



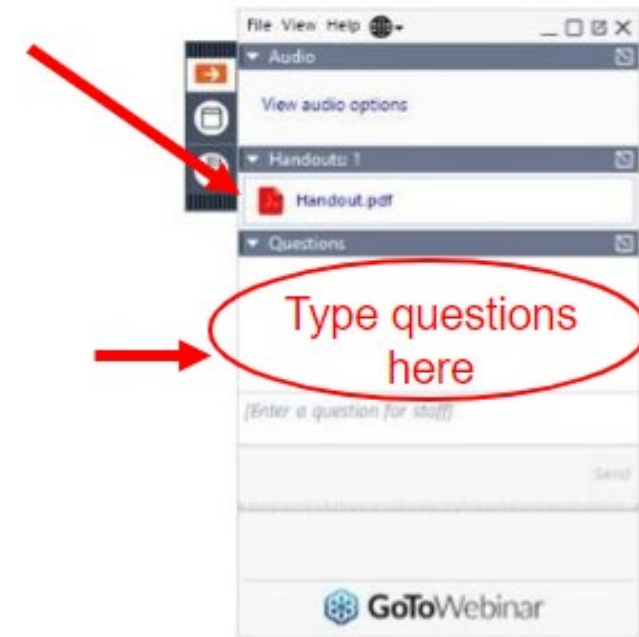
Heritage Wind Section 94-c Public Meeting

December 10, 2020



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Today's topics

- Brief project update
- Discuss Executive Law Section 94-c and the transition from Article 10 to Section 94-c
- Q&A
- NOTE: The purpose of this meeting is to discuss Section 94-c. Questions regarding Section 94-c will be prioritized during tonight's session. You can ask project-specific questions by email to info@heritagewindpower.com or by phone at 585-563-5137

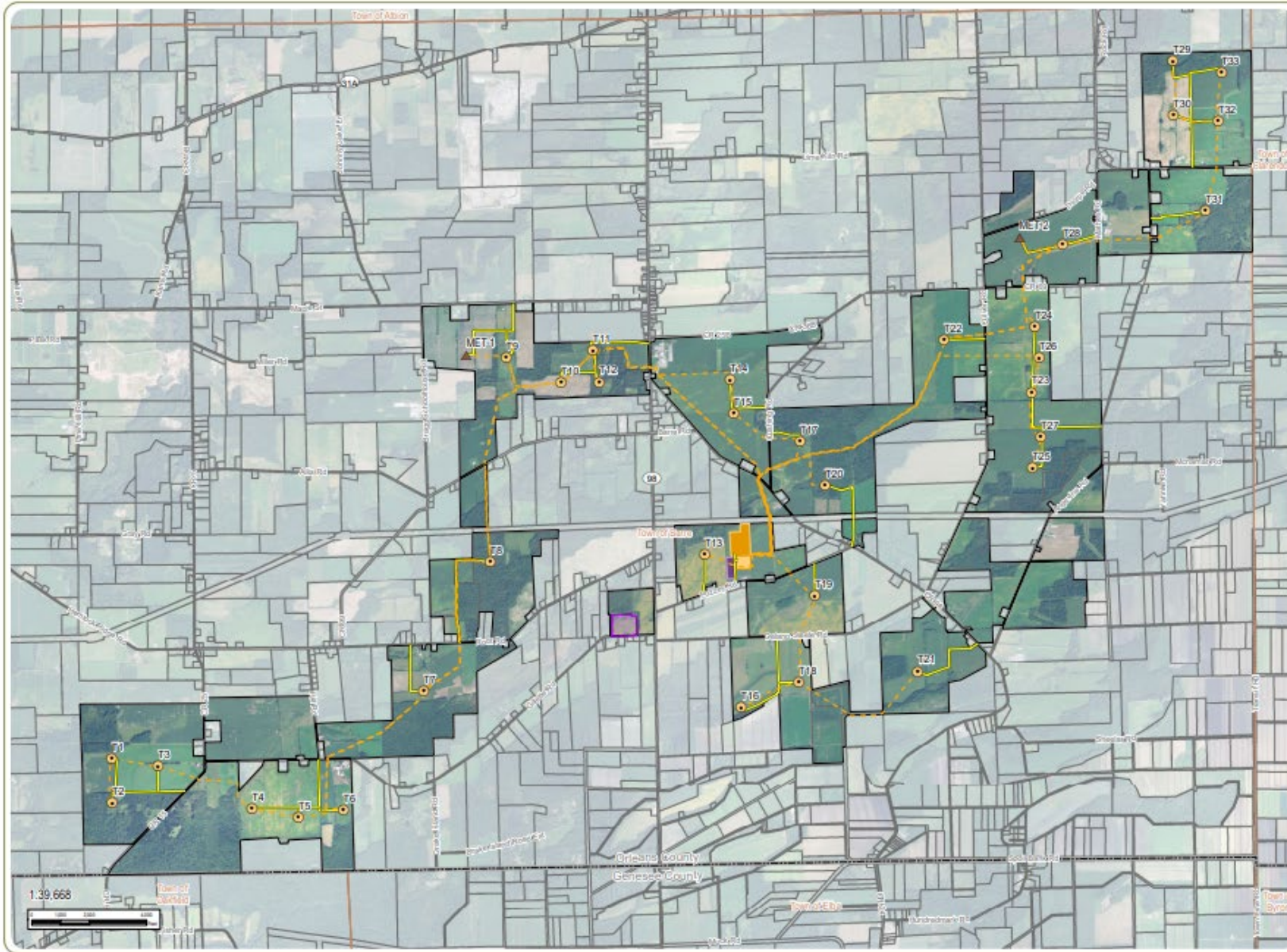
Heritage Wind Team

- **Carmen O'Keefe – Development Manager, Apex Clean Energy**
- **Mark Lyons – Director of Development, Apex Clean Energy**
- **Jessica Walsh – Development Associate, Apex Clean Energy**
- **Brian O'Shea – Public Engagement Manager, Apex Clean Energy**
- **Anna Mathes – Public Engagement Organizer, Apex Clean Energy**
- **Jim Muscato – Counsel, Young/Sommer LLC**
- **Laura Darling – Counsel, Young/Sommer LLC**
- **Lindsay Donahoe – Project Manager, Environmental Design & Research**



Heritage Wind Project Update





Heritage Wind Project

Town of Barre, Orleans
County, New York

Figure 2-2 Update: Facility Layout

- Wind Turbine
- Permanent Met Tower
- Access Road
- Collection Line
- PCI Substation
- Collection Substation
- O&M Facility
- Laydown Yard
- Facility Site
- Parcel Boundary
- Town Boundary
- County Boundary

Notes: 1. Basemap: USGS 2019 orthorectified map service 2. This map was generated in ArcMap on July 16, 2020. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.



Where are we now?

- **Article 10 Application submitted March 13, 2020**
- **Deficiency response and application supplement submitted September 4, 2020**
 - The only substantial update to the facility layout is relocation of the laydown yard.
- **Article 10 Application deemed complete on December 8, 2020.**
- **The entire Application and Supplement can be found on the project website <http://www.heritagewindpower.com/>**

Contents of Article 10 Application

- **The Article 10 Application consisted of 41 Exhibits with supporting figures, graphics, and studies**
- Transportation Evaluation
- Noise Impact Analysis
- Historic Resources Effects Analysis
- Stormwater Pollution Prevention Plan (SWPPP)
- Electric Magnetic Field Study
- Preliminary O&M Plan
- Preliminary Design Drawings
- Complain Resolution Plan
- Preliminary Site Security Plan
- Geotechnical Analysis
- Invasive Species Survey and Control Plans
- Preliminary Spill Prevention Control and Countermeasures (SPCC)
- Inadvertent Return Plan
- AM/FM Report
- Off-Air TV Report
- Land Mobiles and Emergency Service Report
- Microwave Report
- Decommissioning Plan
- Site Security Plan
- Emergency Action Plan
- Health and Safety Plan
- Wetland and Stream Delineation Report
- Shadow Flicker Analysis
- Visual Impact Assessment





Executive Law Section 94-c Overview



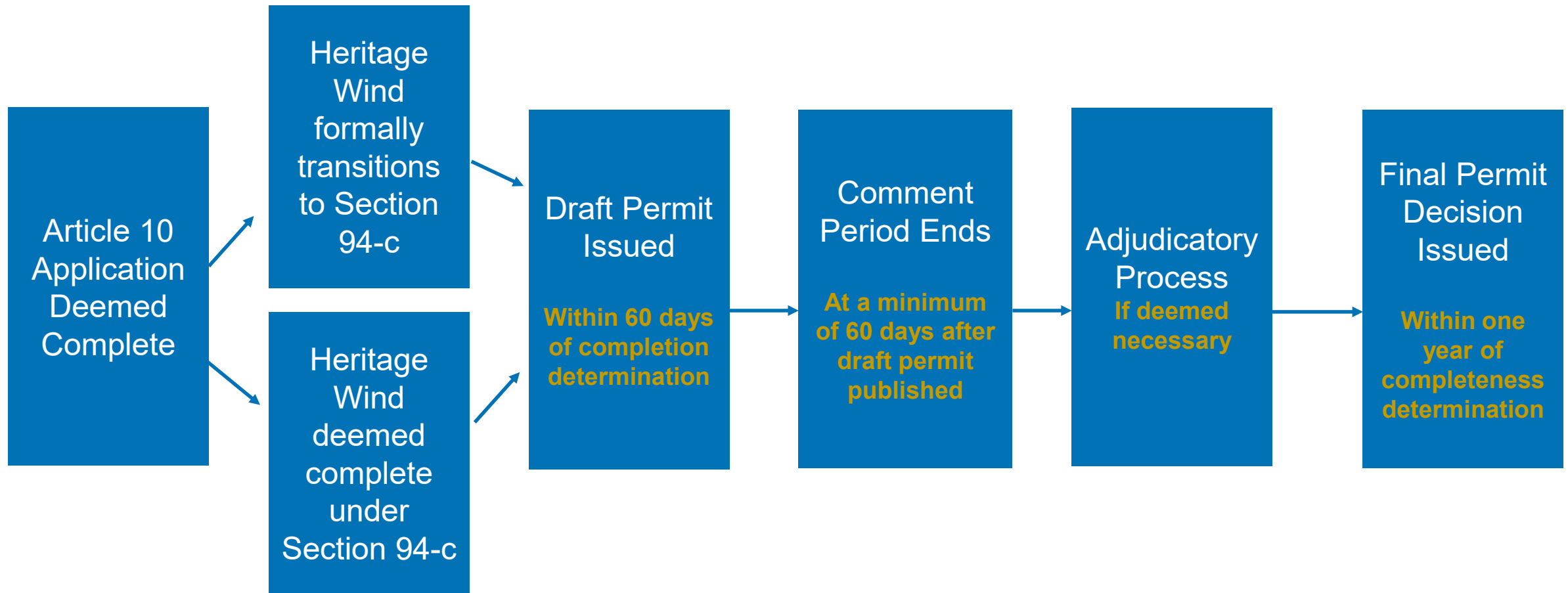
Executive Law Section 94-c: General Overview

- **Permitting process for renewable energy projects, passed in April 2020.**
- **Creates the Office of Renewable Energy Siting (ORES)**
- **Draft regulations have been published by ORES and are undergoing public comment.**
- **Creates a clear permitting timeline**
- **Creates Uniform Standards and Conditions for greater consistency in permits and to establish state-wide standards for common potential impacts**
- **More information, including the full text of the law, can be found at <https://ores.ny.gov/>**

Article 10 and Section 94-c Review Process Comparison

Article 10 Review		Section 94-c Review	
3-5 months	Application Submitted	Application Submitted	60 days
	Application deemed complete	Application deemed complete	
	Public Statement Hearings	Draft permit and comment period	
1 Year	Evidentiary Hearings	Issues/Party Status	1 Year
	Recommended Decision	Issue Determination	
		Adjudicatory Hearings (if deemed necessary)	
	Siting Board Decision	ORES Decision	

Article 10/Section 94-c Timeline

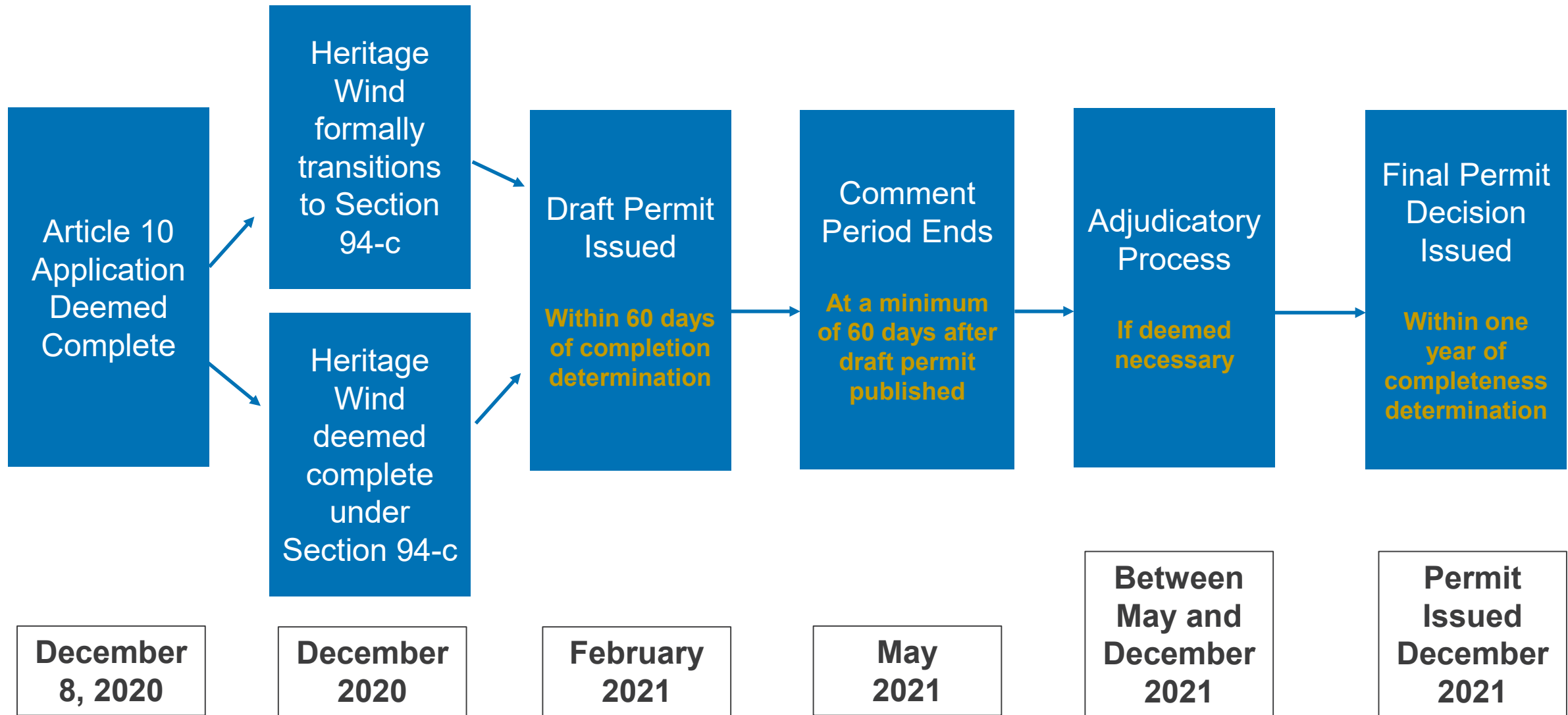


Article 10/Section 94-c Timeline

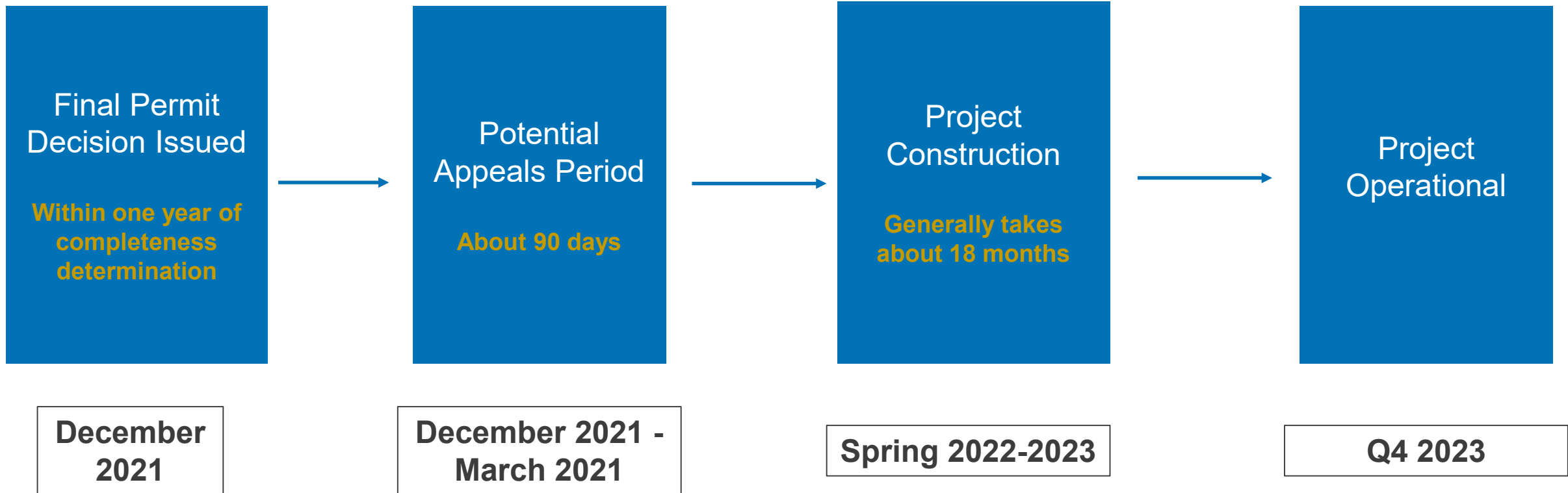


Heritage Wind plans to transition to Section 94-c in the coming weeks, following a completeness determination in Article 10 on December 8, 2020. The project will be deemed complete in Section 94-c upon transitioning

Expected Heritage Wind Timeline*



Expected Heritage Wind Timeline* (cont)



Opportunities for Local Input

- **Municipalities will be notified upon the publishing of an application's draft permit conditions and shall provide feedback on the draft permit conditions and the proposed facility's compliance with local laws within the subsequent 60-day public comment period. The Siting Office is required to consider any applicable local law when making a determination.**
- **If host community statements raise any substantive and significant issues that require adjudication, the Siting Office may establish a date for an adjudicatory hearing.**
- **If substantive or significant issues are not raised and the Siting Office does not hold an adjudicatory hearing, a public hearing will be scheduled in the host community.**

Opportunities for Public Comment and Information

- Within 60 days of transitioning to Section 94-c, ORES must issue a draft permit for public comment.
- There will be a 60-day comment period on the draft permit.
- ORES may also schedule a public comment hearing on the draft permit.
- The Heritage Wind project website will remain active and will be updated with the Section 94-c transition documents (<https://www.heritagewindpower.com/>), which will also be available at the local project office and local document repositories.

Draft Uniform Standards and Conditions

Standard	Section 94-c Draft Uniform Standard Condition	Heritage Wind Proposed Setback in Application
Setback from property lines	1.1 x tip height	1.5 x tip height
Setback from non-participating residences	2 x tip height	1,500 feet (greater than 2 x tip height)
Setback from public roads	1.1 x tip height	1.5 x tip height
Sound	A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence	A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence
Shadow Flicker	Limited to 30 hours per year at any non-participating residence	Limited to 30 hours per year at any non-participating residence

Intervenor Funds

- **An amount equal to \$1,000/MW of facility capacity must be paid into a local agency account hosted by NYSERDA (\$184,800 from Heritage Wind)**
- **Intervenor funding will be made available to a host municipality, political subdivision, or local community members per regulations to be established by the Office**
- **The Office will reserve at least 75% of the local agency account funds for potential awards to local agencies.**
- **Funding can be used by eligible entities for participation in public comment period or adjudicatory hearing**
- **For projects transferring from the Siting Board, any intervenor funding remaining will transfer from DPS to NYSERDA**

Community Benefits

- Under Section 94-c, the Applicant must provide evidence that Host Community Benefits have been negotiated with the local municipalities
- Heritage Wind has agreed to pay \$9,000 per megawatt (MW) per year, subject to inflation, to the town of Barre, Orleans County, Albion School District, and Oakfield-Alabama School District, under PILOT and/or Host Community Agreements
- Per a term-sheet sent to all taxing jurisdictions, the town of Barre will receive 75% of these total funds.
- These terms will remain the same under Section 94-c



Questions?

Website: heritagewindpower.com

Phone: (585) 563-5137

Email: info@heritagewindpower.com

