

STATE OF NEW YORK
OFFICE OF RENEWABLE ENERGY SITING

COMBINED NOTICE OF AVAILABILITY OF DRAFT PERMIT CONDITIONS, PUBLIC
COMMENT PERIOD AND PUBLIC COMMENT HEARING, AND COMMENCEMENT OF
ISSUES DETERMINATION PROCEDURE

Applicant: Bear Ridge Solar, LLC
c/o Cypress Creek Renewables, LLC
3402 Pico Boulevard
Santa Monica, CA 90405

Facility Location: Towns of Cambria and Pendleton, Niagara County

Applicant's Attorney: Steven D. Wilson, Esq.
Young / Sommer LLC
Executive Woods
5 Palisades Drive
Albany, NY 12205

ORES DMM Matter No.: 21-02104

Facility Description: Applicant applied to the New York State Office of Renewable Energy Siting (Office or ORES) for a permit pursuant to Executive Law § 94-c to construct and operate a 100 megawatt (MW) solar energy facility located in the Towns of Cambria and Pendleton, Niagara County.

Applicant filed the application with the Office on December 1, 2021. A notice of complete application was issued on August 2, 2022 (see <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02104).

ORES staff published draft permit conditions on October 3, 2022. The draft permit conditions may be accessed at <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02104.

ORES Staff Position: On issuing the draft permit conditions, ORES staff takes the position that the proposed facility, together with the uniform and site-specific standards and conditions contained in the draft permit, would comply with applicable laws and regulations. ORES staff recommends that the Office elect not to apply, in whole or in part, any local law or ordinance that as applied to the facility is unreasonably burdensome in view of the Climate Leadership and Community Protection Act targets and the environmental benefits of the proposed facility.

Public Comment Hearing: A public comment hearing pursuant to 19 NYCRR part 900 to hear and receive unsworn comments from the public will be held at the **Cambria Volunteer Fire Company, 4631 Cambria Wilson Road, Lockport, NY 14094 on Tuesday, December 13, 2022, at 5:00 p.m.**

All persons, organizations, corporations, or government agencies who may be affected by the facility are invited to attend the hearing and comment on the application and the draft permit conditions. Lengthy comments will not be accepted and instead should be submitted in writing. Equal weight will be given to both oral and written comments. To ensure that all interested persons have an opportunity to speak, the Administrative Law Judge (ALJ) may limit the time available for oral comments to three (3) minutes per person. The public comment hearing will be transcribed for inclusion in the administrative record.

The hearing location is reasonably accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons, and English language translator services shall also be made available, at no charge for either service, upon written request to Chief ALJ James T. McClymonds, Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4583, james.mcclymonds@ores.ny.gov. All requests must be received no later than 4:00 p.m. on Tuesday, November 29, 2022.

In the event that the in-person public comment hearing needs to be canceled, rescheduled, postponed, or conducted virtually, notification of any change will be available at the ORES website at <https://ores.ny.gov>.

Written Public Comments: Written comments concerning the application and the draft permit conditions must be filed with ORES by **5:00 p.m. on Friday, December 23, 2022**. Persons filing written comments are strongly encouraged to post their comments on the Department of Public Service's (DPS's) Document and Matter Management (DMM) system. To post a comment, go to <https://ores.ny.gov>, click on "Permit Applications," click on Project DMM Matter Number 21-02104, and click on "Post Comments" in the upper right-hand corner of the screen.

Written comments may also be emailed to ORES at general@ores.ny.gov or mailed to the Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242. Written comments will be considered equally with oral statements delivered at the public comment hearing, provided they are postmarked by **Friday, December 23, 2022**, or e-mailed or posted on DMM by 5:00 p.m. on that date.

Issues Determination Procedure: Pursuant to 19 NYCRR 900-8.3(b), a pre-adjudicatory issues determination procedure will be conducted by the assigned ALJ. The procedure will be conducted solely on papers and briefing unless the ALJ, in the judge's sole discretion, determines that oral argument is necessary. The purpose of the issues conference is to determine party status for any person or organization that has properly filed a petition (as indicated below), and to narrow and define those issues, if any, that will require adjudication in this matter. Participation in the issues determination procedure is limited to ORES staff, applicant, and those persons or organizations requesting party status.

Filing for Party Status and Proposed Issues: Persons seeking to participate in the issues determination procedure and any subsequent adjudicatory hearing must register on DMM and file a written petition explaining whether their request is for full party status or amicus status.

For the required contents of petitions for full party status, see 19 NYCRR 900-8.4(c)(1) and (2). To determine whether an issue is substantive and significant, see 19 NYCRR 900-8.3(c)(2) and (3). For the required contents of a petition seeking amicus status, see 19 NYCRR 900-8.4(c)(1) and (3). Petitioners may also file written briefs making arguments in support of their petitions.

All petitions requesting party status and briefs in support must be E-Filed on DMM no later than **4:00 p.m. on Thursday, December 29, 2022**. Instructions for registering in DMM and E-Filing documents may be found at:

<https://www3.dps.ny.gov/W/PSCWeb.nsf/All/CC256BE982C58CF785257687006F39CE?OpenDocument>.

Address all petitions to John L. Favreau, Administrative Law Judge, New York State Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, telephone: (518) 473-4590, email: john.favreau@ores.ny.gov, and Molly T. McBride, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, New York, 12233-1550, telephone: (518) 402-9003, email: molly.mcbride@dec.ny.gov.

At the same time petitions and briefs are E-Filed on DMM, a copy of all papers must be emailed to the ALJs at the email address above, and furnished to applicant Bear Ridge Solar, LLC's attorney, Steven D. Wilson, Esq., Young / Sommer LLC, Executive Woods, 5 Palisades Drive, Albany, NY 12205, (518) 438-9907, email: swilson@youngsommer.com; and to ORES at the Office of Renewable Energy Siting, Empire State Plaza, P-1 South, J Dock, Albany, NY 12242, (518) 473-4590, email: general@ores.ny.gov. Service of petitions and briefs by email is authorized provided they are received by all of the above parties and the ALJs by the 4:00 p.m. deadline.

Any questions about filing requirements or other hearing procedures may be addressed to Chief ALJ James T. McClymonds by telephone at (518) 473-4583. ORES's regulations may be found at <https://ores.ny.gov/regulations>.

Statement of Compliance with Local Laws and Regulations: Any municipality, political subdivision or an agency thereof that received notice of the filing of the application pursuant to 19 NYCRR 900-1.6(a) must file a statement indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations in effect as of August 2, 2022, if any, concerning the environment, or public health and safety. The statement must be filed and served by **4:00 p.m. on Thursday, December 29, 2022**, in the same manner as petitions for party status. **Any municipality, political subdivision, or an agency thereof that proposes to adjudicate any issues related to a facility's compliance with local laws and regulations must file a petition for party status as provided for in 19 NYCRR 900-8.4(c) and include the statement of compliance with local laws and regulations.**

Applicant Statement of Issues: No later than **4:00 p.m. on Thursday, December 29, 2022**, applicant shall file and serve on ORES staff and the ALJ a statement of issues applicant intends to raise with respect to any determination of the Office, and briefing in support. Applicant shall serve the statement of issues and brief on persons filing petitions for party status within five (5)

days of such filing. For the required contents of an applicant's statement of issues, see 19 NYCRR 900-8.4(b)(1).

Responsive Briefing and Response to Comments: No later than **4:00 p.m. on Friday, January 13, 2023**, ORES staff may file and serve a response to any petitions for party status, any statement of issues by applicant, and the statement of compliance with local laws and regulations. By the same deadline, applicant may file and serve a response to any petition for party status or statement of compliance with local laws and regulations. In addition, the applicant shall file and serve on ORES staff a response to public comments received during the public comment period, including any supplemental information.

Document Availability: Copies of all application materials and draft permit conditions are available for inspection at the Office's Albany office during normal business hours: Contact the Office of Renewable Energy Siting, W.A. Harriman Campus, Building 9, 4th Floor, 1220 Washington Avenue, Albany, NY 12227, (518) 473-4590, general@ores.ny.gov. Electronic copies are available at <https://ores.ny.gov/permit-applications>, click on Project DMM Matter Number 21-02104.

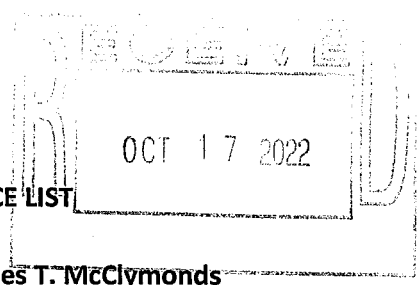
Copies of all application materials are also available at:

Cambria Town Hall, 4160 Upper Mount Road, Sanborn, NY, 14132;
Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, NY 14094;
Sanborn-Pekin Free Library, 5884 West Street, Sanborn, NY 14132; and
Lockport Public Library, 23 East Avenue, Lockport, NY 14094.

Statutory and Regulatory Provisions: The application is being processed and this proceeding is being conducted according to Executive Law § 94-c and 19 NYCRR part 900.

James T. McClymonds
Chief Administrative Law Judge

October 3, 2022
Albany, New York



Bear Ridge Solar, LLC – PUBLIC COMMENT HEARING -- SERVICE LIST
in Accordance with 19 NYCRR § 900-8.2(a) and (e)
and October 3, 2022 Memorandum from Chief Administrative Law Judge James T. McClymonds

MATTER NO. 21-02104: Application for Bear Ridge Solar, LLC, for a Permit Pursuant to § 94-c of the New York Executive Law for Construction of a Major Solar Electric Generating Facility to be Located in the Towns of Cambria and Pendleton, Niagara County, New York

NAME & ADDRESS	NUMBER OF COPIES SENT BY FIRST-CLASS MAIL AND/OR ELECTRONIC SERVICE
Office of Renewable Energy Siting Executive Director Houtan Moaveni ATTN: Application Review c/o OGS Mallroom Empire State Plaza 240 State Street P-1 South, J Dock Albany, NY 12242	1 PAPER COPY & 1 ELECTRONIC COPY; general@ores.ny.gov
NYS Department of Environmental Conservation Commissioner Basil Seggos, Commissioner ATTN: Senior Attorney Sita Crouse CENTRAL OFFICE 625 Broadway Albany, NY 12233	1 PAPER COPY & 1 ELECTRONIC COPY; sita.crouse@dec.ny.gov
NYS Department of Environmental Conservation REGION 9 Regional Director Julie Barrett O’Neill ATTN: Region 9 Permit Administrator David Denk 700 Delaware Avenue Buffalo, NY 14209	1 ELECTRONIC COPY dep.r9@dec.ny.gov
NYS Department of Public Service Chair & CEO Rory M. Christian ATTN: Department Chief Jason Zehr OEGW Environmental Certification & Compliance Section Empire State Plaza Agency Building 3 Albany, NY 12223-1350	1 PAPER COPY & 1 ELECTRONIC COPY jason.zehr@dps.ny.gov
Niagara County ATTN: County Manager Richard E. Updegrove Philo J. Brooks Co. Office Building 2nd Floor 59 Park Avenue Lockport, NY 14094	1 PAPER COPY & 1 ELECTRONIC COPY; Richard.Updegrove@niagaracounty.com
Town of Cambria ATTN: Town Supervisor Wright H. Ellis Cambria Town Hall 4160 Upper Mountain Road Sanborn, NY 14132	1 PAPER COPY & 1 ELECTRONIC COPY; supervisor@townofcambria.com
Town of Pendleton ATTN: Town Supervisor Joel Maerten 6570 Campbell Boulevard Lockport, NY 14094	1 PAPER COPY & 1 ELECTRONIC COPY; jmaerten@pendletonny.us

<p>NYS Department of Agriculture and Markets Commissioner Richard A. Ball ATTN: Senior Attorney Tara Wells 10B Airline Drive Albany, NY 12235</p>	<p>1 ELECTRONIC COPY; Tara.wells@agriculture.ny.gov</p>
<p>NYS Department of Health Commissioner Mary T. Bassett ATTN: Senior Attorney William G. Sacks Bureau of Program Counsel Division of Legal Affairs 2468 Corning Tower Albany, NY 12237</p>	<p>1 ELECTRONIC COPY; William.sacks@health.ny.gov</p>
<p>NYS Department of Transportation Commissioner Marie Therese Dominguez ATTN: Acting Assistant Commissioner Janice McLachlan ATTN: Administrative Assistant Anne Marie Mull Division of Legal Affairs 50 Wolf Road Albany, NY 12232</p>	<p>1 ELECTRONIC COPY; Jan.mclachlan@dot.ny.gov; Annemarie.mull@dot.ny.gov</p>
<p>NYS Office of Parks, Recreation, and Historic Preservation Commissioner Erik Kulleseid c/o Director Nancy Herter Technical Preservation Bureau New York State Historic Preservation Office Peebles Island Resource Center 1 Delaware Avenue North Cohoes, NY 12047</p>	<p>1 ELECTRONIC COPY; nancy.herter@parks.ny.gov</p>
<p>Office of the Attorney General ATTN: Attorney General Letitia James The Capitol Albany, NY 12224-0341</p>	<p>1 ELECTRONIC COPY; Letitia.james@ag.ny.gov</p>
<p>Sanborn-Pekin Free Library [Repository Copy] ATTN: Library Director Linda Deeks P. O. Box 176 Sanborn, NY 14132</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; ldeeks@nioga.org</p>
<p>Lockport Public Library [Repository Copy] ATTN: Library Director Beverly Federspiel P. O. Box 475 Lockport, NY 14095-0475</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; federspiel@nioga.org</p>
<p>Senator Robert G. Ortt New York State Senate District 62 Albany Office Capitol Building, Room 315 Albany, NY 12247</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; ortt@nysenate.gov</p>
<p>Assemblymember Angelo J. Morinello New York State Assembly District 145 Albany Office LOB 404 Albany, NY 12248</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; morinelloa@nyassembly.gov</p>
<p>Assemblymember Karen McMahon New York State Assembly District 146 Albany Office LOB 643 Albany, NY 12248</p>	<p>1 PAPER COPY & 1 ELECTRONIC COPY; mcmahonk@nyassembly.gov</p>