Center Article X application on behalf of a local citizens group.

Education: BLA - SUNY College of Environmental Science and Forestry, Syracuse, NY;
MS - Urban and Environmental Studies - Rensselaer Polytechnic Institute, Troy, NY

Registration: New York