



July 20, 2026

Steven D. Wilson
Young/Sommer Attorneys at Law
500 Federal Street, 5th Floor
Troy, NY 12180

Dear Mr. Wilson:

As you know, under Section 136 of the New York State Highway Law, any work performed within the right-of-way of a county road requires a Highway Work Permit. This serves to protect our roadway infrastructure as well as persons traveling on our roads.

Relative to the Bear Ridge Solar Project, Niagara County does not have a full and complete understanding of your project and how it will impact local roads. Work permits are coming in piecemeal and do not provide an accurate depiction of the overall impact to County roads.

Furthermore, we are in receipt of your amended permit application which was approved by ORES that appears to show that the Limits of Disturbance have been broadly expanded to the edge of the pavement. Niagara County does not typically issue permits so broad in nature when the proposed construction activities may cause substantial disturbance within our rights-of-way. Said activity will likely impact roadway shoulders, drainage and utilities within the rights-of-way, undermine roadway pavements, change traffic characteristics and affect the safety of our roads.

It is our opinion that ORES does not have the legal authority to grant you permission for construction within county rights-of-way. As such, the issuance of any permit to disturb a Niagara County right-of-way is within the sole discretion of Niagara County. Therefore, **Niagara County is denying your requests for all Highway Work Permits related to the Bear Ridge Solar Project.** In addition, you are denied any permission to enter our rights-of-way and should you disturb these areas, we will take enforcement actions.

Please feel free to contact the Niagara County Department of Public Works if you have questions or need further clarification on this denial.

Sincerely,

Richard Updegrove
County Manager
Niagara County