

# Young / Sommer LLC

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May 20, 2021

Via Electronic Filing

NYS Office of Renewable Energy Siting  
Empire State Plaza  
Swan Street Building – Core 1  
Room #110-119  
Albany, NY 12239

**Re: Matter No. 21-00026: Application of Heritage Wind, LLC for a Major Renewable Energy Facility Siting Permit Under Section 94-c of the NY Executive Law**

**JOINT APPLICATION AND REQUEST FOR WATER QUALITY CERTIFICATION**

Dear Sir/Madam:

On January 13, 2021, Heritage Wind, LLC (“Applicant”) submitted an Application pursuant to Section 94-c of the New York Executive Law seeking a Major Renewable Energy Facility Siting Permit from the Office of Renewable Energy Generation Siting (“ORES”) authorizing the construction and operation of a 184.8 megawatt (MW) wind-powered electric generation project (of up to 33 wind turbines and related components) to be located in the Town of Barre, Orleans County.

Enclosed please find Heritage Wind’s Joint Application for wetlands and related federal permits, including a request for a Water Quality Certification (“WQC”), which has been submitted to the U.S. Army Corps of Engineers (“USACE”) and is hereby submitted to ORES. Consistent with requirements of NY Executive Law Section 94-c, the Applicant is specifically requesting as part of the Joint Application that ORES issue the required WQC to the Facility.

In accordance with 19 NYCRR § 900-1.4(b)(3), since the request for Water Quality Certification did not accompany the Application, the Applicant filed and served notice of this Joint Application in accordance with the requirements of 19 NYCRR § 900-1.6(c). Specifically, the Applicant mailed a copy of the notice to ORES [§ 900-1.6(c)(1)], all persons residing within 5 miles of the proposed wind Facility [§900-1.6(c)(3)] and the members of the state legislature in whose district any portion of the Facility is proposed [§900-1.6(c)(4)] (see Attachment 1, Affidavit of Mailing). Further, in accordance with §900-1.6(c)(2), the Applicant published notice of the

Joint Application in the official newspaper for the Town of Barre, which is also the newspaper of largest circulation in Orleans County, the *Batavia Daily News*, as well as a free newspaper that services the Facility Area, the *Lake Country Pennysaver* (see Attachment 2, Affidavits of Publication). As a courtesy, the notice was also mailed to the project's Master Stakeholder List used during the Article 10 process, which includes state and local government agencies, airports, emergency service providers, non-governmental organizations, and other stakeholders who have requested to be added to the Master Stakeholder List (see Attachment 1).

Next, in accordance with 19 NYCRR § 900-1.4(b)(3), the Applicant mailed paper copies of the Joint Application to those entities identified in 19 NYCRR § 900-1.6(a) to receive paper copies. Concurrent with this filing, the Applicant will serve those entities identified in 19 NYCRR § 900-1.6(a) entitled to electronic copies of the Joint Application. The Applicant will provide proofs of service of paper and electronic copies of the Joint Application with ORES once available.

Should you have any questions or require anything further in this regard, please do not hesitate to contact us. Thank you.

Respectfully submitted,

*/s/ Laura Bomyea Darling*

James A. Muscato II

Laura Bomyea Darling

Attorneys for Heritage Wind, LLC

cc: Party List (via DMM)

Enclosures

Attachment 1: Affidavit of Mailing, Notice of Joint Application

Attachment 2: Affidavits of Publication, Notice of Joint Application

Joint Application for Permit (with Figures and Appendices)

## HERITAGE WIND, LLC – 94-c APPLICATION ELECTRONIC SERVICE LIST

MATTER NO. 21-00026: Application of Heritage Wind, LLC for a Permit Pursuant to § 94-c of the New York State Executive Law for Construction of a Wind Electric Generating Facility Located in the Town of Barre, County of Orleans, New York

NAME/TITLE	E-MAIL ADDRESS
Office of Renewable Energy Siting	Via DMM
Michael Higgins, NYS DEC	<a href="mailto:michael.higgins@dec.ny.gov">michael.higgins@dec.ny.gov</a>
Sita Crounse, NYS DEC	<a href="mailto:sita.crounse@dec.ny.gov">sita.crounse@dec.ny.gov</a>
NYS DEC, Region 8	<a href="mailto:dep.r8@dec.ny.gov">dep.r8@dec.ny.gov</a>
Heather Behnke, NYS DPS	<a href="mailto:heather.behnke@dps.ny.gov">heather.behnke@dps.ny.gov</a>
Orleans County Chief Administrative Officer	<a href="mailto:jack.welch@orleanscountyny.gov">jack.welch@orleanscountyny.gov</a>
Barre Town Supervisor	<a href="mailto:spogue@townofbarreny.com">spogue@townofbarreny.com</a>
Richard Ball, Commissioner NYS AGM	<a href="mailto:commissioner@agriculture.ny.gov">commissioner@agriculture.ny.gov</a>
Tara Wells, NYS AGM	<a href="mailto:tara.wells@agriculture.ny.gov">tara.wells@agriculture.ny.gov</a>
Michael Saviola, NYS AGM	<a href="mailto:michael.saviola@agriculture.ny.gov">michael.saviola@agriculture.ny.gov</a>
Howard Zucker, Commissioner NYS DOH	<a href="mailto:howard.zucker@health.ny.gov">howard.zucker@health.ny.gov</a>
William Sacks, NYS DOH	<a href="mailto:william.sacks@health.ny.gov">william.sacks@health.ny.gov</a>
Marie Therese Dominguez, Commissioner NYS DOT	<a href="mailto:marie.dominguez@dot.ny.gov">marie.dominguez@dot.ny.gov</a>
Eric Kulleseid, Commissioner NYS OPRHP	<a href="mailto:erik.kulleseid@parks.ny.gov">erik.kulleseid@parks.ny.gov</a>
Letitia James, NYS Attorney General	<a href="mailto:letitia.james@ag.ny.gov">letitia.james@ag.ny.gov</a>
Hoag Town Library	<a href="mailto:Hoag_library@yahoo.com">Hoag_library@yahoo.com</a>

May 18, 2021 | 1:58 pm

## COVID-19 Updates

The COVID-19 vaccine is here. It is safe, effective and free. Walk in to get vaccinated at sites across the state. Continue to mask up and stay distant where directed.

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- Matter Master: 21-00026

Matter Number:	21-00026	Case Number:	
Industry Affected:	Facility Gen.	Company/Organization:	Heritage Wind, LLC
Matter Type:	Petition	Matter Subtype:	94-c Permit
Title of Matter/Case:	Application of Heritage Wind, LLC for a 94-c Permit for Major Renewable Energy Facility	Related Matter/Case No:	
		Assigned Judge:	
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Sr.No.	Name of Person/Title/Company	Representing Company	Mailing Address	Email/Phone/Fax	Consent to Party Electronic Service
22	Behnke, Heather Assistant Counsel New York State Department of Public Service	New York State Department of Public Service	Three Empire State Plaza Albany, NY 12223-1350	<a href="mailto:Heather.Behnke@dps.ny.gov">Heather.Behnke@dps.ny.gov</a> Ph: 518-474-5474 Fax: 518-486-5710	Yes
21	Bowtich, Gary Bowitch & Coffey LLC	County of Orleans	17 Elk Street Albany, NY 12207	<a href="mailto:bowitch@bcalbany.com">bowitch@bcalbany.com</a> Ph: 518-527-2232	Yes
20	Cook, Bridget	Clear Skies above Barre, Inc.	300 State St, Suite	<a href="mailto:bcCook@zoglaw.com">bcCook@zoglaw.com</a>	Yes

Sr.No.	Name of Person/Title/Company	Representing Company	Mailing Address	Email/Phone/Fax	Consent to Party Electronic Service
	The Zoghlin Group PLLC		502 Rochester, NY 14614	Ph: 585-434-0790	
19	Crounse, Sita Associate Attorney Department of Environmental Conservation	New York State Department of Environmental Conservation	625 Broadway, 14th Floor ALBANY, NY 12203-1500	<a href="mailto:sita.crounse@dec.ny.gov">sita.crounse@dec.ny.gov</a> Ph: 518-402-9188 Fax: 518-402-9016	Yes
18	Darling, Laura Attorney Young Sommer LLC	Heritage Wind, LLC	5 Palisades Drive, Suite 300 Albany, NY 12205	<a href="mailto:ldarling@youngsommer.com">ldarling@youngsommer.com</a> Ph: 518-438-9907 Fax: 518-438-9914	Yes
17	Flaum, Jeremy Utility Supervisor, Office of Electric, Gas and Water New York State Department of Public Service	New York State Department of Public Service	Three Empire State Plaza Albany, NY 12223-1350	<a href="mailto:jeremy.flaum@dps.ny.gov">jeremy.flaum@dps.ny.gov</a> Ph: (518) 486-2219	Yes
16	Higgins, Michael Environmental Analyst New York State Department of Environmental Conservation	New York State Department of Environmental Conservation	625 Broadway, 4th Floor Albany, NY 12233	<a href="mailto:Michael.Higgins@dec.ny.gov">Michael.Higgins@dec.ny.gov</a> Ph: 518-402-9179	Yes
15	Iorizzo , Francis Council Representative NASRCC	North Atlantic States Regional Council of Carpenters	6920 Princeton Ct Syracuse , NY 13213	<a href="mailto:Tiorizzo@nercc.org">Tiorizzo@nercc.org</a> Ph: 315-559-8490	Yes
14	Kahn, Amy Conservation Chair Rochester Birding Association	Rochester Birding Association	5 Cranswick Lane Rochester, NY 14618	<a href="mailto:rbaconservation@gmail.com">rbaconservation@gmail.com</a>	Yes
13	Kanyuck, Dwight Attorney Knauf Shaw LLP	Town of Barre	1400 Crossroads Building, 2 State St. Rochester, NY 14614	<a href="mailto:dkanyuck@nyenvlaw.com">dkanyuck@nyenvlaw.com</a> Ph: 585-546-8430	Yes
12	Kremer, Kate Vice President Save Ontario Shores, Inc.	Save Ontario Shores, Inc.	PO Box 382 Lydonville, NY 14098	<a href="mailto:saveontarioshoresvp@gmail.com">saveontarioshoresvp@gmail.com</a> Ph: 585-414-4954	Yes
11	Krtanik, Chris President Save Our Environment Limited	Save our Environment Limited	P.O Box 264 Alexander, NY 14005	<a href="mailto:saveoureenvironmentlimited@yahoo.com">saveoureenvironmentlimited@yahoo.com</a> Ph: (585) 591-9272	Yes

Sr.No.	Name of Person/Title/Company	Representing Company	Mailing Address	Email/Phone/Fax	Consent to Party Electronic Service
9	Mark, Lance Town of Barre Attorney Mark & Graber, PLLC	Town of Barre	539b Main Street Medina, NY 14103	<a href="mailto:ecnalkram5555@gmail.com">ecnalkram5555@gmail.com</a> Ph: (585) 798-5555	Yes
8	Markham, Margaret Environmental Planner	Town of Barre	300 State Street, Suite 201 Rochester, NY 14607	<a href="mailto:mmarkham@labellapc.com">mmarkham@labellapc.com</a> Ph: 585-905-6568	Yes
10	MUSCATO, JAMES PARTNER YOUNG/SOMMER LLC	Heritage Wind, LLC	5 PALISADES DRIVE, SUITE 300 ALBANY, NY 12205	<a href="mailto:jmuscato@youngsommer.com">jmuscato@youngsommer.com</a> Ph: 518-438-9907	Yes
7	Parisi, Thomas Senior Attorney	New York State Department of Transportation	50 Wolf Road Albany, NY 12232	<a href="mailto:thomas.parisi@dot.ny.gov">thomas.parisi@dot.ny.gov</a> Ph: 518-457-2191	Yes
6	Pogue, Sean Town Supervisor Town of Barre	Town of Barre	14317 West Barre Rd. Albion, NY 14411	<a href="mailto:spogue@townofbarreny.com">spogue@townofbarreny.com</a> Ph: 585-589-5100	Yes
5	Robinson, Kayleigh Legal Assistant Young/Sommer LLC	Heritage Wind, LLC	Five Palisades Drive Albany, NY 12205	<a href="mailto:krobinson@youngsommer.com">krobinson@youngsommer.com</a> Ph: 518-438-9907 Fax: 518-438-9914	Yes
4	Saviola, Michael Environmental Analyst New York State Department of Agriculture & Markets	New York State Department of Agriculture and Markets	10B Airline Drive Albany, NY 12235	<a href="mailto:michael.saviola@agriculture.ny.gov">michael.saviola@agriculture.ny.gov</a>	Yes
3	Spencer, Kathy Environmental Consultant LaBella Associates	Town of Barre	300 State Street, Suite 201 Rochester, NY 14614	<a href="mailto:kspencer@labellapc.com">kspencer@labellapc.com</a> Ph: 585-295-6638	Yes
2	Walsh, Jessica Development Associate Apex Clean Energy	Heritage Wind, LLC	PO Box 519 Albion, NY 14411	<a href="mailto:jessica.walsh@apexcleanenergy.com">jessica.walsh@apexcleanenergy.com</a> Ph: 585-563-5137	Yes
1	Wisniewski, Benjamin Zoghlin Group, PLLC	Clear Skies above Barre, Inc.	300 State Street, Suite 502 Rochester, NY 14614	<a href="mailto:benjamin@zoglaw.com">benjamin@zoglaw.com</a> Ph: 585-434-0790 Fax: 585-563-7432	Yes

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