
NEW YORK STATE BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

IN THE MATTER OF:

Case No. 16-F-0546

Application of Heritage Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the New York State Public Service Law for a Wind Energy Generating Facility in the Town of Barre, Orleans County, New York

THE PARTIES HERETO stipulate and agree as follows:

- 1) The parties signing these Stipulations agree that, as of the date of execution, the studies outlined in the Final Scoping Statement (“FSS”), submitted concurrently with these Stipulations, represent the full scope of all studies and investigations that the Applicant must provide to satisfy the requirements of Section 164(1) of the Public Service Law in this proceeding. Except as provided herein, and in accordance with 1000.5(k), the signatories agree not to request the Applicant to provide additional studies concerning the subject matter of these stipulations in connection with the Article 10 proceeding.
- 2) Furthermore, the signatories to these Stipulations agree that the required studies will be conducted in accordance with the methodologies presented in the FSS.
- 3) The Parties agree that execution of these Stipulations shall not necessarily constitute concurrence or endorsement of the statements or claims made in the FSS document regarding potential impacts from or benefits of the proposed Facility, or conclusions regarding the Facility. Rather, the purpose of this document is to establish agreement among the parties that the scope and methodology of studies identified in the FSS represent the full range of studies required for the proposed Heritage Wind Project, and the content required for an Application, except as outlined in paragraph 4 below.
- 4) No additional studies or investigations related to the Heritage Wind Project will be required unless one of the following circumstances occurs:
 - a. A new statute, regulation, or final, non-reviewable judicial, federal, state, or administrative regulation, ruling, or order is adopted subsequent to the date of these stipulations that necessitates such additional studies, evaluations, or analyses;
 - b. Heritage Wind LLC proposes a substantial modification to the Facility or other inputs to the stipulated studies, evaluations, or analyses that will materially affect the results of the studies, evaluations, or analyses;

- c. Results of the stipulated studies, evaluations, or analyses demonstrate a substantial need for additional or supplemental study, evaluation, or analysis to the extent necessary to meet the requirements of the Article 10 regulations;
 - d. New information is discovered during the course of conducting, or as a result of, the stipulated studies, evaluations, or analyses that materially affects the results thereof;
 - e. New material and relevant information obtained independent of the stipulated studies, evaluations, or analyses demonstrates that the conduct of such studies, evaluations, or analyses, or their results, will be substantially affected and should be modified or expanded to the extent necessary to meet the requirements of the Article 10 regulations; or
 - f. The Chairman of the Siting Board, the Siting Board, or the Presiding Examiner, whose ruling will be appealable to the Siting Board, or Associate Examiner presiding with respect to any proceedings concerning federally delegated or approved environmental permits to be issued by NYSDEC, whose ruling will be appealable to the NYSDEC Commissioner or the Siting Board, as the case may be, requires an additional study, evaluation, or analysis pursuant to 16 N.Y.C.R.R. § 1000.9.
- 5) The Application will provide reports and supporting information based on the studies, evaluations, and analyses set forth in these stipulations to satisfy the application requirements of Article 10 of the Public Service Law. These stipulations are governed by Section 163 of the Public Service Law and by any application requirements for federally delegated environmental permits issued by the New York State Department of Environmental Conservation (NYSDEC), if applicable.
- 6) The Parties hereto may limit their concurrence to one or more of the specific subject area stipulations by so indicating in a notation next to their signature. A signature without any such notation shall indicate concurrence with the scope and methodology of studies and proposed content of the Application identified in the FSS.
- 7) Geographic Information System (GIS) shapefiles used in development of the Application will be provided to requesting parties as soon as possible prior to the submittal of the Application to support the information and analyses in the Application. GIS shapefiles of all Project and resource locational information, analyses and graphic exhibit preparation will be provided directly to Department of Public Service (DPS) and NYDEC Staff digitally, along with paper copies of the Application.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and delivered:

Heritage Wind LLC

As to all Stipulations above agree:

By: _____

Name: _____

Dated: _____

New York State Department of Public Service

As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

**New York State Department of Environmental
Conservation**

As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

**New York State Department of Agriculture and
Markets**

As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

New York State Department of Health

As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

Town of Barre
As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

Clear Skies Above Barre, Inc.
As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

Orleans County
As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____

Rochester Birding Association
As to all Stipulations above

Except: _____

Agree:

By: _____

Name: _____

Dated: _____