



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

KATHY HOCHUL
Governor

RORY M. CHRISTIAN
Chief Executive Officer

ZERYAI HAGOS
ORES Executive Director

August 29, 2025

Nathan Grosse
Valcour Chateaugay NewCo, LLC
23 Lost Nation Road
Churubusco, NY 12923
Nathan.Grosse@AES.com

RE: Matter No. 23-03031 – NOTICE OF INCOMPLETE APPLICATION
Public Service Law Article VIII Permit Application of Valcour Chateaugay NewCo, LLC for the proposed 116.5 MW Wind Facility, located in the Town(s) of Chateaugay, Franklin County, and Town of Clinton, Clinton County New York (116.5 MW)

Dear Nathan Grosse:

Based upon review of the above Permit Application submitted by Valcour Chateaugay NewCo, LLC (Applicant) on June 30, 2025, the Office of Renewable Energy Siting and Electric Transmission (the Office or ORES) has determined that the Application, as submitted, is incomplete. Lists of the areas of incompleteness and description of the specific deficiencies are identified in Attachments A and B 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to respond in writing to the Office's notice of incomplete application may result in the Application being deemed withdrawn without prejudice in compliance with 16 NYCRR § 1100-4.1(f).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. 23-03031 Chateaugay Wind Repowering Facility**

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 Chateaugay Wind Repowering Facility (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 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 check 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 Appendix 5-D to incorporate this requirement.
3. 16 NYCRR § 1100-2.6(b) requires that wind facilities shall meet the setback requirements in Table 1 of § 1100-2.6(b) or manufacturer setbacks, whichever are more stringent.
 - a. The figures in Appendix 5-E do not demonstrate compliance with the setback requirements of 16 NYCRR § 1100-2.6(b) Table 1. Please revise the figures to distinguish between Participating and Non-participating parcels to demonstrate compliance with all applicable setbacks.

- b. According to the data provided in the project geodatabase, 5 turbines (T01a, T09, T14, T17b, T21) do not appear to comply with the ORES regulation requiring a 1.1 times turbine tip height to property lines setback. Please confirm the participation status data and, to the extent required, please evaluate revisions to the proposed turbine layout, to demonstrate compliance with applicable ORES setback requirements.
4. 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.).
5. 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 address the following:
 - a. Please update the site plan drawings of Appendix 5-A and Appendix 5-B as appropriate to include the location and general arrangement layout for the proposed capacitor bank yard.
 - b. 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. For example, drawing C-061 states the reputed owner of the existing substation is “Noble Environmental Power, LLC” while all other references state the owner is “Power Authority of State of NY”.
6. 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 “Feet” and Metric “Meters.”
7. 16 NYCRR § 1100-2.6(f)(2)(i)(b) and (c) require typical elevation drawings of all equipment for the collection and switchyard substations. Please provide a general arrangement plan and elevation

plan drawings for the proposed capacitor banks and associated equipment for the proposed capacitor bank yard.

8. 16 NYCRR § 1100-2.6(f)(2)(ii) requires “[f]or each proposed permanent point of access or access type, include a... cross section... and identification of materials to be used...” Please supplement Appendix 5-A to include any relevant driveway design details required for the proposed new entrances to State and County owned roads (without limitation, paved aprons, etc.). Please also provide any Town of Chateaugay driveway design standards applicable to the proposed entrances to town owned roads or confirmation that no such standards exist.
9. 16 NYCRR § 1100-2.13(d) requires 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.
10. Pursuant to 16 NYCRR § 1100-2.10(a)(5) please include a note in the Exhibit 5 Civil Design Drawings notes 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.”

Exhibit 7 - Noise and Vibration

11. 16 NYCRR §1100-2.8(c)(1) requires “[f]or the cumulative noise analysis, the evaluation shall include noise from any wind turbine and substation existing and proposed by the time of filing the application....”. Please clarify the following:
 - a. Whether the current cumulative modeling for the Chateaugay Wind Repowering Project considers the mitigated or unmitigated sound power levels for the wind turbines through use of Noise Reduced Operations (NROs) for the Clinton Wind Repowering Project, and Ellenburg Wind Repowering Project.
 - b. Whether the Chateaugay modeling was completed using the other wind turbine configurations (i.e. Vestas and Nordex) being considered at these facilities. If so, please share those results with the Office.
12. 16 NYCRR §1100-2.8(d)(iv) requires “[r]eport, at a minimum, the maximum A-weighted dBA Leq (1-hour or 8-hour) sound pressure levels in a year, and the maximum linear/unweighted/Z dB (Leq 1-hour) sound pressure levels in a year from the thirty-one and a half (31.5) Hz up to the eight thousand (8,000) Hz full-octave band, at all sensitive sound receptors within the radius of evaluation;” After reviewing the tables in Appendix 7-C and Appendix 7-F the following Non-Participating Receptors (549, 950, and 980) are shown in the tables included in Appendix 7-F but are not included in the tables of Appendix 7-C. Please review and update the tables to include these Non-Participating Receptors.
13. 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:

- a. 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).
 - b. Provide a clear derivation of sound power levels for transformers where sound power levels are estimated based on standards and/or algorithms.
14. 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. If the current wind turbine selected does not meet this requirement the Applicant should revise their modeling to use a Wind Turbine that will be compliant.

Exhibit 9 - Cultural Resources

15. Consistent with 16 NYCRR § 1100-2.10(a)(1), 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. Update Appendix 9-A: Cultural Resource Correspondence Tracker to include project-related correspondence from the Office of Parks, Recreation and Historic Preservation/State Historic Preservation Office (OPRHP/SHPO) reflecting the completion of consultation. This includes, but is not limited to, the July 3, July 24, July 31, and August 25, 2025 letters, and any subsequent correspondence and final impact determination letters;
 - b. Provide the final, revised Phase IB Survey Report.
 - c. Update the Exhibit 9 narrative, and other exhibits as applicable, to reflect the OPRHP/SHPO final determinations regarding cultural resources.

Exhibit 11 - Terrestrial Ecology

16. 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. Please revise Exhibit 11 to reflect the total amount of permanent impacts to forested area from the Facility.

Exhibit 12 - NYS Threatened or Endangered Species

- 17.16 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.” Exhibit 12, page 2 acknowledges the observation of the state-listed threatened sedge wren during breeding bird surveys. Please supplement Exhibit 12, Section 12(d) with a detailed evaluation of the specific measures which were considered to avoid and minimize impacts to state-listed threatened sedge wrens, including, but not limited to, a consideration of alternative layouts or methods (e.g. complete or partial underground placement of collection lines) and a consideration of time of year restrictions for the protections of the species observed within the proposed facility.
- 18.16 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 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, you are required to describe the actual 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 16 - Effect on Transportation

19. 16 NYCRR § 1100-2.5(a) requires a map of the facility site showing public and private roads on or adjoining or planned for use as access to the facility site. The jurisdictional limits and naming for Tourville Road are inconsistent between Exhibit 4, Appendix 5-A, and publicly available street data published by NYS. Please provide a figure illustrating the jurisdiction/ownership of all road segments surrounding the facility (private, Town, County, and State) and describe any proposed changes to current road ROW ownership.
20. 16 NYCRR § 1100-2.17(d)(3) requires an assessment of over-size load deliveries and improvements necessary to accommodate such deliveries. Please address the following inconsistencies:
- a. Drawing G-011 suggests that an intersection turning improvement is being proposed on a non-participating parcel (61.-2-5). The Office notes that Exhibit 4 and data submitted in the project geodatabase indicate the parcel is participating.
 - b. Drawing G-014 depicts an intersection turning improvement occurring on parcel 62.-2-7 but appears to depict this parcel as nonparticipating. Please provide evidence that all required real property rights can be obtained for this parcel or revise the proposed component route to avoid improvements on non-participating parcels.

Exhibit 20 - Effect on Communications

21. 16 NYCRR § 1100-2.21(b)(5) and § 1100-2.21(d)(2) require identification of existing microwave transmission communication sources and a description of the anticipated effects of the facility

including the potential for structures to block necessary lines of sight. With respect to the Appendix 20-D Microwave Study, please indicate the clearances of the turbine blade paths of proposed turbines T23 and T25 to the adjacent Fresnel Zone depicted in Figure 4.

Exhibit 23 - Site Restoration and Decommissioning

22.16 NYCRR § 1100-2.24(a)(1) requires a decommissioning and site restoration plan that includes an analysis of safety and the removal of hazardous conditions. Please expand Exhibit 23 Section 23(a)(1) to further describe the “Felling” method being proposed in Appendix 23-A: Decommissioning Plan, Section 3.1.3, and a description of all work necessary for the removal of turbine components.

23.16 NYCRR § 1100-2.24(c) requires a gross and net decommissioning and site restoration estimate. Please revise or supplement Appendix 23-A as follows:

- a. Supplement the Attachment A cost calculations with an analysis of total man-hours per turbine required for collection and disposal of debris resulting from the blades fracturing upon impact with the ground, to assist the Office in reviewing the proposed method of turbine removal.

24. The “MET/ADLS Towers” section only accounts for 1 tower. The drawings in Appendix 5-A, Exhibit 5, and the project geodatabase appear to show 3 MET towers. Please confirm these details and revise any relevant application materials.

Exhibit 24 - Local Laws and Ordinances

25.16 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 page 2 states “The Facility Site is located in Clinton and Franklin counties, New York, with proposed turbines located entirely within the Town of Chateaugay and temporary construction laydown and marshalling yards proposed within the towns of Ellenburg and Chateaugay.” Exhibit 24 does not assess the applicability of Ellenburg and Chateaugay local laws. Please confirm that the parcels associated with temporary construction laydown and marshalling yards within Ellenburg and Chateaugay, are not included as part of the facility site for this application, thus there are no substantive and applicable local laws for those towns. Alternatively, please assess any substantive local laws for the towns of Ellenburg and Chateaugay that are applicable to the laydown and marshalling yards and/or interconnection to or use of water, sewer, and telecommunication lines in public rights of way pursuant to 16 NYCRR § 1100-2.25

26.16 NYCRR § 1100-2.25(a) requires an applicant provide a list of all substantive local laws applicable to the proposed facility and copies of such local laws. Exhibit 24 indicates that “An existing POI substation and overhead collection located in the Town of Clinton will be reused, and new underground collection [line] will be located in the Town of Clinton” and states at Footnote 1 that “[t]here are no local laws in the Town of Clinton applicable to the shared POI substation and collection lines.” Please confirm that the POI substation and collection lines located within the Town of Clinton are not subject to any local laws in the Town of Clinton, including any wind energy laws, and that there are no other local laws that would apply to those components or any laydown areas.

ATTACHMENT B**GIS Spatial Data Requests****ORES Matter No. 23-03031 Chateaugay Wind Repowering Facility**

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
§ 1100-2.4(a)(1)	Provide a feature layer depicting the "Proposed Silt Fence" layer symbolized in the Exhibit 5 Civil Design Drawings.
§ 1100-2.5	Update the attribute table for the "participating_parcel_surveyed" feature layer to include the parcel ID numbers.
§ 1100-2.6(f)(1)(ii)(i)	Provide a feature layer depicting the "Chateaugay Central School 5x Tip Height (3,250ft) Setback" layer symbolized in the Exhibit 5 Wind turbine Setback Considerations.
§ 1100-2.16	Provide an updated feature layer showing active agriculture land use (including all lands involved in the production of crops, livestock, and livestock products for three (3) of the last five (5) years) within MSG 1-4, as depicted on Figure 15-6.
§ 1100-2.17(c)(3)	Provide a feature layer(s) with approach and departure routes to and from the facility site for construction workers and employees of the facility.
§ 1100-2.6(b)	Provide GIS shapefiles of non-participating residences and structures. The Office acknowledges the receptors feature class that was submitted in the project geodatabase, but in several instances, the participation status of the receptor does not match the status of the associated parcel. Please clarify if "participation" is solely in regard to noise and/or visual impacts.

ATTACHMENT C**ORES Matter No. 23-03031 Chateaugay Wind Repowering Facility**

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

Exhibit 2 - Overview and Public Involvement

1. The legend in Figure 2-2: Repowered Facility Layout and Existing Facility Layout shows symbology for existing wind turbines, however, there are no existing wind turbines depicted on the figure. Please revise accordingly and provide the corresponding spatial data.

Exhibit 5 – Design Drawings

2. 16 NYCRR § 1100-2.6(f)(1)(ii) requires general site plan drawings of all facility components. There are inconsistencies in turbine naming between the GIS "wind_turbine" shapefile and the Appendix 5-A drawings. Please resolve any such inconsistencies.
3. Sheet G-001, the Erosion Control Inspection, Soil Disturbance, and Phasing Requirements section references the SPDES General Permit for Stormwater Discharges from Construction Activity permit GP-0-20-001, which has expired. Please revise this reference to reflect the current SPDES permit, GP-0-25-001.

Exhibit 8 – Visual Impact

4. Exhibit 8 Section (a)(5) indicates that the “only other permanent lighting proposed for the Facility is a single safety/security light fixed to the proposed substation control building...” Please clarify whether this is an existing or proposed new light fixture. If this will be a new light fixture, please provide a lighting plan and manufacturers cut sheets for this proposed fixture.

Exhibit 13 – Water Resources and Aquatic Ecology

5. Exhibit 13 Appendix 13-B, page 8 of the preliminary Stormwater Pollution Prevention Plan (SWPPP) states a total of 22.21 acres of new impervious area while Page 15 states 32.86 acres of increased impervious area. Please clarify the new impervious area of the project and revise the SWPPP accordingly.
6. The calculation of the water quality volume (WQv) on page 8 of the SWPPP indicates the contributing area as 22.21 acres at 100% impervious. The WQv must be calculated with the actual contributing areas (A) and the percent impervious of the contributing area (I) to accurately calculate the WQv. Please revise the SWPPP as appropriate.
7. Page 9 of the SWPPP discusses the use of gravel diaphragms for water quality volume and runoff reduction. The gravel diaphragm is defined in the 2024 New York State Stormwater Management Design Manual (DM) as a linear trench filled with gravel used as pretreatment and inflow regulation in stormwater filtering systems. In accordance with Part III.B.2.b, stormwater management practices (SMP) must be designed in conformance with the performance criteria in the DM or equivalent to the DM, and the SWPPP must include the reason(s) for the deviation or alternative design and a demonstration of equivalence to the DM. Please revise the SWPPP and design drawings as appropriate.

8. In accordance with Part III.B.2.e of GP-0-25-001, the SWPPP must include the dimensions, material specifications and installation details for each SMP; and a site map/construction drawing showing the specific location and size of each SMP. The construction plans do not show SMP construction details, sizing or site location. Please show, at a minimum, the expected locations and sizing of SMP's to demonstrate the facility layout has provided sufficient space.
9. Sheet C-061, Substation Site Plan, the SWPPP should discuss the soil disturbance that will occur at the substation and if the size of the substation will be altered.

Exhibit 15 - Agricultural Resources

- 27.16 NYCRR § 1100-2.16(a)(8) requires an assessment of temporary and/or permanent impacts to agricultural production areas and areas not feasible to continue farming. Please describe any measures that will be taken to notify farmers within the Facility Site of any post-construction requirements that may impede farming activities for a specific duration (e.g. bird mortality surveys).

Exhibit 16 – Effect on Transportation

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

Exhibit 23 - Site Restoration and Decommissioning

11. 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.
12. 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.
13. Please label each line/task included in Attachment A to Appendix 23-A.

Exhibit 24 - Local Laws and Ordinances

14. Wind Energy Facility Law § 12(A)(6) prohibits the use of guy wires. Appendix 5-H: Overhead Collection Typical and Pole Inspection proposes guy wires for the poles. Please confirm that overhead collection lines or poles with guy wires are not proposed within the Town of Chateaugay. If overhead poles with guy wires are proposed in Chateaugay, please revise the drawings to demonstrate compliance with this local law or request a waiver pursuant to 16 NYCRR § 1100-2.25(c).
15. Exhibit 24, pages 18 – 19 indicate that the Applicant will comply with § 15(A) of the Wind Energy Facility Law of the Town of Chateaugay. Appendix 24-B: Local Law Consultation, page 7 indicates that the Applicant may seek a waiver from the same provision. Please address this apparent discrepancy and update Exhibit 24 as necessary. Please update Appendix 24-B to include all municipal responses to the local law consultation received to date, if any.