Public Notice

U.S. Army Corps of Engineers
Buffalo District
CELRB-TD-R

Applicant: Cassadaga Wind, LLC

Published: October 2, 2019
Expires: November 1, 2019

Application No: 2017-01027
Section: NY

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
Attn: Molly Connerton
1776 Niagara Street
Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

THIS PUBLIC NOTICE (PN) IS AN ADDENDUM TO THE ORIGINAL PN THAT WAS PUBLISHED ON 10/4/2018 FOR THE CASSADAGA WIND PROJECT. AS DESCRIBED IN THE SECTIONS BELOW THERE HAVE BEEN SOME DESIGN CHANGES IN THE PROJECT COMPONENTS AND CHANGES IN THE WETLAND AND STREAM IMPACTS*

Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Cassadaga Wind, LLC, 1251 Waterfront Place, 3rd Floor, Pittsburg, PA 15222

WATERWAY & LOCATION: Federal wetlands and streams. The proposed project is located in the Towns of Charlotte, Cherry Creek, Arkwright and Stockton in Chautauqua County, New York **(Figure 1)**. The project will occur on approximately 8,850 acres of leased land and is roughly bounded by Bard Road and State Route 83 to the north, State Route 83 to the east, State Route 64 to the south and State Route 60 to the west. The project also includes a 5.4 mile overhead transmission line that will connect the collection substation in the Town of Charlotte with the point-of-intersect (POI) substation in the Town of Stockton. The project is located approximately 11 miles southeast of Lake Erie and 6 miles south-southeast of the Village of Fredonia.

LATITUDE & LONGITUDE: Latitude North: 42.18
Longitude West: -79.11

EXISTING CONDITIONS: The project site is located in the Cattaraugus Hills sub-region and is characterized by forest, agricultural and low density rural residential development. A total of 70 landowners make up the project site. The project site ranges from approximately 1295 feet to 2,100 feet above mean sea level.

Description of delineation of waters of the US, if applicable: Field delineations of wetlands and streams were assessed in September 2017 and a preliminary Jurisdictional Determination (PJD) was issued on December 6, 2017. In August 2018 and spring 2019 additional wetlands and streams were field delineated due to project modifications. An updated PJD will be issued to reflect these additional wetland and stream verifications.

PROPOSED WORK: The Applicant is proposing to place fill in wetlands and streams in association with Cassadaga Wind Facility in the Towns of Charlotte, Cherry Creek, Arkwright and Stockton in Chautauqua County, New York.

*** REVISED PROPOSED WETLAND IMPACTS AND STREAM IMPACTS*:** There have been changes to the temporary and permanent impacts to wetlands and streams since the original PN, due to design changes to the project. As a result of these design changes:

1. Temporary wetland disturbance impacts associated with the installation of the transmission and collection lines (excavation and vegetation disturbance) has changes from 1.99 acres to 5.27 acres mostly due to the change from overhead lines to underground lines where directional boring isn't feasible.
2. Temporary impacts to streams that will include clearing of streamside vegetation, and temporary disturbance to stream beds and banks has changed from 0.23 acres (9,855 linear feet) to 0.22 acres (9,683 linear feet).
3. Temporary placement of fill impacts placed in wetlands for access roads and turbine pads is 0.22 acres.

Since the original PN, a majority of the changes to permanent fill impacts to wetlands is a result of the changes in the design of the POI substation which is located in the same location as was indicated in the original PN and changes in areas that can't be restored to pre-construction conditions (i.e. some wetlands near turbine pads that have past logging and farming disturbance that are difficult to restore). In total, permanent fill impacts to wetlands have changed from 2.04 acres to 3.59 acres. Since the original PN, permanent forest conversion (forested wetlands will be converted but maintained as emergent or scrub-shrub wetlands for the life of the project) impacts have changed from 0.38 acres to 2.87 acres. This is due to the change in design from overhead lines to underground line installations that will require tree stump removal which results in a discharge of fill. Permanent impacts to streams for the replacement of existing culverts or the installation of new culverts has changed from 494 linear feet to 687 linear feet.

***REVISED PROPOSED PROJECT COMPONENTS*:** Since the original PN, due to further engineering of the project that has necessitated design changes, there has been some changes to the project components:

1. The number of turbines to be constructed has been reduced from 41 to 37 turbines.
2. Electrical collection lines have been changed from 25.9 miles to 24.8 miles of which 24.7 will be buried and 0.1 miles will be overhead.
3. Access roads have been changed from 13 miles long to 12.1 miles long.
4. There will be a maximum of 2 wind measurement towers to collect wind data instead of 1 tower.

Other project components that include no design changes since the original PN are the 5.4 mile long 115kV overhead transmission line, 1.3 acre collection substation, and an approximately 4,000 square foot operations and maintenance (O&M) building.

PROJECT PURPOSE
Basic: Wind Energy Generation Facility
Overall: To construct the Cassadaga Wind Project that will include 37 turbines and associated infrastructure.

Water Dependency Determination: The discharge of fill into wetlands for the purpose of the wind farm facility is not a water dependent activity because it does not require access or siting within the special aquatic site in question to fulfill its basic purpose. Therefore practicable alternatives that do not involve special aquatic sites are presumed to be available unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION: Construction of the wind facility will require several measures to minimize overall impacts to streams and wetlands:
Temporary construction-related impacts to wetlands will be avoided through the use of timber mats, invasive species control measures will be utilized during construction, horizontal directional drilling will be utilized for installation of buried collection lines under three streams and two wetlands, where wetland soils are disturbed, any temporary fill will be removed at the completion of the construction, stockpiled wetland soils will be distributed and these areas will be restored to their original grade and profile.

Alternatives Analysis:

Off-site alternatives: The applicant selected the proposed site based on the presence of a good wind resource, higher elevations, available and willing landowners, proximity and ease of connecting to the existing electric transmission grid and the ability to avoid areas of high environmental or cultural sensitivity. Given the constraints associated with the siting of wind powered facilities, the applicant did not conduct a detailed evaluation of alternative facility sites.

On-site alternatives: The initial layout of the facility for 75 turbines was based on constraint information from a desktop review of environmental information and wind resource data and resulted in impacts to 4.77 acres of wetlands. Due to potential environmental/cultural impacts

setback constraints and visual/sound/flicker impacts the facility size was subsequently reduced to 58 turbines which resulted in less impacts to wetland (1.55 acres). Further modifications including turbine removal, minor turbine shifts and several access road and collection line shifts resulted in an overall reduction of impacts to 0.74 acres. This resulted in a proposed 48-turbine facility layout. Additional modifications were made and resulted in a 41 turbine layout. As was outlined in the original PN, the modifications included the necessary relocation of the POI substation due to facility constraints.

Preferred alternative: Since the original PN, further engineering of the project has necessitated design changes to the project. The design changes resulted in a reduction in the number of turbines to 37. In addition, due to changes in the design of the POI substation and changes in areas that can't be restored to pre-construction conditions impacts to wetlands and streams have changed. As discussed below, project components overall have been developed based on significant efforts to avoid and minimize potential environmental impacts and wetland impacts.

a. Electrical collection lines-To minimize impacts, the electrical collection system will be primarily buried along existing and proposed access roads. The overall length of the proposed collection system has been reduced from 38.1 miles to 24.8 miles by going from a 75 turbine layout to a 37 turbine layout.
b. Transmission Line-The alignment of the proposed transmission line was altered in several locations to minimize impacts associated with the proposed pole locations along the transmission line.
c. Access Roads-To minimize impacts, roads will be coincident with existing farm drives and forest roads whenever possible. Also, access road widths will be the minimum necessary-the travel surface will be reduced from a construction width of approximately 40 feet to an operation/maintenance width of 20 feet and all roads will be further reduced to 16 feet in width at all wetland and stream crossings.

PROPOSED MITIGATION: The applicant has provided a mitigation plan to mitigate for the proposed permanent wetland (3.59 acres) and stream impacts (687 linear feet) and the permanent forest conversion impacts (2.87). The proposed mitigation is located along the east side of Falconer-Kimball Stand Road in the Town of Ellicott, Chautauqua County, New York. Approximately 8.5 acres of wetlands will be mitigated to offset the impacts to federal wetlands and streams. The mitigation project includes a combination of wetland creation, restoration, wetland preservation and stream/buffer restoration. The Corps will work with the Applicant on any necessary changes to the mitigation project before the final mitigation plan is approved by our office.

ALL PROJECT DRAWINGS FOR THIS PUBLIC NOTICE CAN BE FOUND AT THIS LOCATION: https://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Molly Connerton, who can be contacted at the above address, by calling (716) 879-4304, or by e-mail at: molly.a.connerton@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

The project permit area, as shown on Figure 1, is located within an archaeologically sensitive area identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP). All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP. The project will have an adverse effect on historic/cultural resources due to visual effects of the project. As such, a Memorandum of Agreement (MOA) for the mitigation options for visual effects of the Windfarm Project was developed between the Corps, SHPO and the Applicant and was signed by all parties on 15 April 2019.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers has consulted, under separate cover, with the USFWS to evaluate any potential impacts to: **Northern long-eared bat *(Myotis septentrionalis)*, Rayed bean *(Villosa fabilis)* and Clubshell *(Pleurobema clava)*** and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be

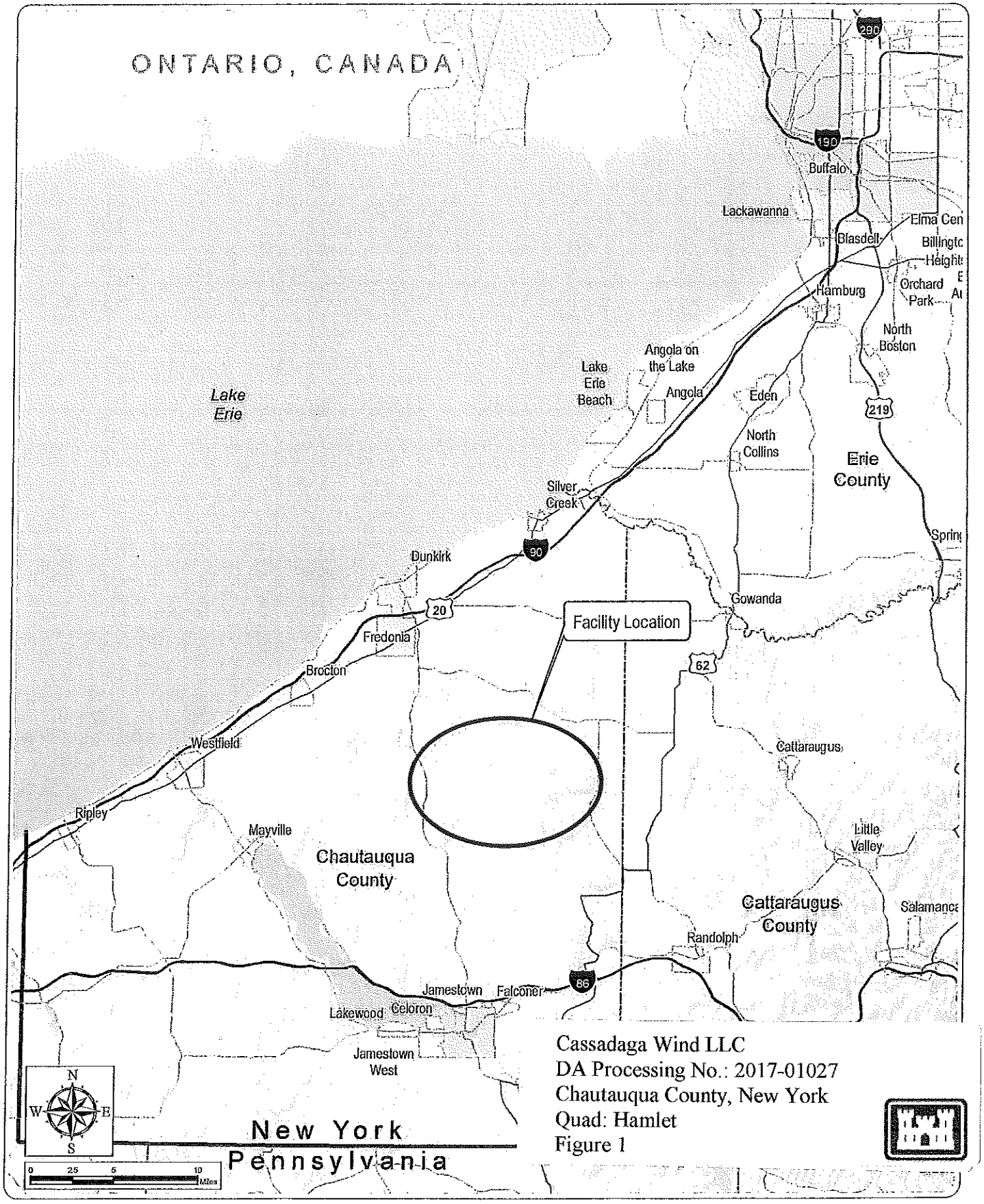
balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for **30** days from the date of issuance.



Cassadaga Wind Project
Towns of Charlotte, Cherry Creek, Arkwright, and Stockton
Chautauqua County, New York

Figure 1: Regional Facility Location

Notes: 1. Basemap: ESRI ArcGIS Online "World Imagery" map service. **2.** This map was generated in ArcMap on July 18, 2018. **3.** This is a color graphic. Reproduction in grayscale may misrepresent the data.

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