



Department of Public Service
**Office of Renewable Energy Siting
and Electric Transmission**

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May 13, 2025

Woo Kim,
Valcour Clinton NewCo, LLC
23 Lost Nation Road
Churubusco, NY 12923
Woo.Kim@AES.com

RE: Matter No. 23-03032 – NOTICE OF INCOMPLETE APPLICATION
Public Service Law Article VIII Permit Application of Valcour Clinton NewCo, LLC, for the proposed Clinton Wind Repowering Project, located in the Towns of Clinton and Ellenburg, Clinton County and Town of Chateaugay, Franklin County, New York (110.5 MW)

Dear Woo Kim:

Based upon review of the above Permit Application submitted by Valcour Clinton NewCo, LLC (Applicant) on March 14, 2025, the Office of Renewable Energy Siting and Electric Transmission (the Office or ORES) has determined that the Application, as submitted, is incomplete. A list of the areas of incompleteness and description of the specific deficiencies is identified in Attachment A to this letter, pursuant to 16 NYCRR § 1100-4.1(d).

The Applicant should review the attached information and provide a supplemental response to the Office. The supplement should include both a clean and redline version of all updated exhibits, a full set of plans submitted electronically with revisions clouded and associated Geographic Information Systems (GIS) spatial data as requested in Attachment B. Additionally, please provide a Table of Contents with names of corresponding PDF files in tabular format. The Permit Application shall remain incomplete until all requested information is received by the Office, and a partial submission of the requested material shall not change the incomplete status in compliance with 16 NYCRR § 1100-4.1(e). Failure to respond in writing to the Office's notice of incomplete application may result in the Application being deemed withdrawn without prejudice in compliance with 16 NYCRR § 1100-4.1(f).

Additional information that the Office requests be included in a supplemental filing is identified in Attachment C. While not required for completeness, providing this information will assist with review pursuant to Public Service Law § 142.

Please note that the Applicant is required to serve a copy of its supplemental response on all entities entitled to receive a copy of the Application pursuant to 16 NYCRR § 1100-1.6. The Office is committed to responding as expeditiously as possible to your complete supplemental response.

cc: Service List

ATTACHMENT A**Areas of Incompleteness and Description of Specific Deficiencies****ORES Matter No. 23-03032 Clinton Wind Repowering Project**

Pursuant to 16 NYCRR § 1100-4.1(d), this notice includes a listing of all identified areas of incompleteness and a description of specific deficiencies requiring a written response from the Applicant.

Without limitation, the additional analyses and information requested herein are necessary to make findings and determinations as to whether the proposed Clinton Wind Repowering Project (Facility), together with applicable Uniform Standards and Conditions (USCs), site specific conditions, and pre-construction and post-construction compliance filings, would: a) comply with Public Service Law Article VIII and applicable provisions of the Office's regulations at 16 NYCRR Part 1100; b) comply with substantive provisions of applicable State laws and regulations; c) comply with substantive provisions of applicable local laws and ordinances; d) avoid, minimize, or mitigate, to the maximum extent practicable, potential significant adverse environmental impacts of the Facility; e) achieve a net conservation benefit with respect to any impacted threatened or endangered species; and f) contribute to New York's Climate Leadership and Community Protection Act (CLCPA) targets by providing the estimated additional megawatts (MW) of renewable energy set forth in the Application, and provide the environmental benefits of offsetting the estimated number of tons of CO₂ and other emissions per year set forth in the Application.

Exhibit 4 - Real Property

1. 16 NYCRR §§ 1100-2.5(a) and (c) require a map of the facility site showing property boundaries with tax map sheet, block, and lot numbers and a demonstration that the Applicant has or can obtain property rights for the Facility Site, respectively. There are several discrepancies between the participating parcels depicted on Figure 4-1: Property Boundaries and the participating parcels listed in Appendix 4-A: Property Information. Please review for accuracy and ensure that all parcels identified as participating in Appendix 4-A are mapped as such on Figure 4-1.

Exhibit 5 - Design Drawings

2. 16 NYCRR § 1100-2.6(a) requires submitted design drawings to be prepared by or at the direction of a professional engineer that is licensed and registered in New York State and whose name shall be clearly printed on the drawings. Please update all design drawings (Appendices 5-A through 5-D) to incorporate this requirement.
3. 16 NYCRR § 1100-2.6(f)(1)(ii) requires, for wind facilities, general site plan drawings (utilizing GIS mapping) of all facility components at a reasonable legible engineering scale. Please address the following:
 - a. Exhibit 16 at page 5, Table 16-1 indicates that the Applicant is proposing to construct a temporary concrete batch plant. Please depict the location of the batch plant as it relates to the proposed facility footprint in Appendix 5-A.

- b. Please provide material specifications and typical details regarding any proposed improvements related to laydown yard construction. Drawings should demonstrate compliance with New York State Department of Agriculture and Markets (NYSAGM) “Guidelines for Agricultural Mitigation for Wind Power Projects” and the New York State Department of Environmental Conservation (NYSDEC) General Permit for Stormwater Discharges from Construction Activities.
4. Consistent with 16 NYCRR § 1100-2.13(d) which requires an identification and evaluation of avoidance and minimization measures for potential impacts to NYS threatened or endangered species or species of special concern in the facility design, please include any construction time of year restrictions required to avoid and minimize impacts to listed species in the design drawing notes.
5. Consistent with 16 NYCRR § 1100-2.10(a)(5) which requires an Unanticipated Discovery Plan (UDP), please include a note in the design drawings stating: “In the event that archaeological materials, human remains, or evidence of human burials are encountered during construction, all work in the vicinity of the find will be immediately halted and the Unanticipated Discovery Plan will be implemented.”
6. 16 NYCRR § 1100-2.6(f)(1)(ii)(a) requires site plan drawings to depict the extents of proposed access roads. Please resolve inconsistencies between the proposed road alignments shown in Appendix 5-A and associated GIS in the Facility geodatabase. For example, and without limitation, on Sheets C-017, C-018, and C-020.
7. 16 NYCRR § 1100-2.6(f)(1)(ii)(g) requires site plan drawings depicting approximate limits of disturbance for all facility components. The limits of disturbance as depicted in the Facility geodatabase and Appendix 5-A are not consistent. For example, Sheets C-025 and C-030 in Appendix 5-A depict horizontal directional drilling of collection lines to avoid impacts to wetlands but the "Limits of Disturbance" GIS boundary implies that soil disturbance will occur along the entirety of the collection line. Please ensure that all drawings are consistent.
8. 16 NYCRR § 1100-2.6(f)(1)(ii)(h) requires site plan drawings depicting approximate clearing limits for all facility components. There are inconsistencies in the proposed limits of tree clearing between the Appendix 5-A drawings, the associated features in the Facility geodatabase, and current land cover shown in aerial imagery. For example, the Facility GIS suggests the areas immediately surrounding turbines T08a and T08b do not require any clearing. Please also confirm that no tree clearing is required for the substation expansion as shown on Sheets C-051 and C-061 in Appendix 5-A or revise the drawings accordingly. Finally, please provide revised GIS shapefiles, site plans (if necessary), and updated estimates of acres of tree clearing (if necessary) to ensure accuracy and consistency across exhibits
9. 16 NYCRR § 1100-2.6(f)(1)(ii)(c) and 1100-2.6(2)(iv) require site plan drawings for electric collection corridors and detail drawings for typical overhead transmission and collection lines. Please update Appendix 5-A and/or Appendix 5-B design drawings to include the following:
 - a. Drawings at a legible scale distinguishing each medium voltage AC circuit by labeling or using color to allow Staff to understand the proposed collection line routing. Drawings

should also be sufficiently detailed and scaled to clearly depict system elements such as splice boxes and junction boxes and identify any circuits running in parallel.

- b. Details for overhead electric transmission and collection lines, including a profile of the centerlines at an exaggerated vertical scale and typical elevation plans including height above grade and structure layouts. Minimum and maximum grade separation should be clearly shown. Additionally, please update the drawings to distinguish between proposed new pole locations versus existing pole locations.
- c. Drawings depicting existing conditions surrounding collection line routing, including public roads (annotated with route name/number), topography (such as existing and proposed contours at one or two foot intervals), any adjacent distribution or transmission lines, parcel boundaries, and any other known utility locations (such as fiber optic, pipelines, etc.).

10.16 NYCRR §1100-2.6(f)(1)(ii)(i) requires drawings or figures showing proposed wind turbine setbacks represented by radii (setback circles) offset from turbine locations, demonstrating compliance with manufacturers' setbacks or those in 16 NYCRR §1100-2.6(b) - Table 1, whichever is more stringent; and showing participating residences.

- a. The figures in Appendix 5-E do not meet the above requirements. Please revise Appendix 5-E to show the 16 NYCRR §1100-2.6(b) - Table 1 setbacks as concentric circles offset from each proposed turbine, appropriately labeled in a legend.

11. Staff is unable to identify individual setbacks on the figures provided due to the numerous state (ORES) and town setbacks. Please provide one set of figures depicting the state setbacks and a separate set depicting the local setbacks and increase the scale of the drawings to in order to mitigate the exaggeration of line thicknesses. The Office suggests a scale of or close to 1:2400.

12.16 NYCRR § 1100-2.6(f)(2)(i)(a) requires wind turbine elevations drawn to scale for each proposed wind turbine model under consideration, including maximum blade tip height and turbine blade specifications with descriptions of the blade installation process. Please revise the Application to provide these drawings and specifications for each proposed turbine model. Please annotate all dimensions in both US customary units (feet) and metric units (meters).

Exhibit 6 - Public Health, Safety and Security

13.16 NYCRR § 1100-2.7(c)(7) provides that the Safety Response Plan (SRP) must include a requirement to conduct training drills with emergency responders at least once per year. Please revise the statement in Section 3.2 of the SRP that training drills will be offered on a "periodic basis" to state that training will take place at least once per year.

Exhibit 7 - Noise and Vibration

14.16 NYCRR § 1100-2.8(p)(4) requires sound information from the manufacturers for all wind turbines, transformers and any other relevant noise sources. Please revise Exhibit 7 and any relevant appendices as follows:

15. Include the manufacturer data for the step-up transformer, HVAC equipment, and capacitor bank. If the manufacturer information is not available, but relevant information was obtained with a test, please provide a copy of the test report indicating whether it corresponds to the same equipment proposed for the Facility and any other relevant information on the test (e.g., and without limitation, technical specifications of the equipment tested, description of standards followed, sound instrumentation, testing conditions, and derivation of results).
 - a. Provide a clear derivation of sound power levels for transformers where sound power levels are estimated based on standards and/or algorithms.
16. In compliance with 16 NYCRR § 1100-2.8(o)(1)(i), please confirm the design shall use less than half of the maximum noise reduction operations (NROs) available for each turbine model.
17. 16 NYCRR § 1100-2.8 (p)(4)(iii) requires that “[s]ound power level information shall include specifications for normal operation, noise reduced operations and low-noise or serrated trailing edges, or any other noise reduction measures...” Please revise Exhibit 7 and any relevant appendices as necessary:
 - a. Exhibit 7 at page 19 states: “To achieve compliance with the design goals, noise mitigation will be required. GE has provided technical documentation outlining available NRO modes included in Appendix 7-I.” Appendix 7-I does not include any information regarding NRO modes for the GE Wind Turbines. Please provide this information as stated in Exhibit 7.
 - b. For the other two wind turbine models being considered (i.e., Vestas and Nordex) please confirm if mitigation (NRO’s) will be required. If mitigation is required for the other models, please provide details.

Exhibit 8 - Visual Impacts

18. 16 NYCRR § 1100-2.9(a)(4) requires a description of the appearance of the facility upon completion. Please provide the following:
 - a. A discussion, with supporting images, if possible, of the appearance of the overhead electric lines after replacement wires have been installed.
 - b. A description of the color and materials of the proposed substation building in Exhibit 8 and corresponding information incorporated into the Exhibit 5 drawings.
19. 16 NYCRR § 1100-2.9(a)(7) requires a description of the nature and degree of visual change resulting from the construction of the facility. Please provide a description and representative images, if possible, of the concrete batch plant which will be used during construction. Discuss the visual change and/or impacts which will result from this plant during and after construction.
20. 16 NYCRR § 1100-2.9(a)(10) requires a description of all visual resources that would be affected by the facility. Please revise Table 7 of Appendix 8-1: VIA to remove VSR 49 from the table; it is not listed on or eligible for the National Register of Historic Places.

21.16 NYCRR § 1100-2.9(b)(1) requires viewshed mapping depicting areas of facility visibility. Please provide the following:

- a. Identify and number all turbines, MET towers, and ADLS towers on the Composite Overlay Maps (Appendix 8-A, Attachment A).
- b. The viewshed maps do not appear to reflect the impacts of tree clearing as shown on the Exhibit 5 drawings. Please revise the maps and associated analysis to incorporate the visual impacts of tree clearing.
- c. Please revise the table in Appendix 8-A, Attachment C: Visually Sensitive Resources Analysis for consistency between indications of visibility or partial visibility of any VSRs shown on line-of-sight (LOS) profiles and the viewshed analysis provided in Appendix 8-A, Attachment A. For example, the table indicates no visibility from VSR 3 (VP8) while the LOS profile indicates clear visibility.

22.16 NYCRR § 1100-2.9(c)(1) requires that photosimulations be prepared from representative viewpoints to demonstrate the post-construction appearance of the facility, and that leaf-off and leaf-on simulation be provided where vegetation is relied on for mitigation. Please provide leaf-off backgrounds for all simulations to present a worst-case visibility scenario for the Facility.

Exhibit 9 - Cultural Resources

23.16 NYCRR § 1100-2.10(a)(1) requires a summary of the nature of the probable impact on any archeological/cultural resources identified, addressing how those impacts shall be avoided or minimized. Please revise Exhibit 9, Appendix 9-A, and other exhibits as applicable (e.g., Exhibit 2) to reflect the completion of cultural resources consultation, including, but not limited to:

- a. Providing the January 28, 2025, email from the Saint Regis Mohawk Tribe;

24. Confirming that Exhibits 8 and 9 were provided to the Office of Parks, Recreation & Historic Preservation/State Historic Preservation Office (OPRHP/SHPO) via the CRIS system on March 14, 2025; and

- a. Providing and describing OPRHP/SHPO's March 28, 2025 and April 15, 2025 No Adverse Impact letters.

Exhibit 11 - Terrestrial Ecology

25.16 NYCRR § 1100-2.12(a) requires “an identification and description of the type of plant communities present on the facility site and adjacent properties within one hundred feet of areas to be disturbed...” Please address the following:

- a. Please include the current New York Natural Heritage Program (NYNHP) State/Global Conservation Status Ranks for all ecological communities within the Facility Site identified in Exhibit 11. Note, current rankings may differ from those published in 2014.
- b. Exhibit 11 Section (a) at page 1 and Section (c) at page 8 indicate there are no significant natural communities located within the Facility Site. Please revise these statements to reflect the presence of rare or vulnerable community types within the Facility Site,

including, but not limited to, hemlock-northern hardwood forest and shallow emergent marsh identified elsewhere in Exhibit 11.

26. 16 NYCRR § 1100-2.12(b) requires an analysis of the temporary and permanent impact of the construction and operation of the facility and the interconnections on the vegetation identified, including a mapped depiction of the vegetation areas showing the areas to be removed or disturbed. Impacts within forested community types are considered temporary if the forested community type revegetates back to existing conditions (e.g., same tree trunk diameter at breast height) within the life of the facility. Mature forested areas (i.e., hemlock-northern hardwood forest) that are deforested during construction and require a revegetation period beyond the life of the Facility are considered a permanent conversion.

- a. Please revise Exhibit 11 to reflect the total amount of permanent impacts to forested area from the Facility.
- b. Exhibit 11 Section (c) at page 7 states: “[J]ust 5% of forested uplands and wetlands within the Facility Site will be impacted by the construction of the Facility (approximately 224 acres).” The combined total for impacts to forested uplands and forested wetlands in Table 11-1 on page 5 is 213.2 acres. Please revise or clarify this discrepancy.

Exhibit 12 - NYS Threatened or Endangered Species

27. 16 NYCRR § 1100-2.13(d) requires “[a]n identification and evaluation of avoidance and minimization measures into the facility design, as well as any unavoidable potential impacts to NYS threatened or endangered species or species of special concern.” Please address the following:

- a. Exhibit 12, page 6 and Appendix 12-F at page 8 indicate the Applicant will avoid or minimize ground disturbance and construction-related activities in occupied habitat during the breeding and wintering season “to the extent practicable.” This deviates from the regulatory language in 16 NYCRR § 1100-6.4(o)(3)(iii) that provides appropriate work windows for occupied grassland bird habitat. Please remove the language “to the extent practicable” in both documents.
- b. Exhibit 12, page 8 indicates that the Facility will not impact occupied habitat to northern long-eared bat since the Facility is not being proposed within 150 feet of any known northern long-eared bat maternity roost or within 0.25 miles of any known northern long-eared bat hibernaculum. Please supplement Exhibit 12 and Appendix 12-F to include all applicable avoidance and minimization measures in accordance with the Office’s Jurisdictional Determination Letter Issued March 12, 2025 and 16 NYCRR § 1100-6.4(o)(i), (ii), and (iii).

28. 16 NYCRR § 1100-2.13(f) requires that a Net Conservation Benefit Plan (NCBP) be submitted in compliance with 16 NYCRR § 1100-6.4(o) “for a facility that would adversely impact any NYS threatened or endangered species or their habitat...” Please address the following:

- a. Please supplement the NCBP to document (e.g., with current photographs) that the previously conducted mitigation activity that the Applicant is relying on to achieve a net conservation benefit is still functional.
- b. To the extent available, please identify specific tax parcels, and areas with a minimum of 25 contiguous acres of open land within those parcels, proposed to meet the avian mitigation requirements and provide corresponding spatial data. To the extent specific parcels have not been identified, please describe the efforts made to identify and obtain such parcels. For the specific mitigation parcels proposed, describe all conservation and maintenance practices, including without limitation, all site preparation, management methods, restrictions, timing, and schedules to occur within the mitigation parcels for the life of the Facility.

Exhibit 13 - Water Resources and Aquatic Ecology

29. 16 NYCRR § 2.14(c) requires that Exhibit 13 must include a Stormwater Pollution Prevention Plan (SWPPP) for the collection and management of stormwater discharges from the facility site during construction and identify post-construction stormwater management practices that will be used to manage stormwater runoff from the developed facility site. Please revise the SWPPP in Appendix 13-B as follows:

- a. Reference the current General Stormwater Permit for Construction Activity: NYSDEC SPDES Permit GP-0-25-001. Please update any other sections of the SWPPP to demonstrate conformance with this current General Permit.
- b. Clarify whether more than 5 acres of disturbance at any one time is anticipated.
- c. The SWPPP shows proposed grading at the marshalling yard and substation (Appendix 5-A Sheets C-060 and C-061) with no apparent stormwater and erosion control measures. Please clarify the stormwater pollution prevention measures to be employed in these areas or revise the SWPPP as needed.

Exhibit 14 - Wetlands

30. 16 NYCRR § 2.15(g) Table 1 provides that “Wind turbines” are not an allowable feature or activity in Class II wetlands. Figure 14-2: Impacts to State-Regulated Wetlands Sheets 47 and 48 show wind turbine “T26” sited within Class II wetland NSD-23 and Exhibit 14 at pages 9-10 states: “The footprint of the proposed foundations for the new turbines would result in direct impacts to the wetland which is prohibited by Article VIII. Therefore, during final design, T26 will be shifted to be moved farther from the wetland.” Please remove the non-compliant turbine from the project plans or provide an alternative compliant location. See also item 39(c)(iii), below.

31. 16 NYCRR §§ 2.15(e) and (f) require all components to be sited more than one hundred (100) feet from any delineated wetlands or, if impacts to all wetlands and adjacent areas cannot be avoided, an explanation of all efforts to minimize impacts. Figure 14-2: Impacts to State Regulated Wetlands Sheet 1 shows a MET tower and associated access road sited within Class II wetland W-AHE-046 and Exhibit 14 at page 6 states that distance from the wind turbine

dictates MET tower location. Please provide additional information to demonstrate why the MET tower cannot be relocated a short distance (less than 100 feet) to avoid wetland impacts.

Exhibit 15 - Agricultural Resources

32.16 NYCRR §§ 1100-2.16(a) and (b)(1), require information on agricultural land use data and maps of active agricultural areas, and 16 NYCRR § 2.1(f) requires GIS shapefiles. Please address the following:

- a. On page 13 of Exhibit 15, footnote #2 states “Agricultural production areas (i.e., active agricultural lands) within the Facility Site have been extracted from the site-specific ecological communities layer developed for the repowered Facility that is described in Exhibit 11 and Exhibit 15(a)(4) and includes wetlands found within active agricultural fields. Agricultural production areas for all other geographic areas have been extracted from the 2021 National Land Cover Database (NLCD).” Clarify whether the analysis of active agriculture in Exhibit 15 Table 15-5 includes field verified data from the Landowner Surveys within the Facility Site.
- b. Clarify if the GIS file titled “active_agricultural_land_use” provided for Exhibit 15 is solely based on CropScape or includes other datasets such as the 2021 National Land Cover Database (mentioned in a footnote on page 13 of Exhibit 15), or the USDA Cropland Data Layer (mentioned in a footnote on page 14 of Exhibit 15).
- c. Confirm if the “Ecological Community file” listed in the metadata for the GIS file titled “active_agricultural_land_use” is based on the analysis for Exhibit 11, and if it includes data from the Landowner Surveys.
- d. Figure 15-5 depicts Turbines T06, T10, T15, T17, and T23 located on active agricultural lands within Mineral Soil Groups (MSGs) 1-4, however these turbines are not identified as "Temporary Impact During Operation." Please revise the figure or clarify why these turbine locations are not included as Temporary Impact During Operation.

33.16 NYCRR § 1100-2.16(c) requires an Agricultural Plan, consistent with the New York State Department of Agriculture and Markets (AGM) Guidelines, which apply to project areas subject to ground disturbance in all agricultural lands. Appendix 15-D: Agricultural Plan, page 4 states "Following restoration of active agricultural lands (i.e., land in active agricultural production defined as three of the last five years within New York State Agricultural Land Classified Mineral Soil Groups 1 through 4)." Additionally, page 17 of Exhibit 15 states “consistent with the NYSAGM Guidelines for Agricultural Mitigation for Wind Power Projects (Revision 04/19/2018), to avoid, minimize, and mitigate impacts to active agricultural lands within MSGs 1 through 4 during the construction, restoration, post construction monitoring and remediation, and decommissioning phases of the Facility.” Please revise these statements to reflect that the Agricultural Plan will apply to construction areas for wind power construction projects impacting all agricultural lands consistent with the AGM Guidelines.

Exhibit 18 - Socioeconomic Effects

34. 16 NYCRR § 1100-2.19(b) requires “[an] estimate of the annual construction payroll, by trade, for each year of construction and an estimate of annual direct non-payroll expenditures...” Tables 18-8 and 18-9 at pages 11 and 12 of Exhibit 18 appear to show total values rather than annual estimates, please update or clarify both tables to show the annual estimates by year for the anticipated construction period (2027-2028).

Exhibit 21 – Electric System Effects and Interconnection

35. Please provide a description of all overhead collection lines, including details of the typical dimensions and construction materials of the structures, insulator design and foundation design, pursuant to 16 NYCRR § 1100-2.22(a)(3), (5), and (6).

Exhibit 23 - Site Restoration and Decommissioning

36. 16 NYCRR § 1100-2.24(a)(1) requires a Decommissioning and Site Restoration Plan which addresses, among other things, safety and the removal of hazardous conditions and environmental impacts:
- a. Please expand Exhibit 23, Section (a)(1) “Safety and the Removal of Hazardous Conditions,” and Appendix 23-A, Section 3.1.3 “Wind Turbine Felling” to further describe the “felling” technique proposed and include a description of all work necessary for the removal of turbine components.
 - b. Please describe any additional measures the Applicant will take during decommissioning to remove “cement-stabilized” soils as proposed in the notes on Sheet G-002 of Appendix 5-A and confirm that such measures are accounted for in the cost estimate in Attachment A to Appendix 23-A.
37. 16 NYCRR § 1100-2.24(c) requires a gross and net decommissioning and site restoration estimate.
- a. Please provide further detail regarding which line items in the cost estimate cover activities related to felling and associated site cleanup, including citations to cost data for such estimates.
 - b. Please include removal of all project components, including the operation and maintenance building, in the cost estimate.

Exhibit 24 - Local Laws and Ordinances

38. 16 NYCRR § 1100-2.25(a) requires a list of all substantive local laws applicable to the proposed facility and copies of such local laws. Exhibit 24 states at page 2 that “the Town of Ellenburg’s existing wind law does not apply to the construction laydown yard” and at page 26 that “the Town of Chateaugay’s Wind Energy Facilities Law does not apply to the laydown yards.” Please provide a justification for these statements and update Appendix 24-A to include copies of wind laws for the Towns of Ellenburg and Chateaugay.

39.16 NYCRR § 1100-2.25(c) requires the Applicant to provide a statement justifying, with facts and analysis, a request for relief from an applicable substantive local law provision on the grounds that, as applied, it is unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed facility. Please address the following:

- a. Section 12(A)(14) Construction Hours - Exhibit 24, page 7 states "... the Applicant and host municipalities seek to minimize the construction timeline to reduce overall construction impacts on communities." Please provide specific examples of measures that would be implemented to avoid, minimize, and/or mitigate potential construction impacts on the communities or provide cross-references to specific pages numbers indicating where this information can be found elsewhere in the record.
- b. Section 15(E)(6) Participating Non-WEC Structure Setback - Exhibit 24, page 10 states "As a result of complying with this provision, the Applicant would not be able to site one of the 29 proposed turbines, [...] Additionally, there is only one abandoned structure within 1.25x the height of the WECs." Please provide the parcel numbers for which the encroachments are proposed. Additionally, provide a figure depicting ORES and local setbacks and the corresponding spatial data or provide a cross reference to where this information is found elsewhere in the record.
- c. Section 15(E)(7) 100-foot Wetland Setback – The Applicant requests limited relief for five turbines: T01, T06, T19, T24a, and T26). Please address the following:
 - i. Clarify the extent of the relief associated with each turbine and include the approximate acreages of impacts within the state jurisdictional wetland adjacent area and 100-foot adjacent area.
 - ii. Revise Appendix 24-C to label tax parcel numbers and impact IDs and wetland names consistent with Figure 14-2.
 - iii. Exhibit 14, page 10 states "[t]he footprint of the proposed foundations for the new turbines would result in direct impacts to the wetland which is prohibited by Article VIII. Therefore, during final design, T26 will be shifted to be moved farther from the wetland." In order to allow Staff to assess the request for a waiver, please revise Appendix 24-C to depict the final proposed location of T26.

ATTACHMENT B**GIS Spatial Data Requests****ORES Matter No. 23-03032 Clinton Wind Repowering Project**

Please provide a complete file geodatabase (FGDB) and updated index of GIS data sources containing all project GIS data, including but not limited to any exhibit with new or modified spatial data. Data should be organized by individual feature datasets for each exhibit. Office staff will consider all feature layers contained within the most recently submitted FGDB to be the authoritative data for the Facility. Without limitation, please provide spatial data and any applicable source references as described below:

| 16 NYCRR Reference | Requested Spatial Data |
|--|---|
| § 1100-2.6(f)(1)(i) | Provide a feature layer depicting the sheet index boundaries shown in the Exhibit 5 civil design drawings. The layer should contain a field representing the associated sheet(s) number(s) (e.g., Sheet C-XXX). |
| § 1100-2.17(c)(3) | Please provide a feature layer depicting the "Proposed Haul Routes" shown in Appendix 16-A. |
| § 1100-2.6(f)(1)(i)(c), § 1100-2.6(f)(2)(3) | Please provide a feature layer depicting the "Proposed Bore Pits" shown in Appendix 5-A. |

ATTACHMENT C

While not required for completeness, this information will facilitate Staff's review and inform our decision pursuant to § 142 of the New York State Public Service Law:

Exhibit 3 - Location of Facilities and Surrounding Land Use

1. Please update the Glossary and Exhibit 3 narrative to include acreages for the following: "Existing Facility"; "Facility Site"; "LOD"; "Study Area"; and "Fenced Area".

Exhibit 5 – Design Drawings

2. Please depict and label applicable jurisdictional boundaries in all applicable maps, including "key maps," in Appendix 5-A.
3. Please clarify the need for two access roads for proposed Turbine 22, i.e., Roadway 9 and new Roadway 9.1.
4. 16 NYCRR § 1100-2.6(f)(1)(ii)(d) and (e) require site plan drawings depicting collection substation and switchyard station outlines and any applicable local setbacks. Please ensure that the drawings in Appendix 5-A depicting these components and surrounding parcel information, including for the substation at Ryan Road, are consistent with parcel ownership information as provided in Exhibits 4 and 21.

Exhibit 8 - Visual Impacts

5. Please provide an expanded discussion of the tools used in the field analysis described in the VIA on page 51.
6. The Shadow Flicker Study (Appendix 8-B, Attachment A) provides an analysis of cumulative shadow flicker which considers existing and proposed wind facilities adjacent to the proposed project. Please clarify if the proposed curtailment plan and shutdown schedule incorporates this cumulative analysis or only reflects the analysis specific to the facility.
7. 16 NYCRR § 1100-2.9(d)(9)(iii) requires that the VIMMP include a lighting plan demonstrating that exterior lighting design is limited to what is required for health, safety, and security; that outdoor lighting output is based on the lowest allowable OSHA limits; and that all fixtures are full cutoff. Please provide information about existing facility lighting that will be incorporated into the repowered Facility, including a photometric plan, to confirm that it meets these regulations.

Exhibit 9 - Cultural Resources

8. Please update the Unanticipated Discovery Plan (UDP) to remove the attached version of the Unmarked Burial Site Protection Bill, which is not the enacted version, and remove or update internal references accordingly. Pursuant to NY Executive Law § 171(2)(b), the Unmarked Burial Site Protection Act does not apply to ORES Projects.
9. Please update the UDP to reference and include OPRHP/SHPO's 2025 Human Remains Discovery Protocol.

Exhibit 15 – Agriculture

10. It appears that gravel roads are proposed. If concrete stabilized roads are proposed, please clarify whether their design proposes using topsoil as a road material, or if topsoil will be stripped and subsoil will be used for the roads. Please revise the General Notes section of the plans to clarify that topsoil be stripped such that the entirety of the "A" horizon is removed (up to a maximum depth of 12 inches) and that final topsoil removal depths will be determined in consultation with the agricultural monitor, or revise Exhibit 15 to identify the concrete stabilized access roads as a permanent agricultural impact. Please clarify the proposed road design(s).

Exhibit 16 – Effect on Transportation

11. Please depict and label applicable jurisdictional boundaries in Appendix 16-A (e.g., sheets G-009 and G-010).

Exhibit 23 - Site Restoration and Decommissioning

12. Please provide examples of the proposed turbine “felling” technique for decommissioning being used successfully in similar project settings (Northeast US, mix of active farmland and mature forest, etc.) with cost data for those efforts if available.
13. The Exhibit 23 narrative, Appendix 23-A, and Attachment A to Appendix 23-A all assume the existing Ryan Road substation will be removed in the event the facility reaches the end of its useful life or is abandoned. Staff recommends that the decommissioning plan and estimate exclude the Ryan Road substation components to the extent they will remain under NYPA ownership.
14. Please label each line/task included in Attachment A to Appendix 23-A.

Exhibit 24 - Local Laws and Ordinances

15. Exhibit 24, Table 24-1 identifies substantive requirements applicable to the Facility for the Town of Ellenburg; Exhibit 24, page 2 indicates that the Applicant has consulted with the Towns of Ellenburg and Chateaugay; and Exhibit 24, page 3 states “No local laws adopted by the Town of Chateaugay are expected to apply to the proposed Facility given that temporary construction laydown yards are the only proposed Facility component within the Town”. Appendix 24-B only includes records of local law consultations with the Town of Clinton. Pursuant to 16 NYCRR §§ 1100-1.3(a)(3)-(5), please revise Appendix 24-B to include records of local law consultations with the Towns of Ellenburg and Chateaugay (if any) or indicate where these consultations are located elsewhere in the record. Alternatively, provide an explanation regarding why no such consultations were conducted.
16. The statements of justification for Section 12(A)(3) (maximum total height), Section 15(E)(6) (participating non-WEC structure setback) and Section 15(E)(7) (wetland setback) and Appendix 24-B indicate that the Applicant has discussed the need for certain waivers with the Town, the Town has verbally agreed to these interpretations, and that it is currently working with the Town to memorialize these agreements in writing. Please provide records of consultations from the

Town regarding interpretations and agreements pertaining to relief requests received to date (if any).

17. Section 12(A)(13) Maximum Turbine Height - Exhibit 24, page 6 states "This consolidation is expected to reduce habitat disruption, soil disturbance, and potential impacts on local wildlife (see Exhibit 11 [Terrestrial Ecology], Exhibit 12 [NYS Threatened and Endangered Species], and Exhibit 15 [Agricultural Resources]) for more detailed evaluations on such resource impacts)." Please substantiate this statement with specific facts and analyses that demonstrate the reduction in overall environmental impacts as a result of utilizing a taller turbine model.