

TOWN OF CHATEAUGAY

WIND ENERGY GENERATING FACILITIES

WIND ENERGY PERMIT

APPLICANT: Jericho Rise Wind Farm LLC, 808 Travis Street, Suite 700, Houston,
Texas 77002

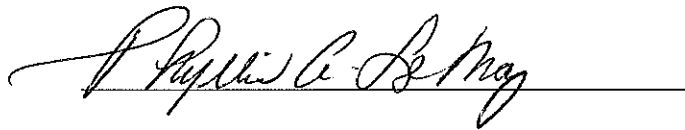
ISSUED: March 9, 2016

THIS WIND ENERGY PERMIT is hereby GRANTED for JERICHO RISE WIND FARM LLC, for the Wind Energy Generating facilities (as defined in Local Law 7 of 2006), the location of which are set forth on the attached Exhibit A pursuant to a resolution of the Town Board on March 9, 2016, which determined that the requirements of Local Law 7 of 2006 had been met and directed the issuance of a Wind Energy Permit subject to the following conditions attached as Exhibit B, which are attached hereto.

Further prior to granting the Application for Wind Energy Permit the Town Board considered requests for waivers from the above-referenced Local Law for such facilities and Jericho Rise Wind Farm LLC was also granted: 1) a waiver from Section 12(A)(14) of Local Law No. 7 of 2006 to allow construction to occur outside designated hours (i.e., from 5:30 a.m. to 10:00 p.m.); and 2) a waiver from Section 12(A)(13) of Local Law No. 7 of 2006 to allow for the construction of wind turbines taller than 400 feet in total height to allowed height of 492 feet.

Dated: March 9, 2016

TOWN OF CHATEAUGAY TOWN CLERK



Phillip A. DeMay

Adopted:

Resolution # 17 to adopt the above was made by Councilman Richard R. Connel and seconded by Councilman Thomas D. Cook

EXHIBIT A

Turbine	Landowner	Street Address	City, State and Zip Code	Town	Parcel
1	Wood, Hamilton F. & William K	1470 County Route 23	Chateaugay, NY 12920	Chateaugay	74.-1-17
2	OConnor, Robert	5806 State Route 11	Chateaugay, NY 12920	Chateaugay	60.-3-2
3	Three L Farms	882 Irona Rd	Ellenberg Depot, NY 12935	Chateaugay	74.-2-7.3
4	Green Kenneth J.	1659 County Route 23	Chateaugay, NY 12920	Chateaugay	74.-3-4
5	Wood, Hamilton F. & William K	1470 County Route 23	Chateaugay, NY 12920	Chateaugay	74.-1-17
6	Thibault, Romeo & Monica	15 Thibaults Pkwy	Burke, NY 12917	Chateaugay	74.-1-16.1
7	Bracy, Kevin	735 Healey Rd	Chateaugay, NY 12920	Chateaugay	74.-3-17
8	Bracy, Robert	841 Healy Rd	Chateaugay, NY 12920	Chateaugay	74.-3-19
9	Thibault, Romeo & Monica	15 Thibaults Pkwy	Burke, NY 12917	Chateaugay	74.-1-16.1
10	Simpson, Michael E	570 Hartnett Rd	Chateaugay, NY 12920	Chateaugay	88.-4-3.2
11	Bilow Realty Holdings LLC	1143 County Route 24	Malone, NY 12953	Chateaugay	89.-1-14
12	Whalen, Walter	PO Box 35	Brainardsville, NY 12915	Chateaugay	103.-1-4
13	Hall, Richard L.	374 Kitchener Ave	West Mount Que, Canada H3Z2E9	Chateaugay	88.-4-13
14	OConnor, Robert	5806 State Route 11	Chateaugay, NY 12920	Chateaugay	60.-3-2
15	Berenberg, Elsa	1833 Shellhouse Mountain Rd	Ferrisburgh, VT 05456	Chateaugay	88.-5-5
16	Berenberg, Elsa	1833 Shellhouse Mountain Rd	Ferrisburgh, VT 05456	Chateaugay	88.-5-6
17	Legacy, Kevin	201 Legacy Rd	Chateaugay, NY 12920	Chateaugay	102.-2-6.1
18	Ryan Estate, Bernard J	136 West Bayberry Rd	Islip, NY 11751	Chateaugay	88.-4-6
19	Bilow Realty Holdings LLC	1143 County Route 24	Malone, NY 12953	Chateaugay	89.-1-14
20	Bilow Realty Holdings LLC	1143 County Route 24	Malone, NY 12953	Chateaugay	89.-1-13
21	Merrill, Gilbert R	228 Jericho Rd	Chateaugay, NY 12920	Chateaugay	89.-1-11.1
22	Cook, Jay D	73 Taylor Rd	Burke, NY 12917	Chateaugay	88.-4-12
23	Merrill, Gilbert R	228 Jericho Rd	Chateaugay, NY 12920	Chateaugay	103.-1-2.1
27	Trainer Real Estate, LLC	630 County Rte	Chateaugay, NY 12920	Chateaugay	74.-2-1.3
29	Whalen, Walter	PO Box 35	Brainardsville, NY 12915	Chateaugay	103.-1-3
34	Bilow Farms Realty, LLC	1143 County Route 24	Malone, NY 12953	Chateaugay	88.-5-2
35	Bilow Farms Realty, LLC	1143 County Route 24	Malone, NY 12953	Chateaugay	102.-2-2.2
36	Legacy, Jerry R	52 Legacy Rd	Burke, NY 12917	Chateaugay	102.-2-9.1
37	Tracy, Richard and Anne	165 Cemetery Rd	Chateaugay, NY 12920	Chateaugay	74.-3-5.1

EXHIBIT B

The following conditions, which are in addition to the requirements of the agreements between the Town of Chateaugay and Jericho Rise Wind Farm LLC (“Applicant”), including but not limited to the Host Community Agreement, apply to each and every Project facility:

1. The Applicant will address any complaints regarding project operations or impacts via the implementation of a Complaint Resolution Plan and Dispute Resolution Program described in Appendix O of the SEIS.
2. All work will be conducted in strict compliance with **SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)** and the current Stormwater Pollution Prevention Plan (SWPPP) consistent with the mitigation measures set forth in the proposed SWPPP appended to the FEIS as Appendix B.
3. All environmental spills occurring as a result of this project shall be cleaned up to meet existing state and federal clean-up guidelines, including site restoration and notification requirements. Spills shall be addressed pursuant to the spill prevention control and countermeasure plan (SPCC), which will be developed and issued for construction and for operations.
4. Permanent native vegetation shall be established throughout the construction period, and following completion of the project, where practicable. Re-vegetated areas shall be inspected for appropriate growth and protected as necessary from runoff, invasive species, and seedling damage.
5. Construction activities in agricultural areas will occur in compliance with the NYSDAM Guidelines for Agricultural Mitigation for Windpower Projects (SEIS, Appendix B).
6. The Applicant will coordinate with local utility companies, develop utility relocation plans, and identify buried utilities using the Protection of Underground Facility procedures (16 NYCRR Part 753) in accordance with the Dig Safely New York Program. Construction managers will coordinate with Enbridge/St. Lawrence Gas via an Encroachment Agreement to identify crossing methodologies for intersection of the gas main and the underground collection lines proposed for the Project in order to avoid impacts to the gas line.
7. The Applicant will work with landowners to assess fencing requirements, if any, on a turbine by turbine basis.

8. Transport vehicles carrying permitted loads shall travel only approved haul routes and only during approved hours.
9. The Applicant will ensure that responsibilities for road impacts are properly identified and that responsibility for remediation is properly assigned. This will be accomplished in the context of Road Use Agreements contained in the Host Community Agreement between the Applicant and the Towns of Chateaugay and Bellmont.
10. Any necessary stream crossings would be done in accordance with NYSDEC's stream crossing guidelines through the Article 15 permitting process.
11. All temporarily disturbed areas adjacent to Project access roads and temporary public road improvements will be restored to pre-construction grades, stream beds and banks will be stabilized, and wetlands will be reseeded with a wetland seed mix at the completion of construction. All affected wetlands in these areas will be allowed to revegetate to their previous condition. .
12. The contractor and/or construction manager will minimize fugitive dust and airborne debris by implementing appropriate control measures. These measures may include (but are not limited to) the application of mulch, water, stone, or an approved chemical agent on any public roads, access roads, exposed soils, or stockpiled soils when dry and windy conditions exist. Other mechanisms to initiate dust control procedures include a determination from the environmental monitor that control measures shall be implemented, or a complaint by a landowner or local resident, which is confirmed by the environmental monitor. A watering vehicle shall be available for use for the duration of Project activities, including restoration.
13. The Applicant will repair any adverse impacts to roads resulting from construction-related transportation in accordance to the Host Community Agreement between the Applicant and the Towns of Chateaugay and Bellmont.
14. Vehicle parking areas will be provided at construction sites, and shuttles will be used to transport workers, if necessary.
15. Before any blasting can occur the site specific blasting plan will be developed in accordance with the guidelines set forth in the SEIS and will be submitted to the Environmental monitor for purposes of coordination with the Town.

16. The mapped locations of identified archaeological sites will be included on Project construction maps surrounded by a 100-foot (minimum) buffer, identified as “Environmentally Sensitive Areas” or similar, and marked in the field by construction fencing with signs that restrict access. In the event that unanticipated archeological resources are encountered during construction, the environmental monitoring plan will include provisions to stop all work in the vicinity of the archeological finds until those resources can be evaluated and documented by a Registered Professional Archaeologist.
17. The Applicant will conduct a reconnaissance-level well inventory to identify any active wells within 100 feet of proposed Project components prior to the start of construction. For any wells that are identified within this corridor, the Applicant will contact the landowner to document pre-construction water quality and yield so that this information is available should any complaints regarding possible well impacts arise during or after Project construction.
18. The Applicant will complete post-construction noise monitoring after commissioning to ensure wind turbines are in compliance with noise limits in the Town’s local law as is set forth in the Host Community Agreement.
19. The Applicant will offer a good neighbor agreement to landowners with occupied residences within 2,500 feet of a turbine, permanent residence with the potential to receive more than 30 hours of shadow flicker per year, and occupied residences which would fall within the 46 dBA typical impact threshold line (representing a 6 dBA cumulative increase threshold recommended by the NYSDEC based on the measured average, or Leq, sound level of 41 dBA during a 6 m/s wind), based upon the current Project layout.
20. Electrical collection system shall be installed underground, except as otherwise noted by the Applicant.
21. Construction may occur outside of designated hours (i.e., 5:30 a.m. to 10:00 p.m.) six days a week on an as needed basis with advance notice to the Town. The Applicant has asserted that most work will be conducted Monday through Friday and that Saturday work will be generally limited in nature. With respect to Sundays, the Applicant is only permitted to work 7:00 a.m. to 7:00 p.m., only in extreme or unusual circumstances, with advance notice to the Towns.

22. The Applicant shall enter into an agreement with the Towns of Chateaugay and Bellmont to fund the historic preservation projects identified in the SEQRA Findings Statement.
23. Following construction, the Applicant will provide Project contact information to local snowmobile clubs and if requested, will meet with local snowmobile clubs to explain the risk of ice shedding and proper safety precautions.
24. Tree clearing would be conducted in a manner consistent with the schedules identified in consultation with the USFWS and NYSDEC in order to minimize impact to breeding birds, bats and small mammals in these areas. No pesticides or herbicides would be applied during this clearing.
25. The Applicant will conduct an operational (post-construction) monitoring program in consultation with NYDEC and USFWS to estimate impacts of the wind farm on birds and bats. A monitoring plan will include specific information regarding planned mortality searches for birds and bats within the Project Site, and proposed study methodology and candidate mortality search sites. In addition, the monitoring plan will include post-construction breeding bird surveys along the same transects used prior to construction so that potential displacement effects can be measured. Once all surveys are completed, the Applicant will provide the monitoring report to NYDEC and USFWS for review and will discuss the monitoring results with NYDEC and USFWS.
26. The Applicant will implement interim measures specified in the document entitled "*Jericho Rise Wind Farm Northern Long-eared Bat Take Avoidance Measures Franklin County, New York*" dated December 10, 2015 to avoid potential take of northern long-eared bat during construction and operation of the Project, unless different measures are approved by USFWS.
27. WECs lighting will be in accordance with the FAA approved lighting plan.
28. Decommissioning Plan will be provided prior to start of construction except for tree clearing.
29. This Permit, and the construction work authorized thereto, is contingent on the execution and in compliance with the Host Community Agreement. This condition shall not apply to tree-clearing, which the Town agrees that the Applicant may

conduct, at its risk, prior to the execution of the Host Community Agreement.subject to condition 30 if applicable.

30. The Applicant shall be responsible for acquiring and complying with other local, state, or federal permits, or authorizations that may be required to construct and operate the Project and any noncompliance with be addressed pursuant to the Host Community Agreement.