Ellenburg Wind Repowering Project

Matter No. 23-03033

1100-2.3 Exhibit 2

Overview and Public Involvement

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EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT

(a) Brief Description of the Proposed Facility

Valcour Ellenburg NewCo, LLC (the Applicant) is proposing the Ellenburg Wind Repowering Project (the Facility), an up to 91-megawatt (MW) wind-powered electric generating facility that will replace and repower the existing Ellenburg wind facility. The existing facility is located in the towns of Ellenburg, Chateaugay, Clinton, and Bellmont, Clinton and Franklin counties, New York and contains 54 wind turbines, 6.3 miles of gravel access roads, 15 miles of underground collection lines, and 6.6 miles of overhead collection lines, and has a generating capacity of 81 MW. The existing facility has been in operation since 2008, and its aging components are proposed to be removed and replaced with the proposed Facility which will be comprised of up to 25 new and advanced turbines, and associated components that will increase the Facility's generating capacity up to 91 MW and extend the generating life for up to an additional 30 years.

The Facility location is depicted in Figure 2-1. The Facility Site will be located on approximately 4,567 acres of private land within the towns of Ellenburg and Clinton, Clinton County, and the towns of Chateaugay and Bellmont, Franklin County, that is primarily rural in nature, of which approximately 23.4 acres will be occupied by Facility infrastructure. Up to 21 turbines associated with the proposed Facility will be located in the Town of Ellenburg, up to 4 turbines will be located in the Town of Bellmont, collection lines are proposed within the towns of Chateaugay and Clinton, and an expansion of the existing substation is proposed within the Town of Clinton.

Key terms used frequently in this application to describe the Ellenburg Wind Repowering Project are defined as follows:

- **Project** – Collectively refers to permitting, construction and operation of the repowered Facility, as well as proposed environmental protection measures, and other efforts proposed by the Applicant.

- **Facility Site** – The parcels or portions of parcels proposed to host the Facility components and/or associated facilities.

- **Facility** – The proposed repowered Facility will include up to 25 wind turbines located within the towns of Ellenburg and Bellmont to support an increased generating capacity of up to 91 MW. Associated support facilities to be constructed for the Facility will include a medium voltage collection system, gravel access roads, a temporary or permanent meteorological (MET) tower, and an aircraft detection lighting system tower. Portions of the gravel access roads and medium voltage collection system from the existing Ellenburg wind facility will be utilized for the repowered Facility where practicable and extended/upgraded where necessary. The existing off-site operations and maintenance (O&M) facility, medium voltage-to-transmission voltage collection substation, and point of interconnection switchyard associated with the existing facility will all be reused, with minor upgrades to the existing substation.

- **Existing Ellenburg wind facility** – The existing Ellenburg wind facility has been in operation since 2008 and includes 54 wind turbines with a generating capacity of 81 MW. All 54 wind turbines and a portion of associated support facilities that will not be repurposed in the repowered Facility will be decommissioned prior to the commercial operations date of the repowered Facility in accordance with applicable federal, state, and local regulations. Activities related to the decommissioning and restoration of the existing facility are governed by local permits and approvals and therefore not included in the scope of this Article VIII Application.

The existing wind facility components and the proposed repowered Facility associated with the Ellenburg Wind Repowering Project are depicted in Figure 2-2.

(1) Brief Overall Analysis

As required by 16 NYCRR § 1100-2.3(a), this section includes an overall analysis of the relevant and material facts established in this Siting Permit Application. Specifically, this section includes information and analyses from the supporting studies regarding the nature of the probable impacts of the construction and operation of the Facility on (a) ecology, air, ground and surface water, and wildlife and habitat, (b) public health and safety, (c) cultural, historic, and visual resources, (d) transportation, utilities and other infrastructure, and (e) compliance with local laws and ordinances. As summarized herein (and detailed further in Exhibits 3 and 6 through 15), this analysis supports the findings and determinations required of the Office of Renewable Energy Siting and Electric Transmission (ORES) that the Applicant has avoided, minimized, and mitigated potential significant adverse environmental impacts from the Facility through careful Facility design and siting and application of the Uniform Standards and Conditions (USCs) set forth in the Siting Permit regulations. Furthermore, the Application supports a finding by ORES that the Facility is consistent with and advances the objectives of the Climate Leadership and Community Protection Act (CLCPA) (see Exhibits 6 and 17), provides environmental and socioeconomic benefits to the state and the host communities in which it is proposed (see Exhibits 6, 11 through 15, and 18), and complies with local, state and federal laws, except those local laws that the Applicant is requesting that the Office elect not apply to the proposed Facility pursuant to 16 NYCRR § 1100-2.25(c) (see Exhibits 24 and 25).

The parcels that are currently proposed to host the Facility (i.e., the Facility Site) represent multiple landowners who either are currently hosting existing wind facility components or are willing and interested in participating in the Project, but only under specific circumstances that are compatible with landowner preferences as specified in the lease agreement. Parcels outside the Facility Site are not currently available for development; therefore, it was not possible to shift Facility components to these areas, even if parcels would otherwise be suitable or allow for further avoidance or minimization of impacts. Landowners agreeing to host wind turbines typically have specific requirements regarding where the wind infrastructure can and cannot be located on their land. Similarly, some landowners may be willing to host certain Facility components, but not wind turbines. Additionally, even if landowners are amenable to a shift in Facility components, such a change is often not possible given the setbacks and local zoning requirements established by the host municipalities, which reduce flexibility for Facility design shifts. Additionally, given the presence of other wind energy generating facilities on the

landscape, the setbacks from both existing and proposed wind turbines associated with the neighboring facilities further limit the area available for Facility development. Regardless, in some instances the Applicant has shifted Facility components during the iterative design process to avoid sensitive resources documented within the Facility Site, in addition to avoiding areas of forest and grassland habitat, wetlands and streams, and cultural resources, to the extent practicable. The new proposed turbine locations are sited as close as feasible to existing turbines and access roads. Collection lines are sited along the existing routes or within previously disturbed corridors to minimize ground disturbance to the extent practicable. Therefore, the wind turbine layout as presented in this Application and as shown in the Exhibit 5 Design Drawings is the culmination of an ongoing effort undertaken by the Applicant to avoid and minimize impacts to sensitive resources.

New York State policy and laws advocate for and require the development of renewable energy projects in order to significantly increase generating capacity from renewable sources, meet clean energy goals, and combat climate change (CLCPA, 2020) (see Exhibit 17 [Consistency with Energy Planning Objectives]). As described in detail herein, the Facility has been designed to avoid and minimize impacts to sensitive resources, while also making a meaningful contribution (up to 91 MW) to renewable energy generation in New York and furthering well-established policy and legislative goals.

(i) Ecology, Wetlands and Surface Water, Wildlife and Habitat

Ecological Communities

As described in Exhibit 11 (Terrestrial Ecology), the Applicant defined the boundaries of plant communities within the Facility Site and within 100 feet of the proposed limits of disturbance on adjacent properties (the Plant Community Study Area or Study Area) by utilizing data collected in the field while conducting various ecological surveys (e.g., breeding bird survey, marsh bird survey, wintering raptor survey, and wetland and stream delineations). As determined through this evaluation, the Study Area is largely comprised of rural agricultural and forested lands. A large portion of the Study Area is also comprised of developed/disturbed lands related to the existing Ellenburg wind facility. Plant communities found within the Study Area are relatively common in New York State and, based on consultation with the United States Fish and Wildlife Service and review of the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper, the New York Environmental Assessment Form Mapper, and the New York Nature Explorer, no federally listed plants, rare plants or significant natural communities were identified within the Facility Site. The following plant communities were identified and classified in the Study Area using the definitions developed in Ecological Communities of New York State by Edinger et al. (2014):

- Terrestrial Cultural (including Cropland, Pastureland, Conifer Plantation, and Developed/Disturbed lands): approximately 49% (2,365 acres) of the Study Area
- Forested Uplands: approximately 35% (1,692 acres) of the Study Area
- Open Uplands: approximately 9% (415 acres) of the Study Area

- Wetlands (including Open Water, Scrub-shrub, Forested, and Emergent Wetlands) and Streams: approximately 7% (359 acres) of the Study Area.

Avoidance, minimization, and mitigation of impacts to vegetation associated with the above listed plant communities has been and will be accomplished primarily through careful site planning. As previously discussed, all plant communities identified within the Facility Site are common to New York State; therefore, no impacts to unique or rare natural plant communities will result from Facility construction. In addition, as described and quantified above and in Exhibit 11 (Terrestrial Ecology) Section (b), the Facility Site is dominated by forested and rural agricultural communities. Construction and operation of the Facility will result in approximately 114 acres of impacts to forested upland and wetland communities and 196 acres of impacts to agricultural plant communities. The majority of these impacts will be temporary and will occur only during construction. At the end of the construction period, these impacted areas will be restored and seeded (and stabilized with mulch and/or straw, if necessary) to reestablish vegetative cover, and any agricultural operations will be able to resume. See Exhibit 15 (Agricultural Resources) for a resource-specific discussion of impacts to agricultural soils and land use. See Exhibit 11 (Terrestrial Ecology) for further discussion on the impact to plant communities.

Wetlands

As described in Exhibit 14 (Wetlands) and the associated Wetland and Watercourse Delineation Report (Exhibit 14, Appendix 14-A), the Applicant had field delineations of wetlands conducted during the growing seasons within an approximately 1,271-acre study area within the Facility Site (Wetland Study Area). Initial on-site delineations were completed between August and December 2022, with additional supplemental delineations conducted between October 2023 and October 2024. Within the Wetland Study Area, the Applicant identified 63 wetlands totaling approximately 64 acres. A functions and values assessment was performed for each wetland within the limits of disturbance (see Exhibit 14, Appendix 14-C [Wetland Functional Assessment]).

The Applicant coordinated with ORES to conduct site visits to review the boundaries of delineated features in support of determining state jurisdictional status of the wetlands and streams within the Facility Site. As a result of this process and the associated consultations conducted in accordance with 16 NYCRR § 1100-1.3(e), a final jurisdictional determination was issued by ORES on January 14, 2025, which identifies specific jurisdictional determinations for state-regulated wetlands (Exhibit 14, Appendix 14-B).

To the extent practicable, the Applicant sited Facility components to avoid impacts to state-regulated wetlands and adjacent areas through an iterative design process, which considered wetland boundaries at various stages of development. Specifically, Facility components were sited as close as possible to existing turbines, within previously disturbed areas, or outside of wetlands and regulated adjacent areas where practicable. The existing access roads and collection line routes will be reused to the maximum extent practicable, and turbines and related infrastructure were shifted multiple times throughout the design process to avoid and minimize wetland impacts. However, given the extensive coverage and distribution of state-regulated wetlands and adjacent areas in proximity to the existing facility, complete avoidance of these resources was not possible. Construction of the Facility and

proposed improvements to existing routes will result in unavoidable impacts to state-regulated wetlands and adjacent areas; however, the Applicant has minimized such unavoidable impacts to the maximum extent practicable while enabling the construction and operation of the repowered Facility. For example, the Facility design includes the use of trenchless installation of buried collection lines in multiple locations to minimize ground disturbance to state-regulated wetlands to the maximum extent practicable. Impacts to state-regulated wetlands and adjacent areas are shown in Exhibit 14 (Wetlands), Figure 14-2.

In addition, best management practices will be employed during construction to minimize impacts to the adjacent wetlands throughout the Facility Site, including compliance with Article VIII USCs established by 16 NYCRR §§ 1100-6.4(p) and 1100-6.4(q). The Applicant will implement a variety of specific measures to minimize and mitigate the proposed wetland and regulated adjacent area impacts. See Exhibit 14 (Wetlands) Sections 14(e) and 14(f) and Tables 14-1 and 14-2 for a full discussion of the avoidance and minimization measures to protect NYS-regulated wetlands and their adjacent areas.

Surface Water

Within the Wetland Study Area, a total of 16 ephemeral, intermittent, and perennial streams, as well as one approximated stream, totaling approximately 15,646 linear feet were identified (see Exhibit 13 and Exhibit 14, Appendix 14-A). ORES issued a final jurisdictional determination for surface waters on January 14, 2025.

According to the ORES Surface Waters Jurisdictional Determination, there is one state-regulated surface water delineated within the Facility Site. Delineated stream S-AHE-043 is a perennial Class C(T) unnamed tributary of Chateaugay River. To the extent practicable, the Applicant sited Facility components to avoid direct and indirect impacts to state-regulated surface waters and 50-foot stream buffers through both design and construction techniques. To further avoid impacts to surface waters within the Facility Site during construction and operation of the Facility, the Applicant prepared a Stormwater Pollution Prevention Plan (SWPPP), appended to this Application (Exhibit 13 [Water Resources and Aquatic Ecology], Appendix 13-B) in accordance with the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP; GP-0-25-001). Implementation of best management practices outlined in the Facility's SWPPP (Exhibit 13 [Water Resources and Aquatic Ecology], Appendix 13-B) and Spill Prevention, Control and Countermeasure Plan (Exhibit 13 [Water Resources and Aquatic Ecology], Appendix 13-C) will further avoid or minimize impacts to surface water resources to the maximum extent practicable.

Wildlife and Habitat

The Applicant prepared a Wildlife Site Characterization (WSC) Report, in accordance with 16 NYCRR § 1100-1.3(g)(1), summarizing existing public information on bird, bat, and other wildlife species at the proposed Facility Site and in the surrounding area (see Exhibit 12 [NYS Threatened or Endangered Species], Appendix 12-A). Information reviewed in the WSC Report suggests that the Facility Site includes a wildlife community dominated by relatively common species typically found in agricultural and forested habitats. In accordance with 16 NYCRR § 1100-1.3(g)(2), the Applicant and ORES held a pre-application consultation meeting on April 3, 2024, and the Applicant received an initial pre-

application WSC consultation letter from ORES (see Exhibit 12, Appendix 12-B). The Applicant also conducted bat mist netting, marsh bird and breeding bird surveys, and winter raptor surveys at the Facility Site between 2023 and 2024 (see Appendices 12-C, 12-D, and 12-E).

Following the completion of pre-application wildlife surveys, and in accordance with 16 NYCRR § 1100-1.3(g)(6), the Applicant participated in a meeting with ORES staff on May 22, 2025, to discuss the results of the surveys, preliminary estimates of occupied habitat, the current Facility design, potential Facility-related impacts, and requirements for a Net Conservation Benefit Plan. On June 5, 2025, ORES issued a Determination of Occupied Habitat, Incidental Take, and Net Conservation Benefit (Determination; see Exhibit 12 [NYS Threatened or Endangered Species], Appendix 12-G). As outlined in the Determination, ORES estimated that the Facility will adversely impact occupied habitat identified for one state-listed threatened grassland bird species. In addition, ORES determined that the operation of the Facility will result in the incidental take of one state-listed endangered bat species. Therefore, the Applicant is required to provide a Net Conservation Benefit Plan for these species (see Exhibit 12 [NYS Threatened or Endangered Species], Appendix 12-H). See Exhibit 12 (NYS Threatened or Endangered Species) for more information regarding state-listed wildlife species and state-listed wildlife species habitat at the Facility Site.

Impacts to wildlife are expected to be minimal and not expected to have population-level effects on any single species that occurs in the Facility Site. Construction-related impacts to wildlife include incidental injury and mortality due to construction activity and vehicular movement. Minimal habitat disturbance/loss is anticipated with clearing and earth-moving activities, and displacement of wildlife may occur due to increased noise and human activity. However, none of these construction-related impacts will be significant enough to affect local populations of any resident or migratory wildlife species.

Impacts relating to Facility operation may include direct habitat loss, habitat degradation, disturbance/displacement of wildlife due to the presence of the wind turbines and other equipment, and incidental avian and bat mortality as a result of collisions with operating wind turbines. With respect to wildlife habitat, no significant natural communities or critical habitats were identified within the vicinity of the Facility Site. As detailed in Exhibit 11 (Terrestrial Ecology), a total of 23.4 acres of wildlife habitat will be converted to built facilities; however, this represents less than 1% of the 4,567-acre Facility Site. An additional 6 acres of forested uplands and wetlands will be cleared and permanently converted to successional communities (old field, shrubland, or saplings) for the life of the Facility by necessary Facility maintenance activities. Habitat conversion from forest to maintained successional communities may contribute to advancing the NYSDEC's Young Forests Initiative, as outlined in the New York State Forest Action Plan, by replacing more mature forest with young forest, providing desirable early successional habitat for a variety of migrant songbirds, native gamebirds, and other wildlife (NYSDEC, 2020).

Disturbance and displacement are not anticipated to result in significant impacts given that similar forestland and grassland habitats are available in the surrounding landscape for birds that may be displaced due to the construction and operation of the Facility. Facility O&M are expected to be

comparable to other land uses within the Facility Site, including ongoing wind turbine operations, regular road traffic, and agricultural practices. While wind turbines pose a collision risk for birds, wind energy facilities represent a very small contribution to overall avian fatalities compared to other anthropogenic sources. Nocturnal migrant passerines are most frequently known to collide with tall, artificial structures. Wind energy facilities also pose a collision risk for bats, and migratory tree-roosting bat species are typically most at risk. Minimization measures, in accordance with 16 NYCRR § 1100-6.4(o)(4)(v), will be implemented to reduce collision impacts to birds and bats. See Exhibit 11 (Terrestrial Ecology) for more information regarding wildlife, wildlife habitats, and wildlife travel corridors.

(ii) Groundwater, Geology, and Public and Private Water Supply

Geology & Groundwater

A preliminary geotechnical investigation was conducted by Atlantic Testing Laboratories (ATL) for the existing wind facility in 2006 to obtain geotechnical data and provide geotechnical recommendations for structures within the Facility Site. The results of the investigation are summarized in the Preliminary Geotechnical Engineering Report (see Exhibit 10 [Geology, Seismology and Soils], Appendix 10-A). Additionally, BEC Engineering and Geology, P.C. (BEC) conducted a field evaluation of the conditions of the existing wind turbine foundations in 2022. The results of the investigation are summarized in the 2022 Wind Turbine Foundation Field Evaluation Summary Report (see Exhibit 10 [Geology, Seismology and Soils], Appendix 10-B).

As further described in Exhibit 10 (Geology, Seismology and Soils), the ATL report included a summary of geotechnical borings performed throughout the Facility Site, identifying the groundwater level at varying depths ranging from 2 to 23.5 feet below grade. Based on ATL's findings, the Facility Site was found to be generally suitable for the proposed development, and soils in the Facility Site are generally suitable for the foundation systems. As part of the BEC evaluation, an above grade visual inspection of the concrete and grout surfaces of all 54 turbine foundations and 13 of the turbine foundations were also selected for below grade inspection, foundation coring, and foundation monitoring. The foundations were found to be in generally good condition with minimal degradation observed. Geotechnical boring investigations for the proposed Facility began in May 2025 and are currently ongoing.

As discussed in Exhibit 10 (Geology, Seismology, and Soils), groundwater levels at the Facility Site may fluctuate due to seasonal variation, the amount of rainfall, soil permeability, and other factors. Should shallow/perched groundwater be encountered, any construction impacts will be addressed through typical engineering measures and construction techniques, including dewatering, which will avoid and minimize the potential for groundwater to cause erosion and sedimentation. Any discharge from dewatering locations will take place in accordance with the Facility SWPPP (Exhibit 13 [Water Resources and Aquatic Ecology], Appendix 13-B). The determination of any long-term dewatering (if necessary) will be addressed during final geotechnical investigations to be conducted and documented through pre-construction compliance filings.

Public and Private Wells

As described in Exhibit 13 (Water Resources and Aquatic Ecology), to identify existing groundwater wells in the vicinity of the Facility Site, Freedom of Information Law request letters were sent on November 22, 2024, to the New York State Department of Health, Clinton County Department of Health, Franklin County Department of Health, and to NYSDEC via the online request portal. In addition, the Applicant sent private well surveys to all residences and businesses within 1,000 feet of the Facility Site. Water well correspondence is included in Exhibit 13 (Water Resources and Aquatic Ecology), Appendix 13-A. Based on the responses received, a total of 30 private wells were identified within 1,000 feet of the Facility Site (see Figure 13-1). There is one active residential/domestic water supply well within 100 feet of proposed underground collection lines, and one within 1,000 feet of a proposed wind turbine. In accordance with 16 NYCRR § 1100-6.4(n)(1), any blasting, if required, will not be conducted within 500 feet of any known existing, active, water supply well or intake on a non-participating property. There are no other private wells located within 500 feet of collection line crossings that will be installed using trenchless technologies. Consistent with 16 NYCRR § 1100-6.4(n), the Applicant will engage a qualified third party to perform pre- and post-construction testing of the potability of water wells located on non-participating properties that fall within 500 feet of horizontal directional drilling operations both prior to and after construction.

To further avoid impacts to surface waters within the Facility Site during construction and operation of the Facility, a preliminary SWPPP is appended to this Application (Exhibit 13 [Water Resources and Aquatic Ecology], Appendix 13-B). The Applicant will conduct the detailed engineering necessary to prepare a final SWPPP, in accordance with the State Pollutant Discharge Elimination System General Permit, which will be submitted as a pre-construction compliance filing. In addition, to prevent unintended releases of petroleum and other hazardous chemicals, a Preliminary Spill Prevention, Control and Countermeasure Plan has been prepared that outlines preventative measures and response procedures in the unlikely event of a release (see Exhibit 13 [Water Resources and Aquatic Ecology], Appendix 13-C).

(iii) Public Health and Safety

With proper siting, design, construction, and operation, wind facilities typically do not pose a risk of significant impacts to public health and safety; rather, wind facilities provide benefits to public health by reducing greenhouse gas (GHG) and wastewater emissions associated with conventional energy production. The Facility will be constructed in accordance with applicable health and safety standards and the Applicant is committed to developing and operating the repowered Facility in a safe and environmentally responsible manner, just as it has safely operated the existing facility for over a decade. Overall, the Facility will have numerous public health and safety benefits associated with reducing GHG emissions and providing the state and local community with socioeconomic benefits. See Exhibit 18 (Socioeconomic Effects) and Exhibit 6 (Public Health, Safety and Security) for more information.

The public health and environmental benefits of transitioning to renewable energy cannot be overstated; those benefits have been a key driver of New York energy policy for decades and are a central component of the CLCPA (NYSCAC, 2019). The state anticipates that the CLCPA's renewable

energy generation targets will result in improved air quality and increased health benefits across the state. The Facility will contribute up to 91 MW of renewable energy generation, supporting the CLCPA objectives. Therefore, the Facility is not only consistent with New York State energy policy, but importantly, its clean energy contribution will result in net positive public health outcomes for the state and region (see Exhibit 17 [Consistency with Energy Planning Objectives]).

Public health and safety concerns associated with construction of the Facility are primarily limited to common risks associated with commercial construction projects, such as increased noise levels during construction, increased traffic, and the potential release of construction-related contaminants into the environment. These common risks are generally not associated with significant impacts to public health and safety and will be avoided, minimized, and mitigated by the Applicant's adherence to the Article VIII USCs. Once constructed, the presence of electrical equipment, both within the turbines and at the collection substation, carries some risk of an electrical hazard. However, generally, these systems have been tested and proven to operate safely, and these areas will have perimeter controls (i.e., security fencing, signage) as is required by local law and the National Electrical Safety Code to prevent potential injury.

The Applicant prepared a Pre-Construction Sound Level Impact Assessment (Exhibit 7 [Noise and Vibration], Appendix 7-A) to assess the potential sound impacts from Facility construction and operation on neighboring residences and other sensitive receptors. As further discussed in Exhibit 7 (Noise and Vibration), adverse noise impacts will be avoided or minimized through careful siting of Facility components and mitigation will be implemented where exceedances are expected. Impacts related to construction noise will be temporary and most of the construction will occur at significant distances to sensitive receptors. Noise from most phases of construction is not expected to result in impacts to sensitive receptors.

As further described in Exhibit 6 (Public Health, Safety and Security), proper siting of the Facility, implementation of Safety Response Plan (Exhibit 6, Appendix 6-A) and Site Security Plan (Exhibit 6, Appendix 6-B), and adherence to health and safety standards all but eliminate the potential risks from these types of incidents. The Site Security Plan includes the following measures to be implemented during Facility operation: access controls, electronic security and surveillance facilities, security lighting, implementation of setbacks, and a cyber security program. In addition, the Applicant's Safety Response Plan includes information regarding contingencies constituting an emergency and identifies measures for emergency response, evacuation, community notification, onsite equipment locations, and fire emergencies. The Safety Response Plan also includes information regarding training drills with local responders.

(iv) Cultural, Historic, and Visual Resources

Archaeological Resources

As described in Exhibit 9 (Cultural Resources), an initial Phase IA Archaeological Survey was developed and submitted to the New York State Historic Preservation Office (NYSHPO) (December 2024), with a revised Phase IA Archaeological Survey submitted in February 2025 (Exhibit 9 [Cultural Resources],

Appendix 9-C). The Phase IA report defines the Facility's area of potential effect (APE) for Direct Effects to archaeological resources and identifies if any previously documented archaeological resources occur within the APE for Direct Effects. To identify potential archaeological sites within the Facility Site, the Applicant completed the Phase IB Archaeological Survey (Exhibit 9 [Cultural Resources], Appendix 9-D) in accordance with the approved Phase IA archaeological survey and research design. The archaeological survey was conducted in a series of site visits and mobilizations between November and December 2024, concurrent with evolving Facility design. The Phase IB archaeological survey did not identify any archaeological resources, and thus no avoidance or additional archaeological work is recommended. The Applicant submitted the Phase IB Archaeological Survey Report to the NYSHPO on July 8, 2025 (see Exhibit 9 [Cultural Resources] and Appendices 9-A and 9-D).

In the event that unanticipated archaeological resources are encountered during construction, the Facility's Unanticipated Cultural Resources Discovery Protocol (Exhibit 9 [Cultural Resources], Appendix 9-F) includes provisions to notify New York State Department of Public Service and stop all work in the vicinity of the archaeological finds until those resources can be evaluated and documented by an archaeologist. With the adoption of these measures, and based on continued consultation with the NYSHPO, the proposed Ellenburg Wind Repowering Project is not anticipated to impact significant archaeological resources.

Historic Resources

In accordance with the requirements of 16 NYCRR § 1100-2.10(b), the Applicant has engaged in ongoing consultation with the NYSHPO and has completed historic resources studies for the Facility. The Applicant conducted a systematic program of public outreach beginning in February 2025 to assist in the identification of visually sensitive resources, including historic properties potentially eligible for listing for the State or National Registry of Historic Places (S/NRHP) (see Exhibit 8 [Visual Impacts], Appendix 8-A). Outreach included town and village historians in addition to other stakeholders relevant to historic properties (e.g., town supervisors, mayors, and business owners). As a part of the Historic Resources Survey, EDR contacted local historians and historical societies seeking input regarding the identification of historic resources with historic or architectural significance located within the Historic Resources Study Area and APE for Visual Effects. A summary of contact and outcomes is provided in the Historic Resources Survey (Exhibit 9, Appendix 9-E).

The Historic Resources Survey Report (Exhibit 9 [Cultural Resources], Appendix 9-E) describes the potential impacts on historic resources located within the APE for Visual Effects, including potential visual and auditory impacts of the Facility. The Applicant reviewed the Cultural Resources Information System website maintained by the NYSHPO to identify significant historic buildings, resources and/or districts located within the Historic Resources Study Area (the area within five miles of the Facility Site boundary) and APE (the area where the Facility may result in visual or auditory impacts) for Visual Effects for the Facility. Within the Historic Resources Study Area, there is one resource listed in the S/NRHP and designated as a National Historic Landmark, 46 resources previously determined by the NYSHPO to be S/NRHP-eligible, and 20 resources for which S/NRHP eligibility has not been formally determined.

Construction of the Facility will not require the demolition or physical alteration of any historic resources. No direct physical impacts to historic resources listed in or determined eligible for the S/NRHP will occur as a result of construction of the Facility. Therefore, the Facility is not anticipated to have any direct impacts on historic properties.

The Facility's potential effect on a given historic resource would be a change (resulting from the changes in height, count, and location of wind turbines) in the resource's setting. Relative to historic properties, the potential visual effect of the Facility is limited to the overall effect on the traditional agricultural landscape that serves as the setting for historic properties in the region. However, due to the presence of the existing Ellenburg wind facility and the other existing wind facilities in the immediate vicinity, the proposed repowered Facility would result in minimal change to the character of the landscape. Additionally, the Facility, as well as the proposed adjacent Chateaugay and Clinton Wind Repowering Projects, will greatly reduce the total number of turbines compared to the existing wind facilities they are proposed to replace. The Applicant will continue consultation with the NYSHPO to assist in the NYSHPO's assessment of potential Facility impacts to aboveground historic properties. In accordance with 16 NYCRR § 1100-10.2(g) of the Article VIII regulations, the Applicant will complete a Cultural Resources Avoidance Minimization and Mitigation Plan as part of the Pre-Construction Compliance Filings.

Based on the analysis contained in Exhibit 7 (Noise and Vibration) of this Application, potential noise and/or vibrations caused by the operation of the proposed Facility are not expected to significantly alter the character or setting of S/NRHP-listed and eligible historic properties within the APE when mitigation measures are employed. Vibrations are not anticipated to impact any S/NRHP-listed or eligible properties and noise-related impacts are anticipated to be relatively minimal, due in large part to the Facility's siting in remote rural areas away from areas of higher historic and modern population density. Therefore, there will be no permanent noise-related adverse impacts to S/NRHP-listed or eligible properties associated with operation of the Facility.

Visual Impacts

In accordance with the requirements of 16 NYCRR § 1100-2.9, a Visual Impact Assessment (VIA; Exhibit 8 [Visual Impacts], Appendix 8-A) was completed to evaluate the potential visibility and visual impacts of the proposed Facility. This report describes the appearance of the visible components of the proposed Facility, defines the aesthetic character of the 5-mile radius Visual Study Area (VSA), evaluates existing visual resources and viewer groups within the VSA, evaluates potential Facility visibility within the VSA, and assesses visual impacts associated with the proposed Facility. As discussed in the VIA, the proposed wind turbines generally appear larger or closer to the viewer when compared to the existing Ellenburg wind facility turbines. However, in most views, the number of visible turbines has been reduced and/or the proposed turbines appear more spread out. Despite the size change, the replacement and existing turbines have a similar appearance and remain the focal point in most views. As indicated by the results of the VIA, the new location and size of the replacement wind turbines results in minimal overall change to the character or scenic quality of the existing views.

In addition, a Visual Impacts Minimization and Mitigation Plan (VIMMP; Exhibit 8 [Visual Impacts], Appendix 8-B) was prepared to discuss mitigation measures that are proposed or have been considered for the Facility as required by 16 NYCRR § 1100-2.9(d). The VIMMP also includes a Shadow Flicker Analysis Report (Exhibit 8 [Visual Impacts], Appendix 8-B, Attachment A) that includes a full year of potential receptor-specific shadow flicker predicted on an hourly basis. Based on use of the Nordex N163 turbine model, the largest turbine model under consideration, and the assumptions used in the shadow flicker model, up to 13 non-participating year-round residences could receive over 30 hours of shadow flicker per year without mitigation. However, as discussed in the Shadow Flicker Analysis Report, regardless of the turbine model that is ultimately selected, the Applicant intends to implement curtailment measures to limit shadow flicker impacts to under 30 hours per year for all non-participating residences, in compliance with the Article VIII regulations.

(v) Transportation, Communication, Utilities, and Other Infrastructure

Transportation

Virtually all of the traffic-related impacts associated with the Facility will occur during the site preparation and construction phase when there will be a temporary increase in vehicle traffic on area roadways. Once the Facility is commissioned and construction activities are concluded, traffic associated with Facility operation will be negligible and limited to occasional trips associated with routine maintenance activities. See Exhibit 16 (Effect on Transportation) for additional information on transportation.

Communication

The Applicant sent an initial written notification of the proposed Facility to the National Telecommunications and Information Administration (NTIA) on February 7, 2025, seeking feedback on possible impacts of the Facility on federal communication systems. The NTIA replied on April 1, 2025, with no concerns related to the Facility. In addition, pursuant to 49 USC § 44718, the Applicant submitted the proposed Facility layout to the FAA on November 26, 2024, but has yet received a response at the time of this Application submission. Correspondence between the Applicant and the FAA to date is documented in Exhibit 20 (Effect on Communications), Appendix 20-H. The Applicant will continue to coordinate with the FAA and associated parties as necessary.

Utilities and Other Infrastructure

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. As a result of such consultations and independent assessments, the Applicant has identified and mapped existing overhead and underground major facilities for electric, gas and telecommunications within 5 miles of the Facility Site (see Exhibit 3 [Location of Facilities and Surrounding Land Use], Figure 3-4). As detailed in Exhibit 20 (Effects on Communications), communication interconnection already exists for the Facility. The Applicant notes that business grade broadband internet service is available near and adjacent to the Facility Site to any customer with a property interest at that location. No upgrades to the system are required to provide this service. According to the NYSDEC Division of Mineral Resources Oil and Gas Database, there are no mapped oil and gas wells within 5 miles of the Facility Site.

The Applicant will construct the Facility to avoid interference with existing above ground and buried utility systems through consultation with the owning utilities and by following the One Call process with Dig Safely New York. The Applicant has consulted with providers of all existing underground cable and fiber optic major transmission telecommunication lines within 1 mile of the Facility Site, including Charter, Slic Network Solutions, and Verizon, to identify locations of overhead and underground cable and fiber optic lines. Based on responses received at the time of this Application, no cable or fiber optic lines were identified within the Facility Site and one fiber optic line was identified within one mile of the Facility Site (see Exhibit 20 [Effect on Communications], Figure 20-1).

(vi) Compliance with Local, State, and Federal Laws and Regulations

The Applicant has designed the Facility to comply with local, state, and federal laws, except those local laws that the Applicant is requesting that the Office elect not apply to the proposed Facility pursuant to 16 NYCRR § 1100-2.25(c) (see Exhibits 24 and 25). Exhibit 24 (Local Laws and Ordinances) sets forth in detail the justification for why the imposition of such local laws on the Facility are unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed Facility.

(b) Applicant's Pre-Application Public Involvement Program

The Applicant initiated outreach and coordination during very early-stage development efforts for the Ellenburg Wind Repowering Project within the towns of Ellenburg, Clinton, Chateaugay, and Bellmont beginning in the fall of 2022 and continuing through 2025. This early outreach involved attending town board meetings and consulting with landowners. Overall, the primary goals of these initial outreach efforts were to: establish broad community awareness of the Ellenburg Wind Repowering Project; to provide an opportunity for landowners to participate in the Project review process and supply valuable development feedback; and to demonstrate the team's responsiveness to resident questions and concerns. The Applicant became deeply and regularly engaged with the towns beginning in October 2023, when plans for a full repowering project were first discussed. Exhibit 2, Appendix 2-A (Community Engagement Plan) outlines the Applicant's robust schedule of community engagement efforts with details on all consultations and meetings. As of the time of Application submittal, the Applicant: attended more than 20 board meetings; ; maintained a local satellite office in the community for more than a year; and has met individually with town supervisors, board members, county representatives, resident groups, and other stakeholders on many occasions.

During the pre-application process, the Applicant held meetings with local officials in the towns of Ellenburg, Clinton, Chateaugay, and Bellmont to discuss the proposed Project in further detail. Specifically, on January 15, 2025, the Applicant held a local agency meeting in accordance with 16 NYCRR § 1100-1.3(a), during which the Applicant presented detailed information and provided printed materials about the Facility. The Applicant has also engaged in ongoing consultations with local emergency responders and school districts and has documented correspondence with these entities in the Local Agency Consultation and Outreach Correspondence (Appendix 2-B). See Exhibit 6 (Public Health, Safety, and Security) for a discussion of consultation and outreach efforts with local emergency responders and school districts. Initial

consultation with town officials with regard to developing a Road Use Agreement (RUA) also began during the pre-application period, see Exhibit 16 (Effect on Transportation) for more information.

In addition to the meetings described above, the Applicant conducted a successful open house-style community meeting on January 16, 2025, at Northern Lights VFW Post 8793 in the Town of Ellenburg, New York in accordance with 16 NYCRR § 1100-1.3(b). Notice for the event was published on the Project's website and in local newspapers, including the Adirondack Daily Enterprise, Tupper Lake Free Press, Sun Community News, Press Republican, and Malone Telegram. Notification letters were also mailed to all residents and stakeholders located within five miles of the proposed Facility Site, to ORES, and to the applicable local officials. The open house was well attended, with 19 members of the public coming to learn more about the Project. Attendees were able to view posters with information on a range of pertinent topics. Information provided at the community meeting included, but was not limited to, the information required pursuant to 16 NYCRR § 1100-1.3(b); a description of AES Clean Energy and the Ellenburg Wind Repowering Project; educational information on the Article VIII process and timeline, environmental studies completed and in progress; information on sound and shadow flicker considerations; a preliminary photosimulation; draft turbine layouts; and information on potential community benefits (including host community benefit and Payment In Lieu of Taxes payments). The Applicant collected names and contact information from individuals and solicited feedback via comment cards and through conversation.

The Applicant also reached out to the host communities to ensure that the Facility complies with local laws to the maximum extent practicable and that any local concerns were addressed. The key items or concerns raised during these outreach efforts are summarized as follows:

- **Project decommissioning** – As described in Exhibit 23 (Site Restoration and Decommissioning), the Applicant is committed to decommissioning and repowering the Facility in a safe and environmentally responsible manner. The Applicant has put financial security in place to ensure the host community and landowners will bear no responsibility for Facility decommissioning or the associated repowering.[1]
- **Road use and haul routes** – As described in Exhibit 16 (Effects on Transportation), the Applicant conducted a transportation study to identify and characterize anticipated haul routes. The Applicant has had an existing RUA with the towns and counties since 2006 and is in the process of negotiating RUAs with the host municipalities for the proposed Facility. Final haul routes will be developed in consultation with the host municipalities and state, county, and municipal highway officials and in coordination with the turbine manufacturer. In accordance with the pre-construction compliance filing requirements outlined in 16 NYCRR § 1100-10.2(e)(8), final haul routes will be accurately depicted in drawings submitted with a Traffic Control Plan before construction begins. If damage to local, county, or state roads is caused by construction of the Facility, the Applicant will make repairs in accordance with the proposed RUAs and/or local laws at no expense to the town(s),

[1] Decommissioning of the existing facility components will be conducted pursuant to local review and approvals and is not subject to the jurisdiction of Article VIII. As such, Exhibit 23 of this Siting Permit Application focuses on the decommissioning and restoration of the proposed repowered Facility only.

county, or state. See Exhibit 24 (Local Laws and Ordinances) for a discussion on local road requirements.

- **Turbine manufacturing** – Due to market factors such as availability and cost, a specific turbine model has not yet been confirmed for the proposed Facility. The turbine manufacturers provided site suitability reports showing that the turbine models under consideration are compatible with existing conditions at the proposed Facility (see Exhibit 5 [Design Drawings], Appendix 5-F). The Applicant reviewed setback standards established by the turbine manufacturers, ORES, and the towns of Ellenburg and Bellmont and has designed the proposed Facility to meet these setbacks to the extent practicable. See Exhibit 5 and Exhibit 24 for more detailed information on the turbine models under consideration, identified setbacks, and compliance with local laws.

In addition, the Applicant has a Project-specific website (www.aes.com/new-york/project/ellenburg-wind) and an email address (ellenburgwind@aes.com) for stakeholders and other interested parties to communicate questions or comments.

Lastly, the Applicant has complied with the ORES 60-day and 3-day notice requirements set forth in 16 NYCRR §§ 1100-1.3(d) and 1100-1.6(c). A 60-day notice of intent to file an application for the Ellenburg Wind Repowering Project was mailed to all required parties pursuant to 16 NYCRR §§ 1100-1.3(d) and 1100-1.6(c)(1), (3), and (4) on January 21, 2025. Pursuant to 16 NYCRR § 1100-1.6(c)(2), the 60-day notice was published in the North Countryman/Burgh Sun on January 18, 2025; the Press Republican on January 21, 2025; and the Malone Telegram on January 22, 2025. A 3-day notice of intent to file an application was mailed to all required parties pursuant to 16 NYCRR §§ 1100-1.6(c)(1), (3), and (4) at least 3 days prior to filing the Application. Pursuant to 16 NYCRR §§ 1100-1.6(c)(2), the 3-day notice was published in the applicable local newspapers at least 3 days prior to filing the Application. Copies of these notices have been filed with ORES on the Document and Matter Management System, Matter No. 23-03033. Proofs of service and publication of these notices have, or will be, filed in Matter No. 23-03033 once available.

REFERENCES

Climate Leadership and Community Protection Act (CLCPA). 2020. *Climate Act Fact Sheet*. Available at: https://climate.ny.gov/ (Accessed June 2025).

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