

# BARON WINDS PROJECT PHASE II

## Steuben County, New York

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### **NOTICE OF SUBMISSION OF JOINT PERMIT APPLICATION, INCLUDING WATER QUALITY CERTIFICATION**

This notice announces that on or about October 11, 2022 Baron Winds LLC (Applicant) will file a Joint Application, including a request for a Water Quality Certification (WQC), with the U.S. Army Corps of Engineers (USACE), New York State Department of Environmental Conservation (NYSDEC) and New York State Board on Electric Generation Siting and the Environment (Siting Board) and New York State Public Service Commission (NYSPSC) seeking, among other things, certain federal and state authorizations and WQCs relating to Phase II of the Baron Winds Facility. Phase II is a proposed 117 megawatt (MW) wind powered electric generating facility located within the towns of Cohocton, Fremont, and Wayland in Steuben County, New York. Phase II will consist of up to 26 wind turbines, associated underground electrical collection lines (32.5 miles), 10.9 miles of temporary and permanent access roads, one permanent meteorological tower (MET tower), a new collection substation, and temporary staging/laydown yards for use during construction. The Facility will share the Operations and Maintenance (O&M) facility with Phase I. However, an additional storage building will be constructed within the O&M yard to accommodate equipment storage for the Facility. The proposed collection substation is located at the Point of Interconnection (POI) in the Town of Cohocton, adjacent to the Phase I Project substation. The underground 230 KV transmission line constructed for Phase I has ample capacity to transmit the power from Phase II of the Facility, so no additional transmission will be constructed.

On September 12, 2019, the New York State Board on Electric Generation Siting and the Environment (the “Siting Board”) granted a Certificate of Environmental Compatibility and Public Need (“CECPN”) to Baron Winds LLC (“Baron Winds”) for a commercial scale wind energy project.<sup>1</sup> The CECPN authorizing the construction and operation of Phase I and II of the Facility under Article 10 of the New York Public Service Law (PSL). The Joint Application that is the subject of this notice covers the permits/approvals required to construct and/or operate Phase II of the Facility under the Clean Water Act § 404 from the USACE and for Water Quality Certification from NYSPSC (Clean Water Act § 401 and 6 NYCRR Part 608). No public comment period is required for the Joint Application at this time.

In accordance with 16 NYCRR § 1000.8(a), the Applicant is requesting as part of the Joint Application that the Siting Board issue a Clean Water Act § 401 WQC to Phase II of the Facility under PSL Article 10.

The Joint Application includes, among other things: a description of the Project, including design drawings and related information; an analysis of the environmental setting of the Project; results from surveys conducted to assess potential impacts to aquatic resources, construction methods, potential impacts to jurisdictional waters and associated impacts to aquatic communities from construction and operation of the Project; proposed measures to minimize environmental impacts; and reasonable alternatives. The Application also addresses compliance with the Endangered Species Act and the Historic Preservation Act.

The Project will have the following environmental impacts relevant to the Joint Permit Application under review. Construction of the Facility includes permanent Facility access road crossings, one jurisdictional ditch realignment, wetland fill/grading for wind turbine staging, and temporary equipment crossings along the underground collection line. Permanent impacts to WOUS total 14,540 square feet (sf) of wetland impacts and 116 linear feet (lf; 348 sf) of stream impacts. Realignment of a jurisdictional ditch (S077), totaling 324 lf (324 sf), is associated with construction of a permanent access road. Temporary impacts to WOUS total 728 lf (2,714 sf) of stream impacts.

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<sup>1</sup> Case 15-F-0122: *Application of Baron Winds LLC for a Certificate of Environmental Compatibility and Public Need*, Order Granting Certificate of Environmental Compatibility and Public Need, With Conditions (September 12, 2019).

Pursuant to the Article 10 process, this notice is being provided in accordance with 16 NYCRR § 1000.7 and § 1000.8, and will be published at least three (3) days prior to the filing of the Joint Application with the Secretary of the Siting Board. A copy of the Application will be served on the Chief Executive Officer of each municipality in which any portion of the Project is located, as well as those persons and agencies enumerated in 16 NYCRR § 1000.6.

This Joint Application, when filed with the Secretary, may be examined during normal business hours at the Offices of the DPS at 3 Empire State Plaza, Albany, NY 12223. Documents filed by the Applicant may be viewed at the following public repositories: Cohocton Public Library, 8 Maple Ave., Cohocton, NY 14826; Hornell Public Library, 64 Genesee St., Hornell, NY 14843; Town of Howard Public Library 3607 County Route 70A, Hornell, NY 14843. Libraries often have free internet access.

The Application also may be accessed on the NYSDPS website as outlined below.

All public documents filed in this proceeding, including the Application, may be accessed electronically at the Department of Public Service website, [www.dps.ny.gov](http://www.dps.ny.gov). To access documents, go to “Search,” type the case number, “15-F-0122,” and click “Search by Case Number”. Documents may also be accessed using the direct link: (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=15-f-0122&submit=Search+by+Case+Number>) or by going to the Facility-specific website maintained by the Applicant: (<https://www.rwe.com/en/research-and-development/project-plans/baron-winds>)

### **Contact Information**

To obtain information regarding the Project, please contact:

Contact information for Baron Winds II LLC:  
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Contact information for Article 10 Coordinator:  
James Denn, NYS Department of Public Service  
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### **File a Request for Notices**

Any interested member of the public may file a request with the NYSDPS Secretary to receive copies of all notices concerning the Project. Written requests should be sent to the NYSDPS Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address:

Honorable Michelle L. Phillips  
Secretary to the Commission  
NYS Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, New York 12223-1350