

Wetland Restoration and Mitigation Plan

Hoffman Falls Wind Project

Towns of Eaton, Fenner, Nelson, and Smithfield
Madison County, New York

Matter No. 23-00038

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TABLE OF CONTENTS

1.0 INTRODUCTION.....1
 1.1 Project Overview1
 1.2 Site Description1
2.0 ACTIVITIES REQUIRING MITIGATION.....1
3.0 Proposed MITIGATION2
 3.1 Wetland Mitigation Bank.....2
 3.2 Applicant-Responsible On-Site Wetland Mitigation Project.....2
 3.2.1 Proposed Mitigation Locations and Existing Conditions.....2
 3.2.2 Performance Standards.....2
 3.2.3 Post-Construction Monitoring3
4.0 REFERENCES.....4

1.0 INTRODUCTION

Hoffman Falls Wind LLC (the Applicant), a wholly owned subsidiary of Liberty Renewables Inc., is seeking approval from the Office of Renewable Energy Siting (ORES) for a Siting Permit pursuant to Section 94-c of the New York State Executive Law for the Hoffman Falls Wind Project, a major renewable energy facility. As detailed further below, the construction of the Hoffman Falls Wind Project (the Project) will result in impacts to state-regulated wetlands.

This Wetland Restoration and Mitigation Plan (the Plan) was prepared to provide mitigation in accordance with the requirements of Title 19 New York Codes, Rules and Regulations (19 NYCRR) §900-2.15(g) and §900-10.2(f)(2). The information presented in this Plan will be developed in more detail and submitted as a pre-construction compliance filing as required by 19 NYCRR §900-10.2(f)(2) prior to the start of construction.

1.1 Project Overview

The Applicant is constructing an up to 100-megawatt wind energy generation facility and associated necessary infrastructure (the Facility) in the Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York. The proposed Facility is sited within a collection of privately owned parcels encompassing approximately 3,987 acres of land that is primarily rural in nature (the Facility Site). Associated support facilities will include an underground medium voltage collection system, gravel access roads, a permanent meteorological (MET) tower, an aircraft detection lighting system (ADLS) tower, temporary construction laydown areas, a temporary concrete batch plant, an operations and maintenance (O&M) facility, a medium voltage-to-transmission voltage collection substation, a point of interconnection (POI) switchyard, and a short 115kV overhead gen-tie line that will connect the Facility to the high voltage electrical grid.

1.2 Site Description

The Facility Site occurs within the Chenango (02050102) and Oneida (04140202) hydrologic units. Most of the surface hydrology within the Facility Site is generated by direct precipitation and surface water run-off from adjacent land. In areas associated with major watercourses, such as the Chenango River, surface hydrology is also influenced by periodic flooding during heavy precipitation or seasonal runoff events. The average annual precipitation from 2003 to 2023 was 45.15 inches at the nearby Sherburne weather station in Chenango County, New York (NOAA, 2024), located approximately 17 miles south of the Facility Site.

Wetlands and streams within the Facility Site were delineated during the growing season between May and November 2023. Wetlands are common and dispersed throughout the Facility Site. Most wetlands within the Facility Site ultimately drain northwest to Oneida Creek and Chittenango Creek within the Oneida watershed. However, the largest wetland complex within the Facility Site is associated with Morrisville Swamp, which drains to the south via the Chenango River. For more information on wetlands and streams within the Facility Site, see the Wetland Delineation Report (Appendix 14-A).

2.0 ACTIVITIES REQUIRING MITIGATION

As discussed in detail in Exhibit 14, the Applicant has avoided and minimized impacts to NYS-jurisdictional wetlands and regulated adjacent areas within the Facility Site to the maximum extent practicable. However, construction and

operation of the Facility will result in impacts to state-regulated wetlands and adjacent areas that will require mitigation (see Table 14-1 and 14-2 in Exhibit 14).

3.0 PROPOSED MITIGATION

As outlined in 19 NYCRR §900-2.15(g) and in Tables 14-1 and 14-2 in Exhibit 14, the state-regulated wetland and adjacent area impacts proposed by the Applicant are allowed, but certain impacts will require mitigation. In total, 1.33 acres of wetland impacts and 1.22 acres of adjacent area impacts will require mitigation. As outlined in the subsections below, these impacts will be mitigated in accordance with the regulations either through the purchase of wetland mitigation bank credits or the establishment of an on-site wetland and/or adjacent area mitigation site or sites that comply with the requirements outlined in 19 NYCRR §900-2.15(g)(2).

3.1 Wetland Mitigation Bank

The Applicant has initiated consultation with The Wetland Trust, a not-for-profit New York-based organization that sells wetland mitigation credits for permitted wetland impacts throughout much of New York State. The Wetland Trust has sufficient wetland mitigation credits available in the Oneida and Chenango Service Areas to mitigate the Facility's wetland impacts within these watersheds. The Applicant may utilize The Wetland Trust's mitigation banks to mitigate some or all the Facility's wetland impacts.

3.2 Applicant-Responsible On-Site Wetland Mitigation Project

The Applicant has also initiated conversations with landowners within the Facility Site and may elect to develop an Applicant-responsible on-site wetland mitigation project. This project would be developed in coordination with ORES and the U.S. Army Corps of Engineers (USACE).

3.2.1 Proposed Mitigation Locations and Existing Conditions

To identify potential mitigation sites, a field and desktop review will be conducted within the Facility Site based on the following criteria:

- The potential mitigation site must be located within the Chenango or Oneida sub-basins.
- The site must be contiguous to or within 50 meters of an existing NYS-regulated wetland.
- The site must be accessible for mitigation activities and subsequent monitoring.

The Applicant is currently looking for opportunities to site an on-site wetland mitigation project in proximity to the Morrisville Swamp, a state-regulated Class I wetland (wetland 10-W001) that bisects the Facility Site and is drained by the Chenango River, a state-regulated Class C(T) stream (stream 23-ST001). Several marginally productive agricultural areas in proximity to this wetland may be suitable. The Applicant will identify viable mitigation sites that meet the criteria outlined above and coordinate with ORES and USACE on the selection of a final site to ensure all applicable state and federal standards are met.

3.2.2 Performance Standards

The Applicant will attain 80% vegetative cover across all disturbed soil areas by the end of the first full growing season following construction. Vegetative cover in restored areas will be monitored for a minimum of five years.

Post-construction monitoring shall continue until 80% survivorship of native/naturalized woody species or 85% cover of native/naturalized herbaceous species wetland indicator status has been reestablished over all portions of the replanted area, unless the invasive species baseline survey indicates a smaller percentage of survivorship or cover of appropriate native species exists prior to construction in accordance with 19 NYCRR §900-6.4(q)(2) of the Section 94-c regulations, to the extent applicable.

3.2.3 Post-Construction Monitoring

The Applicant proposes to conduct annual monitoring to ensure successful wetland or wetland adjacent area creation, restoration, and enhancement, as applicable. The Applicant anticipates that annual monitoring will be performed for a minimum of 5 years, with the potential for additional monitoring to ensure the successful establishment of the mitigation site, particularly if problems occur. Annual monitoring is anticipated to consist of the following:

- An initial as-built or baseline report will be submitted to ORES and the USACE following construction of the mitigation area.
- Annual monitoring reports will be completed by a qualified professional and submitted to ORES and the USACE, to address the following:
 - Identification of invasive species and a comparison to pre-construction conditions set forth in the baseline survey.
 - On-site data collection associated with hydrophytic vegetation and wetland hydrology.
 - Identification of appropriate management measures, if necessary, to allow for success of the mitigation project.

4.0 REFERENCES

National Oceanic and Atmospheric Administration (NOAA). 2024. *Temperature and Precipitation Summary for Sherburne NY, 2003-2023*. NOAA Regional Climate Center. Available at: <http://agacis.rcc-acis.org/> (Accessed January 2024).

Office of Renewable Energy Siting. *Regulations Chapter XVIII, Title 19 of NYCRR Part 900*. New York State Executive Law § 94-c. Available at: <https://ores.ny.gov/regulations> (Accessed January 2024).