

# HERITAGE WIND ENERGY FACILITY

## Orleans County, New York

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### **NOTICE OF FILING OF PRELIMINARY SCOPING STATEMENT**

Heritage Wind LLC (the Applicant), a subsidiary of Apex Clean Energy Holdings, Inc. (Apex), is proposing to submit an Application to construct the Heritage Wind Energy Facility (“Facility”), a wind powered major electric generating facility, under Article 10 of the Public Service Law (PSL). This notice announces that on or about March 12, 2018 the Heritage Wind will file a Preliminary Scoping Statement (PSS), pursuant to 16 NYCRR 1000.5, which is designed to gather input from the public and interested agencies on the scope and methodology of studies to be conducted in support of the Application, which will be filed at a later date. The filing of the PSS will start a 21-day public comment period on the scope and methodology of the studies proposed.

The proposed Facility will provide up to 200 megawatt (MW) in wind powered renewable energy, and will be located in the Town of Barre, Orleans County, New York. A point of interconnection substation will be placed in the Town of Barre, along the existing National Grid Lockport-Mortimer 115 kV power line, to deliver electricity generated by the Facility to the New York State electric grid. The Facility will include wind turbines, access roads, electrical collection lines, a collection substation, wind measurement towers, temporary construction staging and storage areas, and an operations and maintenance building.

The purpose of the proposed Facility, and the goals of Heritage Wind LLC, are to generate wind-powered energy that will provide a significant source of renewable electricity to the New York State power grid. Current State policies call for the significant expansion of wind powered electric generating facilities, as part of New York’s renewable energy goals, carbon emissions reduction targets, and strategy for combating climate change. These State policy goals are set forth in New York’s historic Clean Energy Standard, and forward-looking Reforming Energy Vision and 2015 State Energy Plans. The Facility would also provide significant benefit to the local community through temporary and permanent employment, payments to local landowners, and purchase of local goods and services. Additionally, economic benefits are expected to accrue to host tax jurisdictions and a payment in lieu of taxes (PILOT) will be sought with the Town, the local school district and the County.

The PSS filing marks the beginning of a formal public scoping process. The document will, among other things, will describe and identify: the environmental setting in the Facility area, potential environmental and health impacts from construction and operation of the Facility, proposed benefits of the Facility, proposed studies (including pre-construction studies and post-construction monitoring for potential impacts to avian and bat species), proposed measures to minimize environmental impacts, reasonable alternatives, other required permits/authorizations, and other relevant information to be assessed. The PSS will also provide a preliminary scope of an environmental impact analysis containing a discussion of potentially significant adverse environmental and health impacts relating to the construction and operation of the Facility, including potential impacts to land use in the Facility area; public health and safety; terrestrial ecology, including avian and bat species, and wetlands; water resources and aquatic ecology; communications, transportation, and utilities; cultural, historical and recreational resources; visual, including potential for shadow flicker; sound; electromagnetic fields; and impacts on the statewide electrical system.

Within 21 days after filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on the Applicant and filing a copy with the Secretary of the Department of Public Service at the addresses provided below. The Applicant will prepare a summary of the material comments and its reply thereto within 21 days after the closing of the comment period. The scoping process is overseen and mediated by a Hearing Examiner designated by the DPS. The Hearing Examiner will schedule a pre-application meeting, which will commence the stipulations negotiation process and will allow for the discussion and award of intervenor funding. Additional notice of the pre-application meeting will be published by the Examiners.

Further, upon filing of the PSS, Heritage Wind LLC will provide \$70,000 (as calculated pursuant to PSL 163(4)(a)) to the intervenor fund, to be disbursed by the Siting Board to municipalities and other local parties to help pay expenses, including attorneys and consultants, associated with participating in the Article 10 process during the pre-application review phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. Additional intervenor funds will be made available for the Application/Hearing phase. Following the filing of the PSS, the Hearing Examiner or the Secretary will issue a notice of availability of pre-application intervenor funds providing a schedule and related information describing how interested members of the public may apply for pre-application funds, and a schedule for making such requests.

No less than 90 days after the filing of the PSS, the Applicant will submit an Article 10 Application. Building on the scoping process and any stipulations agreed to by the parties, the Application will include the studies developed in support of the Facility, a description of the Facility, an evaluation of environmental and health impacts, a summary of public involvement activities, an evaluation of reasonable and available alternative locations, a statement of applicable local substantive standards, an electric interconnection study including general design study and SRIS, security and emergency plans, statement demonstrating compliance with the most recent State

Energy Plan, a plan for decommissioning and removal of the Facility at the end of its useful life, and other information. The Application will also contain the information set forth in 16 NYCRR 1001, Exhibits 1-41 unless otherwise waived by the Siting Board.

Once an Application is filed and determined by the Siting Board to be complete, the Siting Board will schedule a public hearing on the Application. The Siting Board will also issue a notice of availability of application-phase intervenor funds that are available to be used by parties to participate in formal review of the Application. A pre-hearing conference will be scheduled by the Hearing Examiner to identify intervenors, award intervenor funds, identify issues for the hearing, and establish a case schedule. Additional hearings regarding the application and project impact assessments will be scheduled by the Hearing Examiner as needed. After hearings, the stakeholders may brief their positions and the Hearing Examiner will issue a recommended decision upon which the Siting Board will base its decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board must be completed within 12 months of when the Application is determined to be complete.

### **Contact Information**

To obtain information regarding the Project, please contact:

Cat Mosley  
Public Affairs Manager  
Apex Clean Energy  
Court Square Building  
310 4<sup>th</sup> Street NE, Suite 200  
Charlottesville, VA 22902  
[info@heritagewindpower.com](mailto:info@heritagewindpower.com)  
(434) 234-4405

Contact information for the DPS public information coordinator:

James Denn  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY  
(518)474-7080

Hard copies of the PSS and related project documents are available for review at the Heritage Wind Office, 49 North Main Street, Albion, NY 14411, and at the following local document repositories: Barre Town Hall, 14317 West Barre Road, Albion, NY 14411; Haxton Memorial Library, 3 N. Pearl Street, Oakfield, NY 14125; Holley Community Free Library, 86 Public Square, Holley, NY 14470; and Lee-Whedon Memorial Library, 620 West Ave., Medina, NY 14103.

Digital copies of the PSS and related project documents are available on the Siting Board's Docket for this case, which can be accessed by visiting <http://www.dps.ny.gov/>, going to "Search" on the top of the webpage and then searching using the Case Number 15-F-0546, via the direct project docket link: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-f-0546&submit=Search>, or by going to the Applicant's Project website: <http://www.heritagewindpower.com/>

### **Requests for Notices**

Any interested member of the public may file a request with the DPS Secretary to receive copies of all notices concerning the Project, including but not limited to notices regarding any proposed pre-application stipulation. Written requests should be sent to the DPS Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address:

Honorable Kathleen H. Burgess  
Secretary to the Commission  
NYS Public Service Commission  
Agency Building 3  
Albany, New York 12223-1350