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**Hoffman Falls Wind Project
Towns of Fenner, Nelson, Eaton, and Smithfield, Madison County
Permit Application No. 23-00038**

**Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit
January 5, 2024**

Wildlife Site Characterization

In compliance with 19 NYCRR § 900-1.3(g)(2), Liberty Renewables, Inc. (Applicant) provided a draft Wildlife Site Characterization Report for the proposed Hoffman Falls Wind Project, Towns of Fenner, Nelson, Eaton, and Smithfield, Madison County, New York dated February 2023. This report, together with the avian surveys referenced below, have been provided to the Office of Renewable Energy Siting (the Office or ORES) and the New York State Department of Environmental Conservation (NYSDEC), in connection with the Applicant's pending facility siting application to the ORES permitting process at Executive Law §94-c and 19 NYCRR Part 900.

Avian Surveys

The Applicant provided the following avian survey reports: Hoffman Falls Wind Forest Raptor Survey Report dated October 2023; Hoffman Falls Wind Breeding Bird Survey Report dated October 2023; Hoffman Falls Wind Marsh Bird Report dated August 2023; Hoffman Falls Wind Winter Raptor Survey Report dated June 2023; Hoffman Falls Wind Fall Raptor Migration Survey Report dated February 2023; Hoffman Falls Wind Breeding Bird Survey Report dated September 2021; Hoffman Falls Wind Spring Raptor Migration Survey dated June 2021; Blue Hill Wind Winter Raptor Survey Report dated May 2022; Blue Hill Wind Fall Raptor Migration Survey Report dated January 2022; Blue Hill Wind Breeding Bird Survey Report dated September 2021; and Blue Hill Wind Spring Raptor Migration Survey Report dated July 2021.

Determination

Pursuant to §900-1.3(g)(7), the Office has completed a review of this information and hereby provides its draft determination regarding whether occupied habitat for one or more New York State (NYS) threatened or endangered species exists within the facility site, the boundary of the occupied habitat, whether de minimis levels as provided in § 900-2.13 might be attainable for grassland birds and, if applicable, the amount of mitigation funding that may be necessary if impacts will not be avoided or mitigated through permittee-implemented habitat conservation.

This appendix has been redacted from this publicly available document because it contains protected/confidential information regarding species listed as endangered, threatened, or special concern in New York.

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Please note, this Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit is subject to revision if the Facility design and layout is altered from its presentation to the Office as of the date of this letter. In compliance with §900-1.3(g)(8), the Applicant shall provide the Wildlife Site Characterization Report, habitat assessment and/or survey reports, and Net Conservation Benefit Plans as part of Exhibit 12 (§900-2.13) in support of an application to the Office for a major renewable energy facility.

As a reminder, the Applicant must also provide a written explanation of how the Facility design first avoids and then minimizes impacts to the identified NYS threatened or endangered or species of special concern to the maximum extent practicable. Unavoidable adverse impacts shall be summarized by species impacted and include an assessment of the acreage and/or an estimate number of individual members of each such species affected. See 19 NYCRR § 900-2.13(d).

Please note that the basis for the Office’s draft determination regarding occupied habitat and potential take for this project only applies to major renewable energy facilities covered by Section 94-c of New York Executive Law. This determination is valid for a period of five years from the date of this letter. This determination may be subject to additional review if changes are made to the anticipated facility plan. Please contact the Office before an application is filed if any such changes are made, or additional pre-application consultation is required.

ATTACHMENT A – ORES TAKE DETERMINATION MAP SERIES

ATTACHMENT B – ORES OCCUPIED HABITAT FIELD BY FIELD ANALYSIS TABLE

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