

ATTACHMENT A

Pre-Construction Compliance Filing Comments ORES DMM Matter No. 21-00749 Prattsburgh Wind Facility

Based upon its review of the Permittee's compliance filings submitted on April 17, 2026 (DMM Item Nos. 308-310) and June 10, 2026 (DMM Item Nos. 317-318), the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) provides the following approvals, comments, and deficiencies:

Permit Subpart 7.1(c) - Plans, Profiles, and Detail Drawings (Permittee's Appendix 2-A)

1. Please add a General Construction Note for all phases stating, "In the event that archaeological materials, human remains, or evidence of human burials are encountered during construction, all work in the vicinity of the find will be immediately halted and the Unanticipated Discovery Plan will be implemented."
2. Please identify areas where stabilized construction entrances (at the beginning of timber mat access paths) are required.
3. Please identify the road names and/or farm access roads that appear to be missing in sheets TC. 102, 110-112, 119, 123-125, 130, 132, 137, 140-44, 160-61, 163-64, 167-69, and 171.
4. Please display the location(s) of Invasive Species washouts for construction equipment.
5. Sheet TC.121 depicts a timber matting crossing of the Tennessee Gas pipeline. Please provide either (1) a crossing agreement or (2) correspondence from the owner stating that the proposed crossing (without additional crossing improvements) is acceptable.

Permit Subpart 7.1(h) – Real Property Rights [Permittee's Appendix 2-H (Additional Landowner Agreements)]

6. According to Appendix 2-A (Design Drawings), Turbine T-19 is proposed approximately 625 ft from Tax Parcel No. 124.00-03-003.112 in the Town of Howard. Regardless of which turbine is selected, this turbine is proposed within the required setback distance to non-participating property required by NYCRR § 1100-2.6(b) and the Town of Howard Wind Energy Facilities Law § 15(B)(3). No documentation of real property rights for this parcel (indicating that it is a participating property) has been provided in Appendix 2-H. Although acceptable for this phase of construction, upon submission of the Permittee's Phase 3 (Civil Construction, Turbine Foundation Installation, and Electrical Collection System

Installation) compliance filing package, please address this apparent discrepancy by either (1) providing such documentation or (2) revising the location of Turbine T-19 to comply with the required setback distance of 1.1 times the total height of the wind turbine at the maximum blade tip height to non-participating property lines.

Permit Subpart 7.1(j) - Host Community Benefits (Permittee's Outline/Main Document)

7. Please file documentation of a Host Community Agreement with the Town of Prattsburgh, once signed. Please provide proof to a reasonable certainty that the Permittee and Town of Prattsburgh have agreed on a PILOT Agreement and provide a copy of the PILOT Agreement upon execution.

Permit Subpart 6(c) - Final Net Conservation Benefit Plan (NCBP) (Permittee's Appendix 2-L, Appendix 2-M, and Appendix 2-N)

8. The Permittee states in Appendix 2-M (Magnolia Response to ORES Comments), "In addition, TILT is bound to conditions applied to the Mitigation Site's chain of title, requiring it to conserve the Mitigation Site as part of a separate New York State Water Quality Improvement Program grant award. A Notice of Grant is recorded on the Mitigation Site parcels' chain of title, which requires use of the property for conservation purposes. A copy of the Notice of Grant is attached to this submission for reference." In order for the Office to be able to evaluate whether the conditions of this Grant (e.g. "[r]iparian buffers must be maintained. Disturbances that compromise the ecological condition of the riparian buffer, wetland areas, including but not limited to livestock access, wood or timber harvesting, excessive mowing and recreational vehicular use, or at grade crossings are prohibited") support grassland bird mitigation at the proposed site, please provide the following:
 - a. A depiction of and spatial data for where the riparian buffers are located within the proposed mitigation site or parcel.
 - b. A definition of "excessive mowing." Additionally, please provide an examination of whether the vegetation management proposed in the NCBP is in compliance with the conditions stated in the Notice of Grant.
 - c. An explanation of how the proposed NCBP provides a net conservation benefit that is greater than the conditions required by the Notice of Grant.

9. The Office acknowledges receipt of the executed Implementation Agreement between the Permittee and NY Magnolia LLC in Exhibit D of the NCBP (Appendix 2-L – Revision 2).
10. The Office acknowledges the Permittee's Request for a Revised Determination Letter (Appendix 2-N) and will respond accordingly.