



MARBLE RIVER
WIND FARM®

174 State Route 189
Churubusco, NY 12923

518.497.0033 phone
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A wind farm owned by Marble River, LLC

July 30, 2010

Mr. Terry Cayea
Chairman
Town of Clinton
Wind Facility Planning Board
23 Smith Street
Churubusco, New York 12923

**RE: Marble River, LLC
Application to Modify the Issued Permit for Wind Energy Conversion Systems (WECS)**

Dear Mr. Cayea:

The following constitutes an application for a modified Wind Energy Permit approving project changes for the proposed Marble River Wind Farm (the "modified WECS Permit"). Specifically, Marble River, LLC seeks a modification to the permit to address the following changes:

- A reduction in the number of turbines from 109 to 74,
- An increase in the overall height of the turbine from 407 to 492 feet,
- A change in the model of turbine from a Suzlon S88 with a capacity of 2.1 megawatts (MW) to a Vestas V112 which has a capacity of 3.0 MW,
- A minor modification of the location of Turbines 91, 96S, 4A, 50, 56, and 161
- A decrease in the length of proposed access roads,
- A decrease in the length of buried electrical collection lines and minor modifications in the routing of these lines, and
- The removal of any overhead electrical lines.

No other project modifications to the Project permitted in the issued WECS permit are proposed.

The application for the original WECS Permit for the Project was submitted November 11, 2005 and supplemented by a January 6, 2006 submittal (collectively referred to herein as the "2006 Application") in accordance with the requirements of Section 10 of the Wind Energy Facilities Law of the Town of Clinton, New York. The Towns of Ellenburg and Clinton, acting as joint lead agencies conducted a comprehensive SEQRA review of the Project. On April 15, 2008 The Towns of Clinton and Ellenburg issued a Joint Statement of Findings as required by SEQRA, concluding among other things that that the Project was "...one that avoids or minimizes adverse environmental impacts to the maximum extent practicable...". The Clinton Town Board issued the original WECS Permit for the Project on June 17, 2008. Under a local

law adopted in 2010, the Clinton Town Board transferred all its authority to review and permit wind projects to the Wind Facility Planning Board of the Town of Clinton.

Since the approval of the WECS Permit, changes in emerging turbine technologies and energy prices have necessitated a modification to the Project layout to optimize the energy generation while continuing to minimize environmental impacts of the Project. As a result, Marble River, LLC seeks to reduce the overall number of turbines previously permitted in the Town of Clinton and replace Suzlon S88 turbines with state-of-the-art Vestas V112 turbines. These modifications will further reduce potential project impacts while maintaining the anticipated energy generation of the Project. An overall map showing the locations of wind turbines and accompanying infrastructure proposed in 2006, compared to the modified layout, is provided as Figure 1.

This application updates certain information provided in the 2006 Application as relevant to the proposed modifications and, as necessary, also references information that remains unchanged. Exhibits referenced from the 2006 Application, which remain unchanged, will be identified with the addition of the letter R (such as "Exhibit 1R"). Modified Exhibits referenced in this application will correspond to the number assigned in the 2006 Application with the addition of the letter M (such as "Exhibit 1M"). The information required by the Local Law is presented below in the order (and according to the numbering) listed in Article II, Section 10 of Local Law No.1 of 2005.

1. Applicant: Marble River, LLC
52 James Street, Fourth Floor
Albany, NY 12207
(518) 426-1650

Contact: Mr. Daniel Fitzgerald

2. The 2006 Application provided a list of 90 participating landowners within the Town of Clinton. There are currently 76 participating landowners within the Town of Clinton. A modified list of the names and address of participating landowners is presented in Exhibit 1M, attached. Refer to Exhibit 2R of the 2006 Application for letters of permission from participating landowners indicating their understanding of the Project and authorizing submission of the application. Further, refer to Exhibit 2M of this Application for a listing of agreements recorded with the County (where required). In lieu of providing additional letters to support this modification application we refer the Board to the list of recorded agreements and note that each of these agreements contains a "Cooperation" requirement stating:

Without limiting the generality of the foregoing, in connection with any application by Wind Company or and Sublessee for a governmental permit, approval, authorization, entitlement or other consent, Landowner agrees (i) if requested by Wind Company or a Sublessee, to support (and cause each Related Person of Landowner to support) such application by filing a letter with the appropriate governmental authority in a form satisfactory to Wind Company or such Sublessee.

3. Modified turbine location data, including tax parcel information is included in Exhibit 7M.
4. Modified Project description: Marble River, LLC is proposing a wind-powered electric generating project in the Towns of Clinton and Ellenburg in Clinton County, New York. The size of the Project area has decreased from 17,000 acres, to approximately 11,500 acres. The Project area is located off of State Routes 11, 189, and 190, Gagnier Road, Clinton Mills Road, Campbell Road, Patnode Road, Lagree Road, Looby Road, Whalen Road, Merchia Road, Robare Pond Road, Liberty Pole Road, Bohon Road, Number 5 Road, Frontier Road, Swamp Road, Brandybrook Road, Jones Road, Ryan

Road, and Moore Road. The land is primarily in forest and agricultural use. Farms and rural residences occur along the public roads within the Project area.

The Project will include up to 74 wind turbines with 58 turbines proposed in the Town of Clinton and 16 turbines proposed within the Town of Ellenburg. This is a significant reduction in the number from the 109 turbines proposed in the 2006 Application. These turbines are situated in the same locations as approved in the Original WECS Permit except the locations of turbines 91, 96S, 4A, 50, 56, and 161 have been slightly modified (see exhibit 7M). Within Clinton, 20 turbines are proposed south of State Route 11; 13 turbines are proposed north of State Route 11 and south of Looby Road; and an additional 25 turbines are proposed north of Looby Road. Each Vestas V112 turbine has a generating capacity of 3.0 megawatts (MW) and will include a 112-meter (367 foot) diameter, three-bladed rotor mounted on an 94-meter (308 foot) tall steel pole tower (total maximum height of 150 meters (492 feet)). Three 94-meter tall, self-supporting (unguyed) wind measurement towers will also be installed.

The Applicant requests a waiver from Article II, Section 12 (A) (13) that requires that each WECS shall be a maximum height of 400 feet.

Other Project infrastructure includes approximately 19 miles of gravel access road, and approximately 38 miles of underground electric line. This is a reduction from the 41 miles of gravel access road, and 55 miles of electric line proposed in the 2006 Application. For the most part the remaining access roads and underground electric line will be installed in accordance with the Original WECS approval. The Applicant seeks approval of for minor modifications to these previously authorized installations. These minor modifications are shown on Exhibit 3M.

As originally proposed, a Point of Interconnection (POI) Station, approximately 190 feet x 354 feet in size, is proposed to be located at the New York Power Authority (NYPA) 230 kV transmission line easement area. Neighboring this station to the north, the Applicant proposes to construct two 34.5 kV collector stations, each approximately 187 feet x 179 feet. Each collector station will have ten collector bays laid out so as to accommodate eight collector circuits, including two spare bays. The POI station and collection stations were previously approved and permitted and no modifications are proposed. Consequently the Applicant does not seek any modification of the WECS permit in regard to either the POI station or the collection stations.

The modified Project layout is illustrated in Exhibit 3M. Please note that all proposed Project components will occur on properties listed in Exhibit 1M (current Project participants).

5. Detailed plans stamped by a licensed surveyor or engineer (e.g. see Exhibit 6R of the 2006 Application) are currently being prepared for the modifications to the Project and will be presented to the Town upon completion. Detailed plans and information for the modified Project are provided in Exhibit 3M through 9M, as described below.
 - a) Property lines and modified Project area boundaries are presented in Exhibit 3M.
 - b) There are no existing residential structures within 500 feet of the proposed turbines, as shown in Exhibit 4M. However, coordinates of individual residences located within 1,000 meters of a proposed wind turbine are listed in Exhibit 5M.
 - c) The location of each proposed turbine is shown on the USGS based plans included as Exhibit 3M. The coordinate of each turbine is provided in Exhibit 7M.

- d) The locations of above-ground utility lines within 500 feet (i.e., in excess of one radius of the total height of the turbines) are shown in Exhibit 6M. The coordinates of these lines are listed in Exhibit 9M.
- e) There are no structures over 35 feet in height within 500 feet of a turbine.
- f) Set-backs of 1000 feet, 500 feet and 1.5x tower height (i.e., 738 feet) around each tower site are shown in Exhibit 4M. This exhibit also includes landowner names and the location of houses and property lines.
- g) The nearest on-site and off-site residence are shown in Exhibits 4M and 6M. The coordinates of these structures are listed in Exhibit 5M. Please note that all of these structures are at least 1200 feet from the nearest turbine, with the exception of one. House #MR153 located on parcel #23.-1-1 owned by JT Matthews, is 1,190 feet from turbine WTG11. He is a Project participant and has consented to the turbine location.

The Applicant requests a waiver from Article II, Section 15 (E)(1) that requires that each turbine shall be 500 feet setback from the nearest Site boundary property line, measured from the center of the turbine, in the following instances:

There is one non-participating parcels within 500 feet of a turbine. This parcel (37.-1-6) is owned by David & Marie Damour and Richard & Carmen Damour (Damour Life Use). Richard and Carmen are participating residents (i.e. they have 1 participating parcel).

- h) The general location of all proposed facilities and modifications is illustrated in Exhibit 3M. Detailed site plans showing the more precise location of these facilities and modifications are currently being prepared and will be similar to the content of Exhibit 6R from the 2006 Application.
6. As noted in the Project description, a new turbine manufacturer and model is proposed. To-scale drawings and specifications for the Vestas V112 turbine proposed for use on the modified Project are presented in Exhibit 11M.
 7. The modified Project does not necessitate a landscaping plan. Accordingly, the Applicant is not seeking a modification of the WECS permit regarding landscaping plans.
 8. A proposed Federal Aviation Administration (FAA) lighting plan is attached as Exhibit 14M. This modified plan, which was prepared for the revised wind turbine model, has not yet been approved by the FAA, but fully complies with current FAA lighting guidelines. A copy of the FAA determination will be provided to the Town once it is available.
 9. A list of property owners within 500-feet of the modified Project area is included as Exhibit 12M. This exhibit also includes relevant address information.
 10. Refer to Exhibit 15R of the 2006 Application for a copy of the Project's decommissioning plan. This plan addresses all of the issues listed in Article II, Section 10(10) of the Local Law.
 11. Refer to Exhibit 15R the 2006 Application for a description of the proposed complaint resolution process.
 12. Information relating to project construction, as it is known at this time is presented below:

- a) Project construction is scheduled to start in October 2010 and be completed by October 2011.
 - b) The Applicant does not propose modifications to the Construction routes approved in the Original WECS permit. These are described in the 2006 Application, and the studies provided as part of the Environmental Impact Statement for the Project, State Routes 11, 189, 190 are anticipated to be the primary construction routes.
13. An updated full Environmental Assessment Form (EAF) Part 1 is included as Exhibit 13M.
 14. No application for additional wind measurement towers are included with this submittal.
 15. Specific information/specifications regarding the noise characteristics of proposed Vestas V112 turbine are provided in Exhibit 11M.
 16. The Applicant intends to submit additional information, sufficient for the SEQRA Lead Agency(s) to make a determination of significance relative to the Project modifications. These submissions will include updated studies pertinent to the project modifications addressing shadow flicker, visual impacts, noise analysis, communications interference, and cultural resources. Upon determination of lead agency, these additional studies will be submitted to the lead agency for review in consideration of this application amendment.
 17. Proof of an Executed Interconnection Agreement with the New York Independent System Operator will be provided prior to submitting a building permit application.
 18. With my signature provided below, I certify that the information included in this application is true and accurate.

Sincerely,



Daniel Fitzgerald
Horizon Wind Energy