

**FINAL SEQR RESOLUTION  
PORTVILLE CSG 1 LLC PROJECT**

A regular meeting of County of Cattaraugus Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 9 East Washington Street in the Village of Ellicottville, Cattaraugus County, New York on July 28, 2020 at 11:15 o'clock a.m., local time.

The meeting was called to order by the (~~Vice~~) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Thomas E. Buffamante	Chairman
Joseph E. Higgins	First Vice Chairman
James J. Snyder, Jr.	Second Vice Chairman/ Secretary
Michael Wimer	Assistant Secretary
Brent A. Driscoll	Treasurer
Ginger D. Schröder	Member
John Stahley	Member

Each of the members present participated in the meeting telephonically pursuant to Executive Order No. 202.1, as supplemented, issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Corey R. Wiktor	Executive Director
Christopher C. Canada, Esq.	Agency Counsel

The following resolution was offered by James Snyder, seconded by Ginger Schroder, to wit:

Resolution No. 0720-08

RESOLUTION DETERMINING THAT ACTION TO UNDERTAKE A  
PROPOSED PROJECT FOR THE BENEFIT OF PORTVILLE CSG 1 LLC WILL  
NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 536 of the 1971 Laws of New York, as amended, constituting Section 890-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and

developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in May, 2020, Portville CSG 1 LLC, a New York State limited liability company (the “Company”), submitted an application, as amended in July, 2020 (the “Application”), to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of an approximately 118.75 acre parcel of land located at 2188 S Windfall Road (tax map number 95.001-2-3.5) in the Town of Portville, Cattaraugus County, New York (the “Land”), (2) the construction on the Land of an approximately 4.55MWac fixed tilt ground mount solar farm, solar panels, and ancillary electrical equipment such as switchboards and transformers (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on May 7, 2020 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on May 13, 2020 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on May 13, 2020 on a public bulletin board at the offices of the Agency located at 9 East Washington Street in the Village of Ellicottville, Cattaraugus County, New York and on the Agency’s website, (C) caused notice of the Public Hearing to be published on May 15, 2020 in the Olean Times Herald, a newspaper of general circulation available to the residents of the Town of Portville, Cattaraugus County, New York, (D) as a result of the ban on large meetings or gatherings pursuant to Executive Order 202., as supplemented and the suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15, as supplemented, each as issued by Governor Cuomo in response to the novel Coronavirus (COVID-19) pandemic, conducted the Public Hearing on May 29, 2020 at 10:00 o’clock a.m., local time electronically via conference call rather than in person; and (E) prepared a report of the Public Hearing (the “Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”) by resolution adopted by the members of the Agency on May 7, 2020 (the “Preliminary SEQR Resolution”), the Agency (A) determined (1) that the Project involves more than one “involved agency”, and (2) that the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking a coordinated review of the Project and, if so, designating a “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an environmental assessment form (the “EAF”) with respect to the Project, a copy of which EAF was presented to and reviewed by the Agency at this meeting and a copy of which is on file at the office of the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has reviewed the EAF and the Application with respect to the Project (collectively, the “Reviewed Documents”); and

WHEREAS, pursuant to SEQRA, the Project appears to constitute a “Type I Action”; and

WHEREAS, the Executive Director has reported to the Agency that all other state and local governmental agencies which constitute "involved agencies" with respect to the Project have either agreed or did not respond to the Agency acting as the "lead agency" with respect to the Project; and

WHEREAS, pursuant to SEQRA, the Agency now desires to determine whether the Project may have a significant effect on the environment and whether an environmental impact statement (“EIS”) must be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon an examination of the Reviewed Documents, and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

A. The Project (the “Project”) consists of the following: (A) (1) the acquisition of an interest in a portion of an approximately 118.75 acre parcel of land located at 2188 S Windfall Road (tax map number 95.001-2-3.5) in the Town of Portville, Cattaraugus County, New York (the “Land”), (2) the construction on the Land of an approximately 4.55MWac fixed tilt ground mount solar farm, solar panels, and ancillary electrical equipment such as switchboards and transformers (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a solar energy generating facility to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease

(with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

B. The only potential impacts on the environment noted in the Reviewed Materials or otherwise known to the Agency, and the Agency's evaluation of the potential significance of same, are summarized in Appendix A attached hereto and as more fully outlined in the attached negative declaration.

C. No other potentially significant impacts on the environment are noted in the Reviewed Materials, and none are known to the Agency.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Agency makes the following findings and determinations with respect to the Project:

(A) The Project appears to constitute a "Type I Action" (as said quoted term is defined in the Regulations), and therefore coordinated review and notification of other involved agencies is required. The Agency has designated itself as "lead agency" with respect to the Project, as all the "involved agencies" contacted by the Agency either consented to the Agency being designated as the "lead agency" or did not respond;

(B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Agency hereby determines that the Project will not have a significant effect on the environment, and accordingly the Agency will not require the preparation of an environmental impact statement with respect to the Project; and

(C) As a consequence of the foregoing, the Agency has decided to prepare a negative declaration with respect to the Project.

Section 3. Pursuant to the requirements of 6 NYCRR 617.12(b)(1), the Executive Director of the Agency is hereby directed to prepare a negative declaration with respect to the Project, said negative declaration to be substantially in the form and to the effect of the negative declaration attached hereto, and to cause copies of said negative declaration to be circulated and filed as follows:

(A) A copy of said negative declaration shall be filed in the main office of the Agency.

(B) A copy of said negative declaration shall be mailed to the Company.

(C) A copy of said negative declaration shall be mailed to the chief executive officer of the political subdivision in which the Project is located.

(D) A copy of said negative declaration shall be mailed to all "involved agencies".

(E) A copy of said negative declaration shall be mailed to any person requesting same.

(F) A copy of said negative declaration shall be mailed to the Environmental Notice Bulletin accompanied by a request that same be published.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Thomas E. Buffamante	VOTING	Yes
Joseph E. Higgins	VOTING	Yes
James J. Snyder, Jr.	VOTING	Yes
Michael Wimer	VOTING	Yes
Brent A. Driscoll	VOTING	Yes
Ginger D. Schröder	VOTING	Yes
John Stahley	VOTING	Yes

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF CATTARAUGUS         )

I, the undersigned (~~Assistant~~) Secretary of County of Cattaraugus Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 28, 2020 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law") except as modified by Executive Order 202.1, as supplemented, said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or appearing telephonically in accordance with Executive Order 202.1, as supplemented, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

29 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this day of July, 2020.

  
\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

## APPENDIX A

### **Portville CSG 1 LLC Project Town of Portville, Cattaraugus County, New York FEAF Part 3 – Additional Information**

Portville CSG 1 LLC is proposing to construct a 4.55MWac ground-mounted solar farm and associated electrical appurtenances to the east of E Windfall Rd in the Town of Portville, Cattaraugus County. The solar photovoltaic (PV) system is proposed for installation within an approximate 19.8-acre site. The project will provide clean energy in accordance with strategies identified to support NYS's attainment of 70% renewable energy by 2030 as outlined in Governor Cuomo's Reforming the Energy Vision Initiative (REV).

A new solar farm will be constructed within a 19.8-acre site, located within an approximately 26.5 acre parcel. The site will consist of photovoltaic cell racks along with balance of system equipment including but not limited to switchboards and transformers mounted on concrete pads, and a 16-ft wide access road to allow appropriate access during construction and future maintenance activities. The electrical wiring for the project will be predominantly underground, but will tie into National Grid's distribution line via pole mounted, overhead wiring.

The Cattaraugus County Industrial Development Agency (IDA) received comments from both the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Agriculture & Markets (Ag & Markets) during coordinated review.

#### *NYSDEC Comments:*

- 1.) The NYSDEC indicates that NYS Freshwater Wetland PV-9 is partially within the project. C&S completed a wetland delineation on site, and provided NYSDEC a copy of the accompanying report. NYSDEC has indicated that the boundaries of on-site resources are accurately depicted. The delineated wetland boundaries have been placed on base maps, and project activities are located outside the regulated wetland and associated adjacent area. No impacts to NYS regulated wetlands will occur.
- 2.) NYSDEC expressed concern for Haskell Creek, a NYSDEC protected stream, which occurs near the project area. Project activities are located outside the regulated footprint of the stream, and therefore a permit under Article 15 Use and Protection of Water is not necessary. A potential secondary impact to these resources could occur during construction associated with introduction of silt laden stormwater runoff. The project will employ appropriate soil erosion and sediment controls during construction, which will reduce the potential for silt-laden stormwater to enter regulated resources.
- 3.) NYSDEC indicates that if project activities will involve land disturbance in excess of 1 acre of land, the developer is required to obtain coverage under the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001).

New York State stormwater regulations mandate that the owner or operator of a construction project that will involve soil disturbance of one or more acres must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges

### FEAF Part 3 – Additional Information (Cont'd)

from Construction Activity. The Project is designed to minimize soil disturbance; however, coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, General Permit Number GP-0-20-001, effective January 29, 2020 through January 28, 2025 is required.

In addition to the requirements set forth in the NYSDEC SPDES General Permit GP-0-20-001, the NYSDEC issued a solar specific technical memorandum titled "Solar Panel Construction Stormwater Permitting/SWPPP Guidance" on April 5th, 2018. This memorandum outlines criteria that solar panels need to meet in order to be considered pervious area. If the solar panel design does not meet the criteria outlined within the memorandum, the solar panels are to be considered impervious area and treated for water quality and peak flow rate mitigation. This project is designed to construct the solar panels in a manner that will meet the criteria outlined within this memo and therefore negate the requirement to provide water quality volume treatment and peak flow rate mitigation. Access roads will be constructed using permeable materials; this also negates the requirement to provide water quality volume treatment and peak flow rate mitigation.

Preparation of a SWPPP and submittal of the Notice of Intent will occur prior to construction. The SWPPP will be prepared consistent with NYSDEC criteria, and no construction will occur prior to acknowledgement by NYSDEC that the SWPPP is approved. The developer will provide the IDA with documentation received from NYSDEC. The SWPPP will be prepared consistent with NYSDEC criteria, including the aforementioned solar panel SWPPP guidance. The proposed project does not contain extraordinary circumstances, and will not require deviation from NYSDEC criteria. No difficulty in obtaining consistency with NYSDEC SDPES General Permit GP-0-20-001 is assumed.

- 4.) NYSDEC indicates that the project, as presently designed, avoids impacts to waters of the U.S, and that if the project changes such that federally regulated resources may be impacted then issuance of a Section 401 Water Quality Certification is required. This comment is noted. At this time, no impacts to federally regulated waters of the United States will occur.
- 5.) NYSDEC indicates that the Town of Portville Flood Insurance Rate Map indicates the project is in close proximity to the FEMA-mapped 100-year floodplain. The proposed project is not located within the 100-year floodplain. No impacts associated with flooding will occur as a result of this project.

#### *Ag & Markets Comments*

Ag & Markets indicates that the proposed project is located within a county-adopted State-certified Agricultural District No. 5, in the Town of Portville. Section 305(4) of the Agriculture and Markets Law (AML) requires state agencies to file a Notice of Intent (NOI) with the Commissioner of Agriculture and Markets and the County Agricultural and Farmland Protection Board for projects they fund. The developer intends to receive funds from the New York State Energy Research and Development Authority (NYSERDA) under the Sun Commercial and Industrial program. As such, NYSERDA is required to submit an NOI to Ag Markets. NYSERDA submitted an NOI on June 26, 2020

### FEAF Part 3 – Additional Information (Cont'd)

Ag & Markets determined the Final NOI was complete on July 17, 2020 and issued a *preliminary* determination that additional mitigation in the form of a monetary payment used to acquire a conservation easement *may be* an acceptable mitigation alternative. The Department will continue to review the proposed action during a forty-five day period that commenced on July 17, 2020. It is ultimately up to NYSERDA to reject or accept the alternatives proposed by the Ag & Markets Commissioner. See 1 NYCRR 371.10(b). *If* NYSERDA determines a monetary payment for a conservation easement is appropriate mitigation, Portville CSG 1 LLC will comply with such mitigation.

**1.) Impact on land** – The proposed project will have a small impact on land. The PV array will occupy 19.8 acres of land; however, impact to the ground is minimal. The solar modules are mounted on steel poles that are driven or screwed into the ground causing minimal soil disruption. The racking rows are spaced at approximately 12 feet from one another, and therefore a significant portion of the 19.8-acre footprint will be grassland with no soil disturbance. Minimal grading earthwork (approximately 0.50 acres) will be required within the southeast portion of the site to obtain necessary slopes for the array. A 16-foot wide access road (approx. 1,160 linear feet) will be constructed in order to maintain the site. The road will be constructed using pervious materials/methods.

Lastly, the duration of the project's construction is estimated at approximately 6-months. Construction activities typically result in potential impacts associated with dust, stormwater, and noise. These potential impacts are minimized as a result of the following measures:

- The developer will implement best management practices for dust control.
- Stormwater impacts will be addressed by implementation of erosion and sediment controls during construction.
- The proposed project will cause a temporary increase in ambient noise levels from the operation of construction equipment. Measures to minimize noise impacts during construction will include adherence to local ordinances for working hours and inspection of equipment for proper muffling.

As such, the impact on land associated with this project is not considered a significant environmental impact.

**2.) Impact on geological features** – The project site does not contain known unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, caves). No impact to significant geologic features will occur because of the proposed project.

**3.) Impacts on surface water** – The project will not involve impacts to surface waters. There are no surface waters within the project footprint. Potential impacts to nearby surface waters from construction will be avoided by implementation of appropriate soil erosion and sediment controls.

A formal wetland delineation was completed for the project. Federal and state regulated wetlands are delineated near the project; however, no wetlands (and associated regulated adjacent area) occur within the project footprint. No impacts to wetland areas will occur as a result of this project.

### FEAF Part 3 – Additional Information (Cont'd)

**4.) Impact on groundwater** – The project is located within the footprint of a primary aquifer and principal aquifer. NYSDEC defines principal aquifers as “aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.”

The project does not involve use or disposal of hazardous materials, or the bulk storage of petroleum or chemical products that could potentially contaminate local groundwater supplies. In addition, no change in drainage patterns, or increase in impervious surfaces is anticipated as a result of this project.

**5.) Impact on flooding** – The proposed project is not located within the 100-year floodplain. No impacts associated with flooding will occur as a result of this project.

**6.) Impacts on air** – The USEPA, through the federal Clean Air Act (CAA), has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants: carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), ozone, and lead. An area that violates a national primary or secondary NAAQS for one or more of the USEPA designated criteria pollutants is referred to as non-attainment. A maintenance area is one that has previously been in violation of the NAAQS but has since implemented an avoidance plan and has had no additional violations over an extended period of time. The project is located in Cattaraugus County. According to the USEPA Green Book (current as of June 30, 2020), Cattaraugus County is currently in attainment for all criteria pollutants.

Air emission sources require consistency with State and federal air quality standards. The New York air permitting program regulates sources of air pollution. The program is required under provisions set forth in the federal Clean Air Act and New York State regulation (6 NYCRR Part 201). NYSDEC Division of Air Resources administers the air program. The proposed project does not include equipment that requires registration or permitting from New York State’s air program.

No impacts to air quality will occur as a result of this project.

**7.) Impacts on plants and animals** – The United States Fish and Wildlife Service (USFWS) utilizes the Information, Planning and Conservation (IPaC) system as a tool for streamlining the environmental review process. The IPaC system provides a species list that identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of the study area and/or may be affected by the proposed project.

According to the USFWS IPaC System Official Species List dated April 30, 2020 (See Appendix “A”), four federally listed species are known to occur in the vicinity of the proposed project area: northern long-eared bat (*Myotis septentrionalis*), clubshell (*Pleurobema clava*), northern riffleshell (*Epioblasma torulosa rangiana*), and rayed bean (*Villosa fabalis*). According to the IPaC system (see Appendix “A”), there are no critical habitats located within the property and no other federally threatened or endangered species, or environmentally-sensitive habitat areas were identified.

### FEAF Part 3 – Additional Information (Cont'd)

C&S conducted a project screening utilizing the NYSDEC EAF Mapper to identify the potential of any significant habitats, endangered, threatened, or rare species, or species of special concern within or near the project area. The NYSDEC EAF Mapper indicates that there are no known records of the bat and mussel species listed above.

#### Northern long-eared bat

The northern long-eared bat is listed as threatened at the state and federal level. The northern long-eared bat winters in caves and mines and migrates seasonally to summer roosts in dead and decadent trees. Northern long-eared bats are typically associated with mature interior forest and tend to avoid woodlands with significant edge habitat. They may prefer cluttered or densely forested areas including in uplands and at streams or vernal pools. They may use small openings or canopy gaps as well. Some research suggests that northern long-eared bats forage on forested ridges and hillsides rather than in riparian or floodplain forests. Captures from New York suggest that northern long-eared bats may also be found using younger forest types. This species selects day roosts in dead or live trees under loose bark, or in cavities and crevices, and may sometimes use caves as night roosts. They may also roost in buildings or behind shutters. A variety of tree species are used for roosting. The structural complexity of surrounding habitat and availability of roost trees may be important factors in roost selection. Roosts of female bats tend to be large diameter, tall trees, and in at least some areas, located within a less dense canopy. Northern long-eared bats hibernate in caves and mines where the air temperature is constant, preferring cooler areas with high humidity.

No tree removal will occur within the project limits, and therefore no potential habitat loss will occur. According to publicly available USFWS data, there are no known northern long-eared bat roost trees in Cattaraugus County. USFWS data indicate the nearest northern long-eared bat hibernaculum is located about forty miles northeast near Portageville.

The northern long-eared bat was listed as threatened under ESA on April 2, 2015. The USFWS issued a 4(d) rule for this species, which was published in the Federal Register on January 14, 2016. The 4(d) rule prohibits "incidental take" within white-nose impacted areas of the northern long-eared bat's range when a proposed action is within a known hibernaculum, includes tree removal within 0.25 mile of a known hibernaculum, or cuts or destroys a known, occupied maternity roost tree or other trees within a 150-foot radius from the maternity roost tree during the pup season from June 1 through July 31. Incidental take for other activities is covered under the Programmatic Biological Opinion associated with the 4(d) rule. Notably, "incidental take" is defined by the ESA as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees may result in a "take" of bats that are roosting in the trees, but the purpose of the activity is not to harm bats.

No suitable summer habitat exists in the anticipated project work limits, and data indicate the Project is not within 0.25 mile of a hibernaculum or within 150 feet of a known maternity roost. As a result, no avoidance or minimization measures are required to maintain consistency with ESA and the 4(d) rule established by the USFWS. C&S consulted with the IPaC in order to obtain a consistency determination (for non-federal actions) from USFWS with regard to the 4(d) rule. Attached in

### **FEAF Part 3 – Additional Information (Cont'd)**

Appendix "A" is a letter from USFWS indicating the project is consistent with the 4(d) rule, and no further action is necessary.

In New York, a permit is required for the "take" of protected species under the Uniform Procedures Act that includes direct impact to the species as well as adverse modification to habitat. The New York State Department of Environmental Conservation (NYSDEC) considers impacts to "occupied" habitat as well as direct impacts to the species. NYSDEC requirements for northern long-eared bat protection are consistent with USFWS in areas that are not considered "occupied habitat". NYSDEC defines occupied habitat as those areas within five (5) miles of a known hibernacula, or 1.5 miles from a documented summer occurrence. The proposed Project is not considered to be within occupied habitat, therefore no further action is warranted with regard to this species.

#### **Clubshell**

The clubshell is a freshwater mussel listed as endangered at the federal level. Its historical range included Alabama, Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, and West Virginia. In New York, it exists primarily in the Alleghany basin and Cassadaga Creek. The larval stage of this species is spent in the gills of host fish. When it reaches its juvenile stage it detaches from its host and settles into streambeds as an adult for up to fifty years. Its population in New York is declining, largely due to pollution from agricultural runoff and industrial waste, and also from the increasing competition of zebra mussels.

The preferred habitat of the clubshell is small to medium sized streams with a low gradient and clean, loose sand and gravel, where it can bury itself several inches into the substrate. It also requires a steady population of host fish to carry its larva.

The clubshell was listed as endangered on January 22, 1993, and is protected under Section 7(a) of the Federal Endangered Species Act. This project does not involve work in streams or open waters, and so no impact to clubshells will occur.

#### **Northern Riffleshell**

The northern riffleshell (hereinafter "riffleshell") is a freshwater mussel found in a wide variety of streams and rivers, ranging from small to large. Its reproduction cycle requires an undisturbed habitat with sufficient fish populations to act as a host for the larval stage, in which the larval riffleshells attach to the gills and fins of their hosts until they reach their juvenile stage. During adulthood, the mussel buries itself into the bottom of streams and rivers in firmly packed sand and gravel.

The greatest threats to this species are loss of habitat due to flooding, which reduces its sand and gravel habitat as well as suitable host fish populations. It has no specific range in New York State, however the riffleshell has been known to occupy the Cassadaga and Conewango Creeks, and possibly the Alleghany basin as well. This project does not involve work in streams or open waters, and so no impact to this species will occur.

#### **Rayed Bean**

### FEAF Part 3 – Additional Information (Cont'd)

The rayed bean is a freshwater mussel that is highly sensitive to pollution, eutrophication, and habitat perturbation, limiting its habitat to high quality streams and small rivers. Adult rayed beans reside along or near the stream edge, burying themselves deep into the sand and gravel among the roots of aquatic vegetation. Though rare, it can sometimes be found in the Great Lakes and in larger rivers. In New York, the rayed bean is limited to six waterbodies within the Alleghany basin.

The species was listed as endangered in February 2012, at both the federal and state level. This project does not include work in streams or other open waters, and therefore no incidental take or alteration of habitat is anticipated.

The existing site is an active agricultural field; aerial photogpprahy indicates this property has been an active farm field since the 1950s. As such, existing wildlife habitat is limited. Habitat suitability for a number of small mammals and birds will improve post-construction due to the amount of grassland habitat provided by the array.

The action will not result in a substantial loss, reduction, degradation, disturbance, or fragmentation of native species habitats or populations. As previously mentioned, the Project site is comprised of previously disturbed and maintained vegetative cover types. No significant impact to wildlife is anticipated as a result of this Project.

**8.) Impacts on agricultural resources** – The project is located in a New York State Agricultural District. Given that funding is sought from NYSERDA's NY-Sun program, NYSERDA is responsible for coordinating the project with the New York State Department of Agriculture & Markets in accordance with Ag & Markets law Section 305(4). The project is currently under review with the Ag & Markets Commissioner and a final determination of recommended mitigation will be sent to NYSERDA no later than August 31, 2020. However, pursuant to 1 NYCRR 371.10(b), it is ultimately up to NYSERDA to reject or accept the alternatives proposed by the Ag & Markets Commissioner. Based on conversations with NYSERDA counsel, they do not typically require monetary mitigation to be used for a conservation easement because (i) the soil will not be substantially disturbed/removed off-site; (ii) a mitigation fee is not economically feasible; (iii) the project will serve a public benefit that cannot otherwise be achieved; and (iv) the site will be returned to its original condition at the end of the project. Notwithstanding the foregoing, should Ag & Markets make a final determination that a mitigation fee is the recommended alternative and NYSERDA agrees, the Applicant is prepared to comply.

**9.) Impacts on aesthetic resources** – The project site does not contain, and is not located adjacent to, identified scenic/aesthetic resources. There are no officially designated federal, state, or local scenic or aesthetic resources within the vicinity of the property.

**10.) Impacts on historical and archeological resources** – The developer has coordinated the proposed project with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP reviewed the project consistent with New York State Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). The OPRHP has determined by letter dated September 16, 2019 (See Appendix "B"), that no properties, including archaeological and/or historic

### FEAF Part 3 – Additional Information (Cont'd)

resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

**11.) Impacts on open space and recreation** – The proposed action will not result in a loss of recreational opportunities, and/or open space. There are no existing recreational opportunities on-site, and the site is not located in a designated municipal open space plan.

**12.) Impacts on critical environmental areas** – No designated critical environmental areas occur within or immediately adjacent to the property. The current action, as well as any future development, will not involve impacts to designated critical environmental areas.

**13.) Impacts on transportation** – Transportation engineers “rule of thumb” for projects requiring a traffic impact study is when a development generates 100 new trips to the adjacent street network during peak-hour. The operation of the solar facility will require infrequent maintenance activities (i.e., mowing, technical support, etc.) estimated at a few times per year. Traffic generated from maintenance is far below the 100 trip per hour threshold; the project will not result in significant traffic related impacts. Traffic levels will increase during the anticipated eight- to ten-month construction window. These temporary increases in observed traffic are temporary in nature, and are not considered significant.

**14.) Impacts on energy** – The purpose of the proposed Project is to construct and operate a PV solar array, which will generate clean and renewable solar energy (up to 4.55 megawatts AC), with electricity offtake credited to residential customers within the Town of Portville and larger National Grid Utility Territory. The Project was conceived in response to the growing need for sustainable energy sources and the State of New York’s Clean Energy Standard, requiring that 70 percent of the state’s electricity come from renewable energy sources such as solar and wind by 2030. Overall, the project will result in a benefit to the existing energy supply.

As with any construction project, there will be short-term increases in electrical and gasoline usage to power construction equipment and for worker travel. These impacts are not considered significant.

#### **15.) Impacts on noise, odor, and light**

*Noise* – Noise impacts associated with development projects can occur during both construction and post-construction related to operations. Noise levels associated with solar arrays are minimal to low volume. No significant impacts relative to noise will occur as a result of the following:

- 1.) Limited noise receptors given the rural setting adjacent the project.
- 2.) The site is buffered to the south, southwest, and east by woody areas. Vegetative buffers are proposed in the northwest corner of the site.

The proposed project will cause a temporary increase in ambient noise levels from the operation of construction equipment. Measures to minimize noise impacts during construction will include adherence to local ordinances for working hours and inspection of equipment for proper muffling. Noise

### FEAF Part 3 – Additional Information (Cont'd)

levels will generally return to pre-construction levels following completion of the project. No significant noise related impacts are anticipated as a result of this project.

*Odors* - The proposed project will not cause an increase in odors.

*Light* –No lighting is proposed for this project.

**16.) Impact on Human Health** – The generation of electricity from PV arrays is generally considered safe and effective. PV arrays do not burn fossil fuels, and subsequently these projects do not produce greenhouse gas emissions or poor air quality emissions. Solar array panel development use materials considered potentially hazardous, and therefore concern associated with the potential health impact of damaged PV panels is discussed herein.

Several types of materials are used to manufacture solar cells but the most common material is crystalline silicon, typically from quartz or sand. Crystalline silicon semiconductors are also utilized in the manufacture of integrated circuits and microchips used in personal computers, cellular telephones and other modern electronics. The outer glass cover constitutes the largest share of the total mass of a finished crystalline photovoltaic module, followed by the aluminum frame, the ethylene vinyl acetate encapsulant, the polyvinyl fluoride substrate, and the junction box. The solar cells themselves only represent about four percent of the mass of a finished module. Because solar panels are encased in heavy-duty glass or plastic, there is little risk that the small amounts of semiconductor material present can be released into the environment.

No significant impact to human health will occur as a result of this project.

**17.) Consistency with community plans** – The action will not result in population growth in the Town of Portville that exceeds 5%, and will not result in increasing density that will impact existing infrastructure. The project does not require a change in zoning. In summary, the proposed project will not result in the following:

- I. Increase in population within the Town
- II. Require a change in zoning or existing land use plans
- III. Change in the density of development that would exceed the capacity of existing infrastructure
- IV. Result in induced socioeconomic impacts from residential or commercial development

**18.) Consistency with community character** – The proposed action is consistent with the existing community character as described in the following bullets:

- I. No impacts to historic structures.
- II. It will not significantly increase the need for schools, parks, roads, infrastructure.
- III. It will not result in a significant increase in the need for emergency services.
- IV. No displacement of housing will occur.

**Appendix A**  
**RTE Information**



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>



IPaC Record Locator: 231-21810280

May 19, 2020

Subject: Consistency letter for the 'Portville 1 CSG Solar Project' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Bryan Bayer:

The U.S. Fish and Wildlife Service (Service) received on May 19, 2020 your effects determination for the 'Portville 1 CSG Solar Project' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause "take"<sup>(1)</sup> of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action's effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

The IPaC-assisted determination for the northern long-eared bat **does not** apply to the following ESA-protected species that also may occur in your Action area:

- Clubshell, *Pleurobema clava* (Endangered)
- Northern Riffleshell, *Epioblasma torulosa rangiana* (Endangered)

- **Rayed Bean, *Villosa fabalis* (Endangered)**

**You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above.**

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**[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].**

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

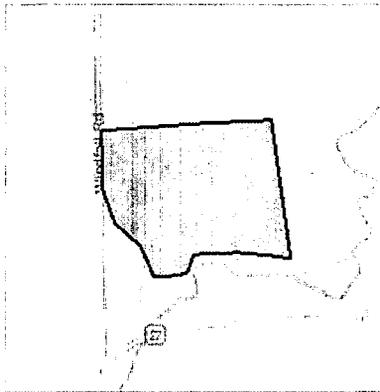
Portville 1 CSG Solar Project

**2. Description**

The following description was provided for the project 'Portville 1 CSG Solar Project':

The project includes constructing a ground mount solar array and associated electrical appurtenances. Site improvements will include an access road, and security fencing.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.09203782741713N78.36286927188225W>

**Determination Key Result**

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

**The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.**

**If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.**

## Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

### Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

*No*

2. Will your activity purposefully **Take** northern long-eared bats?

*No*

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

*Automatically answered*

*No*

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhsites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhsites.html).

*Yes*

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

*No*

6. Will the action involve Tree Removal?

*No*

## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

---

**10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?**

***0***



## United States Department of the Interior

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3817 Luker Road  
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Phone: (607) 753-9334 Fax: (607) 753-9699  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:  
Consultation Code: 05E1NY00-2020-SLI-2976  
Event Code: 05E1NY00-2020-E-08878  
Project Name: Portville 1 CSG Solar Project

May 19, 2020

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle\\_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## **Official Species List**

**This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".**

**This species list is provided by:**

**New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
(607) 753-9334**

## Project Summary

**Consultation Code:** 05E1NY00-2020-SLI-2976

**Event Code:** 05E1NY00-2020-E-08878

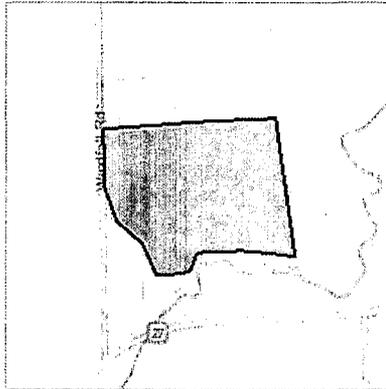
**Project Name:** Portville 1 CSG Solar Project

**Project Type:** POWER GENERATION

**Project Description:** The project includes constructing a ground mount solar array and associated electrical appurtenances. Site improvements will include an access road, and security fencing.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.09203782741713N78.36286927188225W>



**Counties:** Cattaraugus, NY

## Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
<b>Northern Long-eared Bat <i>Myotis septentrionalis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	<b>Threatened</b>

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## Clams

NAME	STATUS
<p><b>Clubshell <i>Pleurobema clava</i></b>            Population: Wherever found; Except where listed as Experimental Populations            No critical habitat has been designated for this species.            Species profile: <a href="https://ecos.fws.gov/ecp/species/3789">https://ecos.fws.gov/ecp/species/3789</a>            Species survey guidelines:  <a href="https://ecos.fws.gov/ipac/guideline/survey/population/352/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/352/office/52410.pdf</a></p>	<b>Endangered</b>
<p><b>Northern Riffleshell <i>Epioblasma torulosa rangiana</i></b>            No critical habitat has been designated for this species.            Species profile: <a href="https://ecos.fws.gov/ecp/species/527">https://ecos.fws.gov/ecp/species/527</a></p>	<b>Endangered</b>
<p><b>Rayed Bean <i>Villosa fabalis</i></b>            No critical habitat has been designated for this species.            Species profile: <a href="https://ecos.fws.gov/ecp/species/5862">https://ecos.fws.gov/ecp/species/5862</a>            Species survey guidelines:  <a href="https://ecos.fws.gov/ipac/guideline/survey/population/6062/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/6062/office/52410.pdf</a></p>	<b>Endangered</b>

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	802-240, 802-241
E.2.h.iv [Surface Water Features - Stream Classification]	C(T)
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):35.1
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	PV-9
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	CATTcn5
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No