

Appendix 22-7:
Agency Correspondence

NYSDEC Correspondence



215 Greenfield Pkwy.
Suite 102
Liverpool, NY 13088

T 315.671.1600
TRCcompanies.com

December 17, 2020

Sent via email to: gregory.kozlowski@dec.ny.gov

Gregory Kozlowski, Inland Fisheries Section Head
NYS DEC- Division of Fish, Wildlife & Marine Resources
625 Broadway
Albany, NY 12233

**Subject: Case 20-F-0043
Garnet Energy Center, LLC
Garnet Energy Center Project
Town of Conquest, Cayuga County, New York
Information Request**

Dear Mr. Kozlowski,

Garnet Energy Center, LLC is proposing the development of a solar energy center with an energy storage system in the Town of Conquest in Cayuga County, New York. Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

Proposed is the construction of a 200-megawatt (MW) solar photovoltaic electric generating facility and a 20 MW/four-hour energy storage system on land leased or purchased from owners of private property. The Project location is illustrated on the attached map (Figure 1). Proposed Project Components will include commercial-scale solar arrays, energy storage infrastructure, inverters, access roads, fencing, buried (and possibly overhead) electric collection lines, laydown/staging areas, a collection substation, and electrical interconnection facilities. The Project is scheduled to begin construction in late 2022. Additional information about the Project can be found on the Project website at www.garnetenergycenter.com.

TRC, on behalf of Garnet Energy Center, LLC, is compiling information regarding fisheries data under Article 10 of the Public Service Law (§164 (1)). TRC respectfully submits this Freedom of Information Request to obtain any information that you may have pertaining to fisheries data, such as the diversity of the fish in the following bodies of water:

PWL_ID	WIN	NAME
0701-0034	Ont. 66-12-30	Minor Tribs to Lower Seneca River
0302-0054	Ont. 73	Sterling Creek, Upper, and Tribs
0701-0043	Ont. 66-12-44	Minor Tribs to Lower Seneca River

The enclosed shapefile package has been provided to assist in your review of the Project Study Area and outline the area requested for fisheries data information. Please note, this information request is being made in order to help prepare the Article 10 Application

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (315) 715-1642 or via email at HEffler@trccompanies.com.

Sincerely,

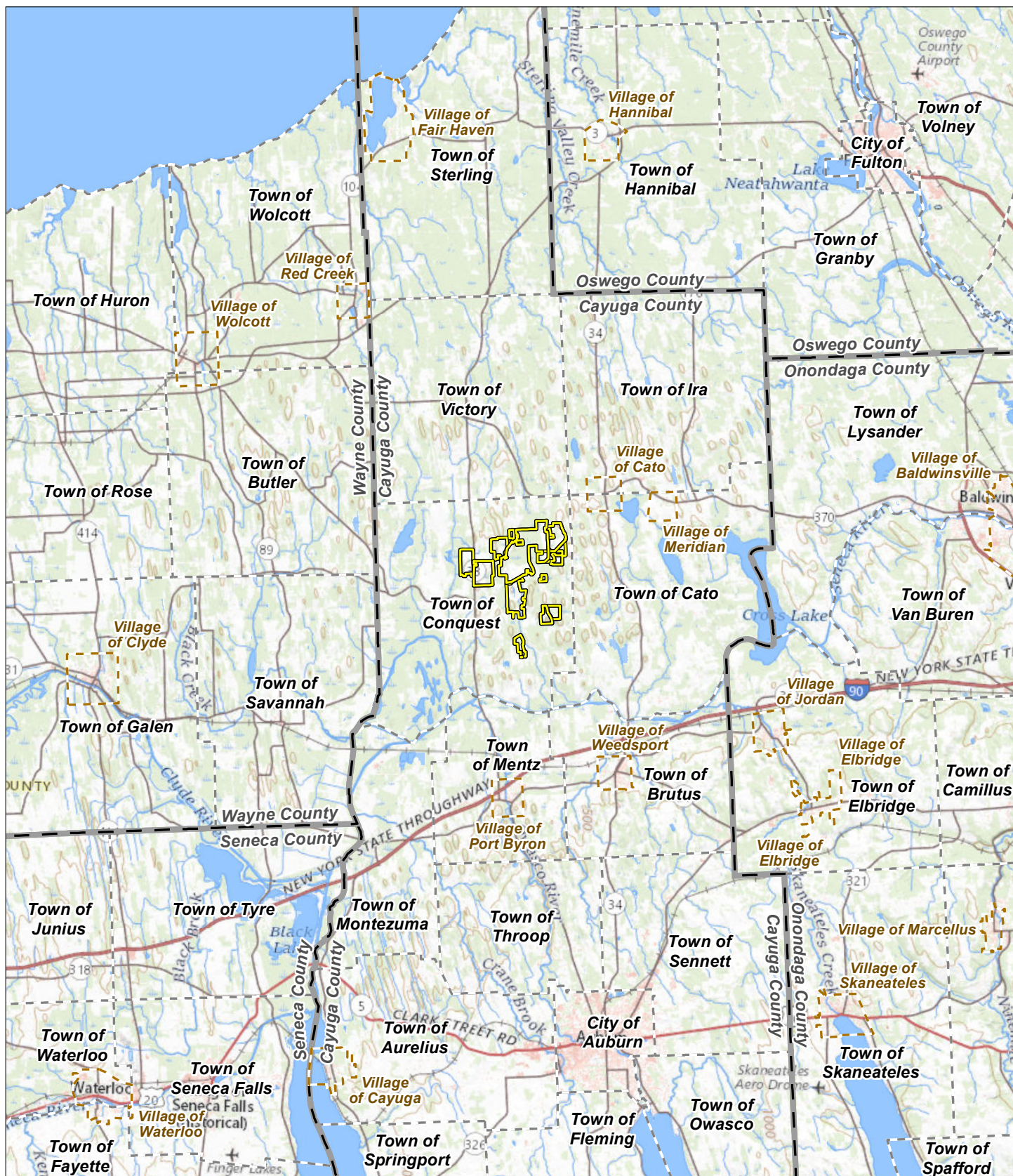
Hayley Effler
Environmental Permitting Project Manager



cc: Kris Scornavacca, NextEra Energy Resources, LLC
Bill Boer, NextEra Energy Resources, LLC

Attachment: Figure 1: Site Location Map
Project Study Area Shapefiles

Figure 1:
Site Location Map



- Project Area
- Village Boundary
- Municipal Boundary
- County Boundary



0 1 2 3 4
Miles

Base Map: USGS/The National Map, 2020

MAP LOCATION



SITE LOCATION MAP GARNET ENERGY CENTER, LLC TOWN OF CONQUEST

FIGURE 1 | DECEMBER 2020

Map Produced by TRC



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December 28, 2020

Andrea Chaloux, Environmental Review Specialist
New York Natural Heritage Program – Information Services
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, NY 12233-4757

Sent online via NaturalHeritage@dec.ny.gov

**Re: Garnet Energy Center, LLC
Garnet Energy Center Project
Town of Conquest, Cayuga County, New York
Project Review Request**

Dear Ms. Chaloux:

Garnet Energy Center, LLC proposes to construct a solar energy center in the Town of Conquest, Cayuga County, New York (See Figure 1 for area being evaluated for Project). Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL). This request is being made in order to help prepare the Article 10 Application.

A New York Natural Heritage Program (NYNHP) Project Review Request for this Project was previously submitted on February 25, 2020, and a response (2020_248) was received on March 16, 2020. However, the Project Area has changed from the initial submittal, and therefore we are respectfully requesting an updated NYNHP Project Review on the Project Area boundaries as shown in Figure 1.

The proposed Project will have a generating capacity of 200 megawatts (MWs) of power and a 20 MW/4-hour duration energy storage system located on land leased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, battery storage, fencing, inverters, a Project collection substation, and electrical interconnection facilities. Garnet Energy Center anticipates the interconnection facilities will include a 345-kV switchyard which will be transferred to the New York State Power Authority (NYPA) to own and operate. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

Land cover in the area being evaluated for the Project consists of agricultural and forested land, with a transmission line right-of-way, aquatic habitat, and rural residential properties. The general location of the area being evaluated for the Project is identified on the enclosed map, Figure 1. The Project is planned to commence commercial operation in 2023.

TRC, on behalf of Garnet Energy Center, LLC, has consulted with the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM) as a first step in determining the presence of rare or state-listed animals or plants, significant natural communities, or other significant habitats in the immediate vicinity of the Project. The results of the search revealed the area being evaluated for the Project is in the general vicinity of rare, threatened, and endangered species layers, however none of these layers directly overlap with the Project Area boundary.

*Garnet Energy Center
NYNHP Project Review Request*

TRC is requesting herein a review and confirmation of the latest New York Natural Heritage Program (NYNHP) – Information Service records for the presence of rare or state-listed plants or animals, significant natural communities, or other significant habitats in the vicinity of the Project. If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (315) 715-1642 or via email at HEffler@trccompanies.com.

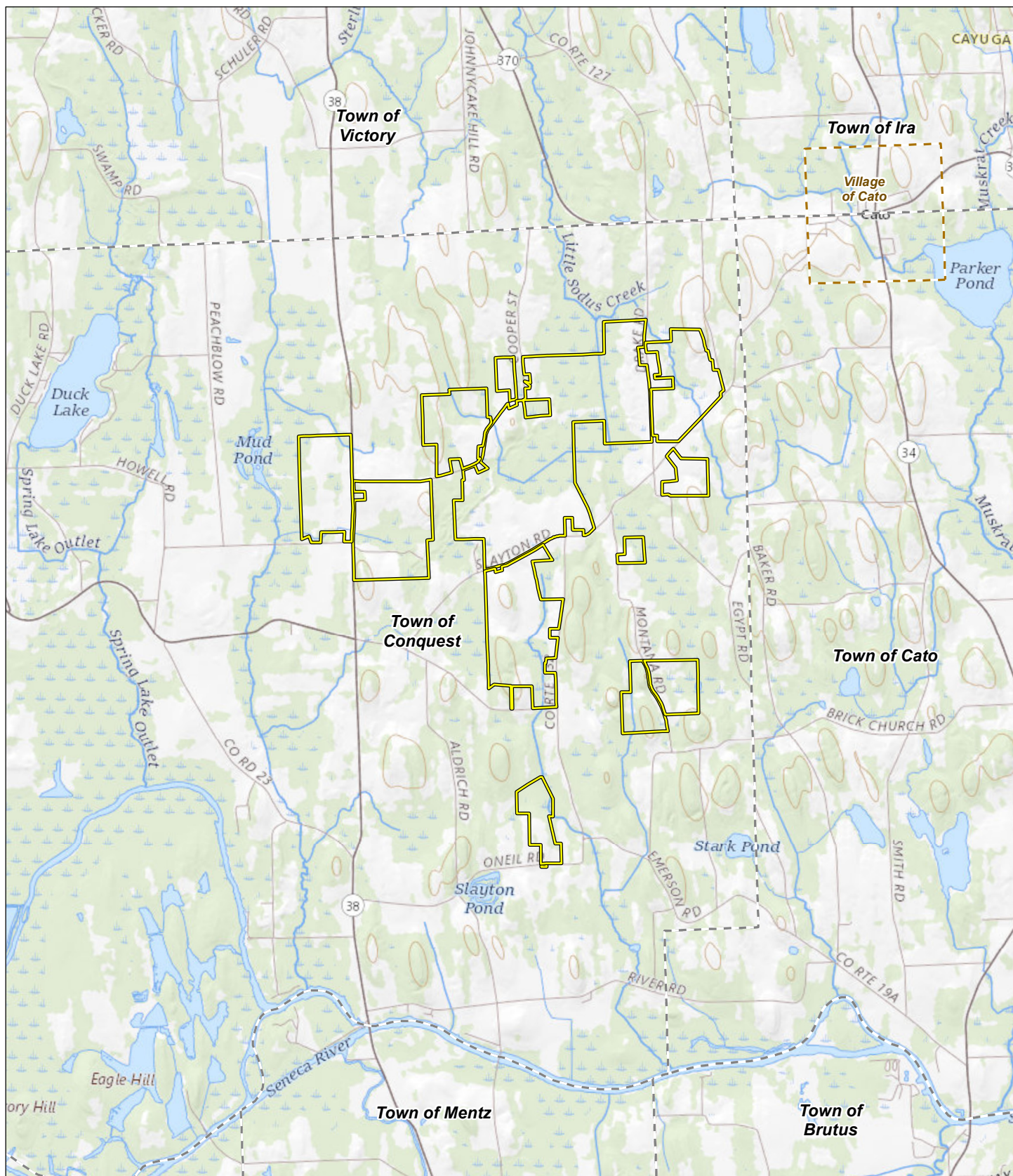
Sincerely,



Hayley Effler
Project Manager, TRC

cc: Bill Boer, NextEra Energy Resources, LLC
Kris Scornavacca, NextEra Energy Resources, LLC

Attachments: Figure 1. Project Location Map



- Area Being Evaluated for Project
- Village Boundary
- Municipal Boundary

0 1
Mile

MAP LOCATION



PROJECT LOCATION MAP GARNET ENERGY CENTER, LLC TOWN OF CONQUEST, NY

FIGURE 1

DECEMBER 2020

Map Produced by TRC

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

January 28, 2021

Valerie Mitchell
TRC
10 Maxwell Drive, Suite 200
Clifton Park, NY 12065

Re: Garnet Energy Center Project
County: Cayuga Town/City: Conquest

Dear Valerie Mitchell:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity. I have enclosed a report of a historical plant record in the vicinity of the project site.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 7 Office, Division of Environmental Permits, at dep.r7@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program

**The following rare plant has a historical record in the vicinity of the project site.**

The following rare plant was documented in the vicinity of the project site at one time, but has not been documented there since 1979 or earlier, and/or there is uncertainty regarding its continued presence. There is no recent information on this plant in the vicinity of the project site and its current status there is unknown. In most cases the precise location of the plant in this vicinity at the time it was last documented is also unknown.

If suitable habitat for this plant is present in the vicinity of the project site, it is possible that it may still occur there. We recommend that any field surveys to the site include a search for this species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NYS LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Vascular Plants			
Northern Adder's Tongue	<i>Ophioglossum pusillum</i>	Endangered	Critically Imperiled in NYS

16400

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



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T 315.671.1600
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April 28, 2020

New York State Department of Environmental Conservation, Division of Fish and Wildlife
Attn: Brianna Denoncour, Wildlife Biologist
625 Broadway
Albany, NY 12233-4756
518-402-8858
Sent online via brianna.denoncour@dec.ny.gov

**Subject: Garnet Energy Center, LLC
Town of Conquest, Cayuga County, New York
Grassland Breeding Bird Study**

Dear Ms. Denoncour,

TRC, Inc. (TRC) is submitting this project review request on behalf of Garnet Energy Center, LLC (Garnet Energy) for installation of a ground-mounted solar system (Garnet Energy Center Project or Project) in the Town of Conquest, Cayuga County, New York (Figure 1) (the Project Area). The Project Area currently includes approximately 2,000 acres of land, of which approximately 1,200-1,400 acres would be utilized for the proposed solar energy center. TRC has conducted a preliminary review of publicly available information¹ regarding at-risk grassland breeding birds to determine known occurrences within the Project Area. Additionally, TRC conducted an evaluation of the presence and extent of grassland habitat using aerial imagery, the United States Department of Agriculture (USDA) Cropland Data Layer² and field reconnaissance. Based on these reviews, TRC did not identify any known occurrences of state-listed grassland breeding bird species in proximity to the Project, nor was grassland habitat³ identified. Project information documented through this preliminary evaluation is presented herein.

The objectives of this letter are twofold: 1) to provide the New York State Department of Environmental Conservation (NYSDEC) with an overview of this Project, including existing conditions and a desktop summary of occurrences of state-listed and high-priority grassland breeding birds; and 2) gather input from the NYSDEC on the need for further studies. Specifically, Garnet Energy is requesting DEC to review any records of state-listed grassland breeding birds which are not available through publicly-accessible

¹ Sources reviewed: NYNHP <http://www.dec.ny.gov/natureexplorer/app/>; NYSDEC ERM <https://giservices.dec.ny.gov/gis/erm/>; eBird.org

² https://www.nass.usda.gov/Research_and_Science/Cropland/Release/index.php

³ From NYSDEC Survey Protocol for State-listed Breeding Grassland Bird Species: "patches greater than 12 acres dominated by grasses and forbs"



databases and a confirmation, should such review support our conclusion, that further studies are not required given the lack of potential habitat and recent occurrences.

Habitat Conditions

Current land use within the Project Area predominantly consists of cropland (row crops, field crops, fruit orchards) and forested areas (woody wetlands, deciduous forest) (Figure 2). The Project Area consists of rolling topography with steeper slopes in the western and northern portions. A power line right-of-way (ROW) traverses the northern portion of the Project Area in a northwest to southeast fashion. There are no protected areas located within the Project Area.

Agriculture

Over half of the Project Area is cropland (58.1 percent; Table 1), consisting almost entirely of row crops including corn and soybeans (56.4 percent). Limited areas of field crops including alfalfa and other hay, with scattered fruit orchards (apples, grapes) comprise the remaining crop cover.

Approximately 0.4 percent of the Project Area exists as pasturelands/grasslands (6 acres), best summarized by Edinger *et al.* (2014) as “*agricultural land permanently maintained (or recently abandoned) as a pasture area for livestock.*” Evidence of grazing was not observed; however, a cattle feedlot was documented in the northwest portion of the Project Area.

Potential Habitat for Grassland Breeding Birds

Less than 5 percent of the total Project Area exists in cover that would constitute habitat for grassland breeding birds. Suitable grassland areas are defined in the 2015 draft of the NYSDEC Survey Protocol for State-listed Breeding Grassland Bird Species as “areas (“patches”) larger than 12 acres (approximately 5 hectares) that are dominated by grasses and forbs.” Habitat meeting this definition occurs on 51.6 acres within the Project Area, primarily as field crops including alfalfa, fallow cropland, or other hay (Table 1). Grassland habitat exists in isolated patches distributed throughout the Project Area, with the largest contiguous patch covering less than 10 total acres located in the north-central portion of the Project (Figure 2).

The availability of potential habitat for high-priority grassland species in New York Northern Harrier (T), Upland Sandpiper (T), Short-Eared Owl (E), Henslow’s Sparrow (T), Sedge Wren (T), Grasshopper Sparrow (SC), Vesper Sparrow (SC), and Horned Lark (SC) is further limited by a long history of row crop throughout the Project Area. Cropland data from 2008-2019 indicated that fields currently planted to corn, or soy have been consistently planted for between 4 and 8 years (Figures 3, 4).

Based on this evaluation, there is no potential habitat for grassland birds which meets the NYSDEC definition within the Project Area; therefore, occurrence of grassland nesting birds is highly unlikely.

Species Information

TRC consulted the NYSDEC's Environmental Resource Mapper (ERM) as a first step in determining the presence of grassland nesting birds in the immediate vicinity of the Project. The results revealed the potential presence of "Rare Plants and Rare Animals" in the vicinity (Attachment A). No significant natural communities were identified.

NYNHP

On behalf of Garnet Energy Center, TRC submitted to the New York Natural Heritage Program (NYNHP) on February 20, 2020 requesting a review and confirmation of the latest NYNHP-Information Service records for the presence of rare or state-listed plants, animals, significant natural communities, or other significant habitats in the vicinity of the Project. A response was received on March 16, 2020, indicating that the following listed species had been documented at locations in the vicinity of the Project (see Attachment B):

- Pied-billed Grebe (*Podilymbus podiceps*) – New York State Threatened Species. This species has been documented breeding within one mile of the Project Area.

No grassland breeding birds were identified by the NYNHP within the immediate vicinity of the Project.

USGS Breeding Bird Survey

The Cayuga route, which extends 20 miles east from the Montezuma National Wildlife Refuge to Marcellus, NY is located 11 miles south of the Project Area. Given that the survey route is more than 10 miles from the Project Area, observations recorded through the survey have little relevancy to the Project.

NY Breeding Bird Atlas

The Project is located within two Breeding Bird Atlas (BBA) survey blocks, blocks 3677A and 3677C. During the last atlas period from 2000-2005, one grassland nesting species was identified in both blocks, horned lark. Horned larks were observed exhibiting possible breeding behavior (e.g. male in suitable habitat) on June 7, 2003 in block 3677A and probable breeding (e.g. courtship displays) on June 2, 2004 in block 3677C.

TRC requested additional data on observations within the Project Area from the NYNHP, which queries the NY Breeding Bird Atlas Database for specific locations of listed species. The NYNHP responded on March 16, 2020, indicating no records of state-listed grassland nesting birds are known within the Project Area.

eBird.org

There were no hotspots identified within 2 miles of the Project Area, therefore species occurrences were not evaluated. Hotspots located within 2-5 miles occur primarily within the boundaries of the Montezuma National Wildlife Refuge. Habitat within the refuge is managed specifically to benefit migratory waterfowl and birds. The expanse of undisturbed habitat attracts a variety of bird species which would not typically occur in the heavily agricultural landscape present within the Project Area. Given the disparity of habitat conditions between the Project Area and these adjacent hotspots, it is unlikely that the species observed would represent species likely to occur within the Project Area.

Grassland Focus Area

Based on publicly available mapping, the Project Area is not located within a Grassland Focus Area defined by the NYSDEC.

Conclusion

Garnet Energy Center contains few open pastures and agricultural fields (alfalfa, hay, fallow cropland), with no fields greater than 10 acres in size. Additionally, the lack of documented occurrences of state-listed grassland nesting species indicated limited potential for these species to occur. Given the very limited amount and extent of grassland habitat per the NYSDEC definition, TRC on behalf of Garnet Energy is requesting a concurrence for the opinion that no additional studies are needed to evaluate presence and use by grassland breeding birds.

TRC welcomes the opportunity to discuss this Project. If required, TRC can provide a shapefile (SHP) of the Garnet Energy Center, LLC Site to assist in your review.

If you have any questions regarding the Project or the request, please contact me at TRC by calling 315.715.1642 or via email at heffler@trccompanies.com.

Sincerely,



Hayley Effler
TRC – Environmental Permitting Project Manager
cc: William Boer, NextEra

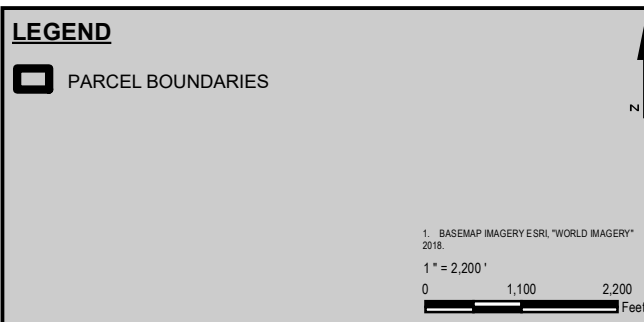
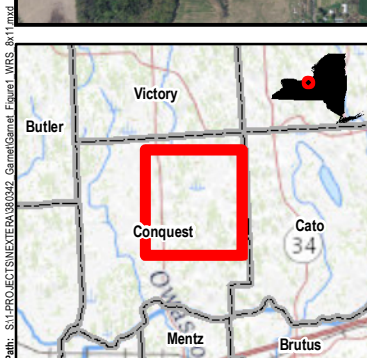
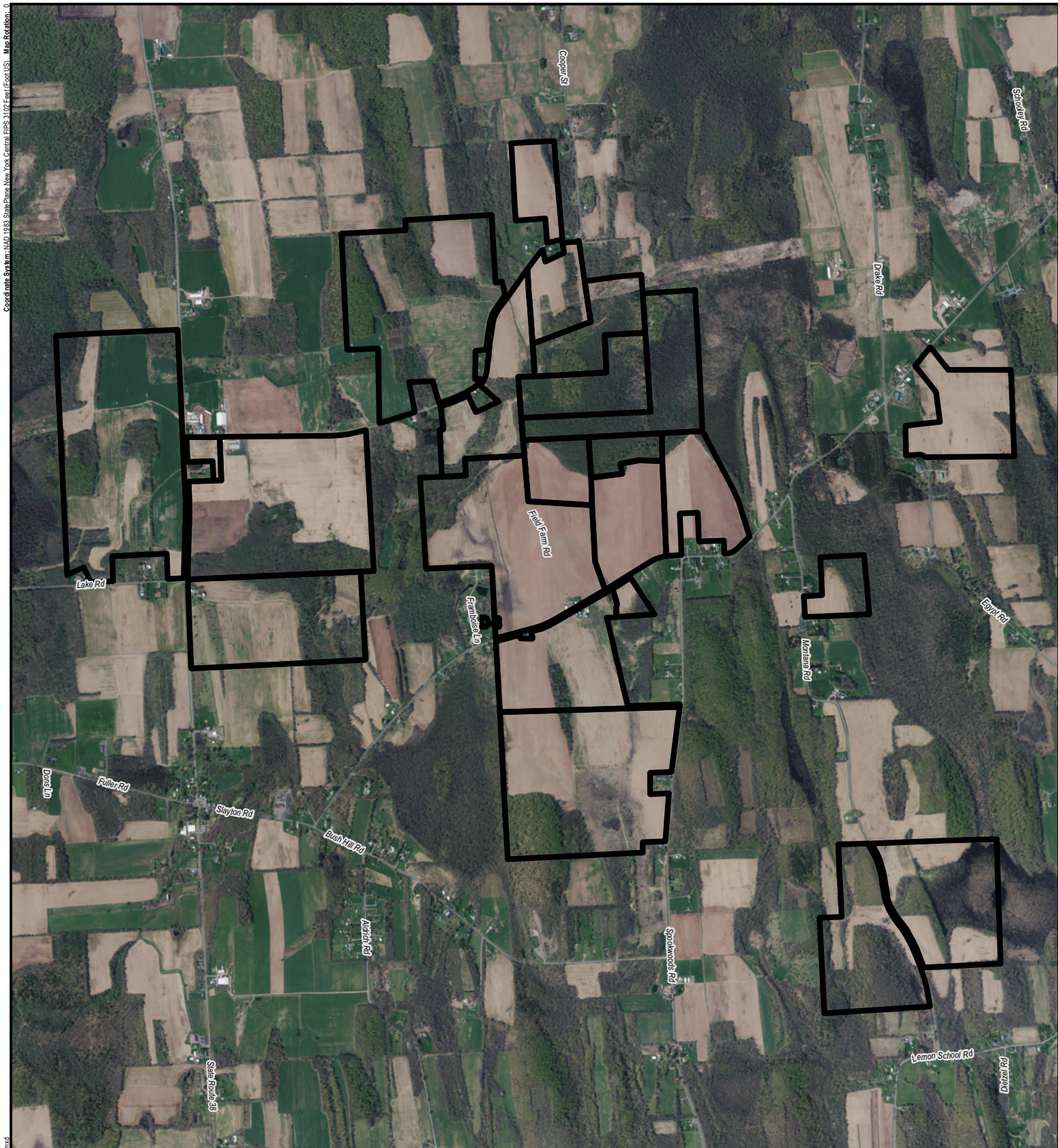
Figures: Figure 1. Project Location Map
 Figure 2. Garnet Land Cover 2019
 Figure 3. Crop Frequency 2008-2019, Corn
 Figure 4. Crop Frequency 2008-2019, Soy



Tables: Table 1. Percent Cover of Land Uses within the Project Area, 2019
from the USDA Cropland Data Layer

Attachments:
Attachment A. NYSDEC Environmental Resource Mapper Results
Attachment B. NYNHP Correspondence

FIGURES

Coordinate System: NAD 1983 StatePlane New York Central FIPS 3102 Feet (Foot US) Map Resolution: 0.3













PROJECT:		GARNET ENERGY CENTER TOWN OF CONQUEST CAYUGA COUNTY, NY	
TITLE:		PROJECT AREA	
DRAWN BY:		A. KAILAS	PROJECT NO.: 380342
CHECKED BY:		K. JOHNSON	
APPROVED BY:		S. KRANES	
DATE:		FEBRUARY 2020	
 10 MAXWELL DRIVE CLIFTON PARK, NY 12065		 RESOURCES	







Garnet Land Cover 2019

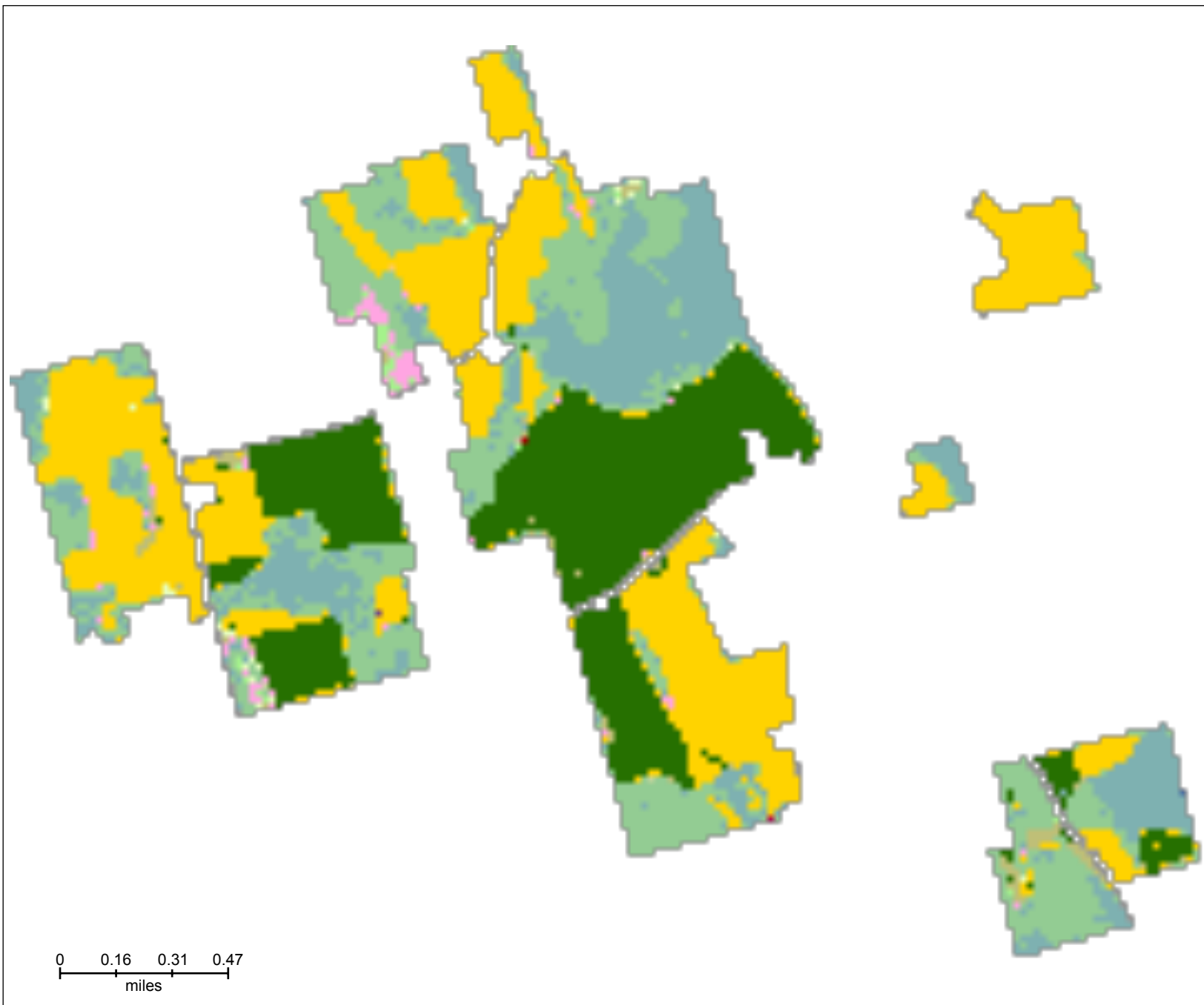
Land Cover Categories
(by decreasing acreage)

AGRICULTURE

-  Corn
-  Soybeans
-  Alfalfa
-  Fallow/Idle Cropland
-  Other Hay/Non Alfalfa
-  Grass/Pasture
-  Grapes
-  Apples
-  Onions
-  Dry Beans

NON-AGRICULTURE*

-  Deciduous Forest
-  Woody Wetlands
-  Developed/Open Space
-  Herbaceous Wetlands
-  Mixed Forest
-  Developed/Low Intensity





Crop Frequency Layer (2008-2019), Corn



Land Cover Categories

- Zero Year
- One Year
- Two Years
- Three Years
- Four Years
- Five Years
- Six Years
- Seven Years
- Eight Years
- Nine Years
- Ten Years
- Eleven Years
- Twelve Years





Crop Frequency Layer (2008-2019), Soy



Land Cover Categories

- Zero Year
- One Year
- Two Years
- Three Years
- Four Years
- Five Years
- Six Years
- Seven Years
- Eight Years
- Nine Years
- Ten Years
- Eleven Years
- Twelve Years



TABLES

Table 1. Percent Cover of Land Uses within the Project Area, 2019 from the USDA Cropland Data Layer

Land Cover	Acreage	Percent Area
Corn	513.5	32.2%
Soybeans	387.0	24.2%
Deciduous Forest	339.4	21.3%
Woody Wetlands	268.2	16.8%
Developed/Open Space	21.3	1.3%
Alfalfa	19.6	1.2%
Fallow/Idle Cropland	19.1	1.2%
Other Hay/Non Alfalfa	6.9	0.4%
Grass/Pasture	6.0	0.4%
Herbaceous Wetlands	5.8	0.4%
Mixed Forest	5.3	0.3%
Developed/Low Intensity	1.1	0.1%
Evergreen Forest	0.9	0.1%
Shrubland	0.9	0.1%
Dry Beans	0.2	0.0%
Onions	0.2	0.0%
Apples	0.2	0.0%
Grapes	0.2	0.0%
Open Water	0.2	0.0%
Barren	0.2	0.0%
	1596.2	100.0%

Land Cover categories in bold represent potential habitat for grassland breeding birds



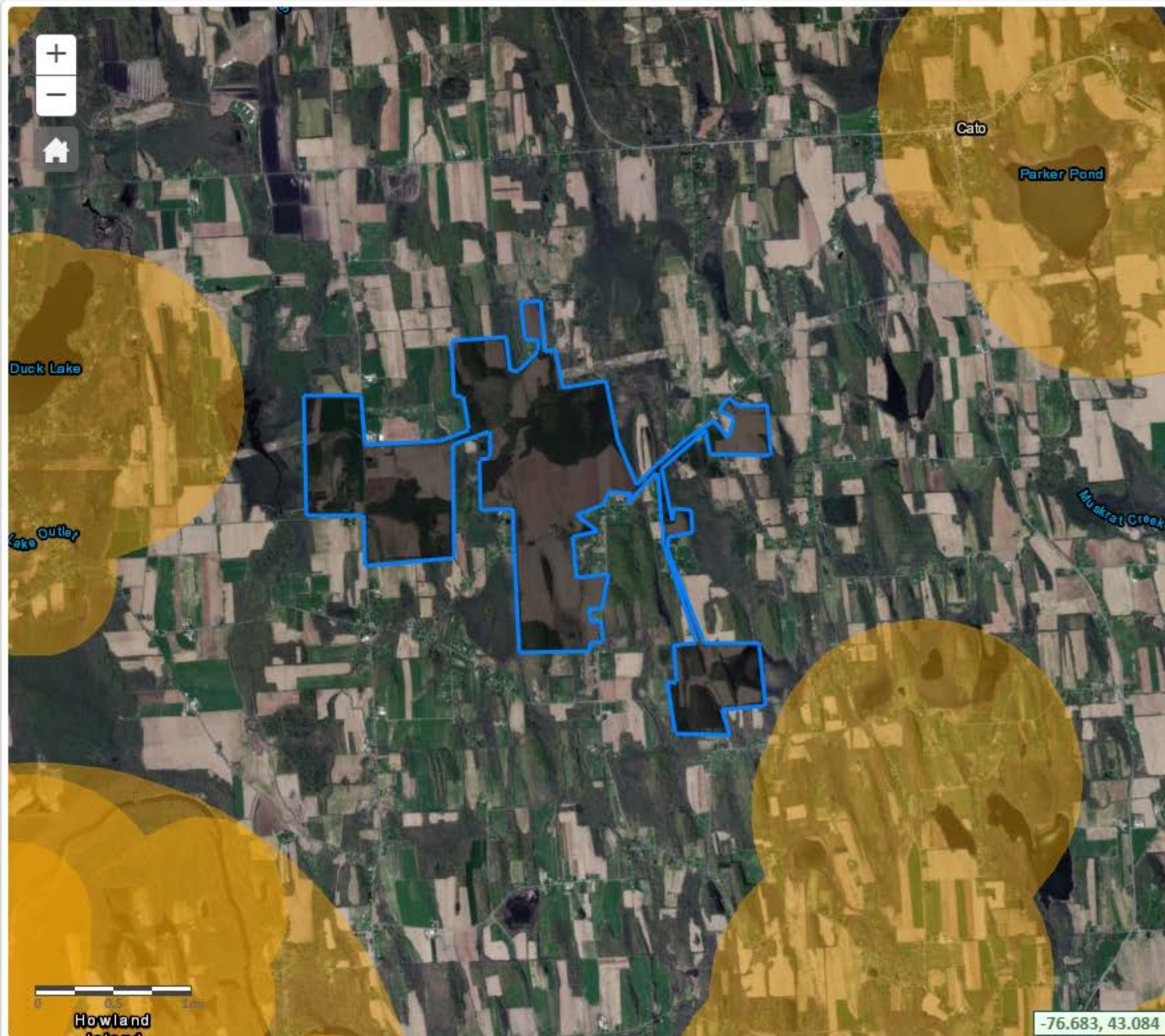
ATTACHMENT A
NYSDEC ENVIRONMENTAL RESOURCE MAPPER RESULTS



Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ — Waterbody Classifications for Rivers/Streams ☐ — Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)






Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

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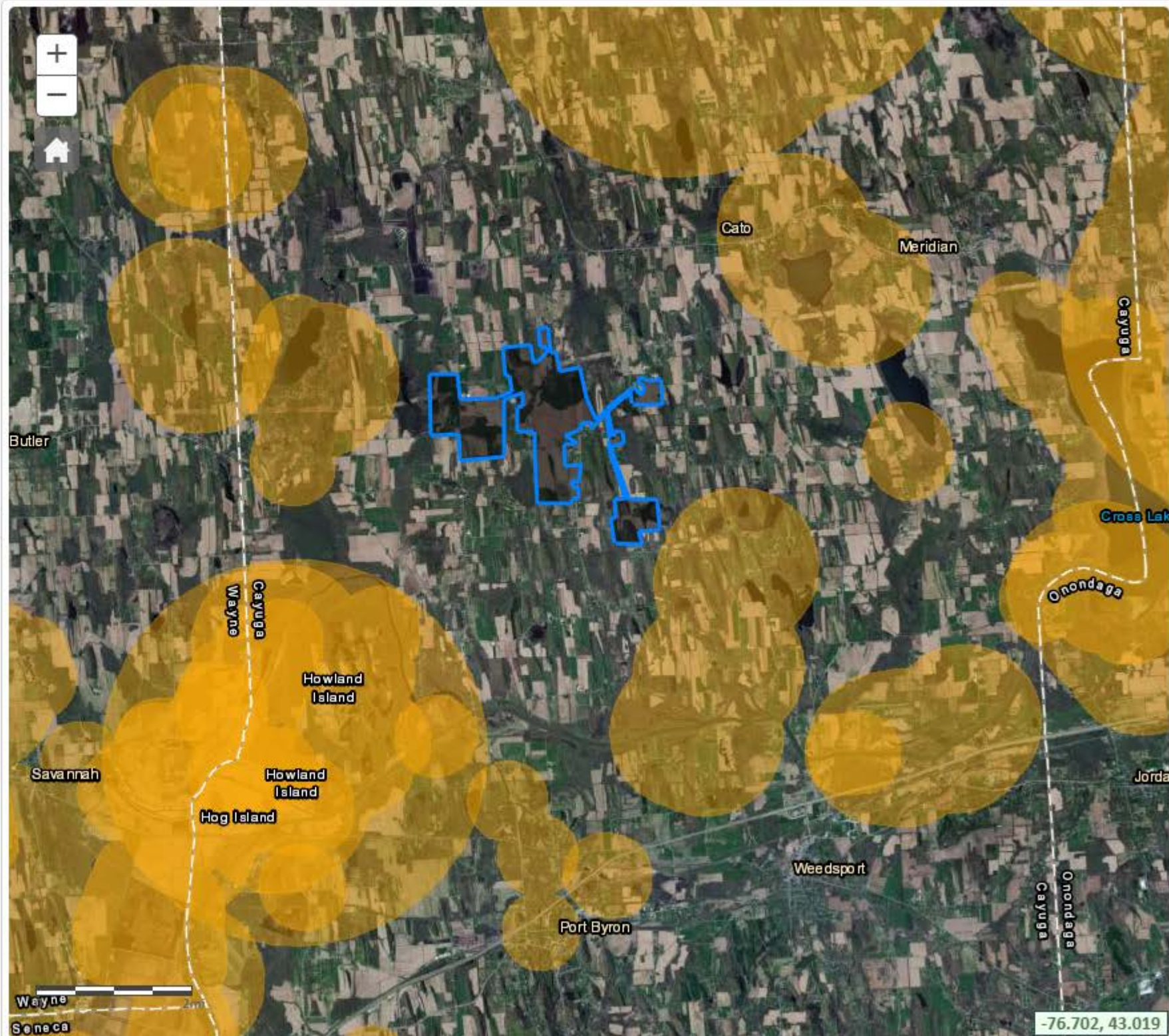
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts


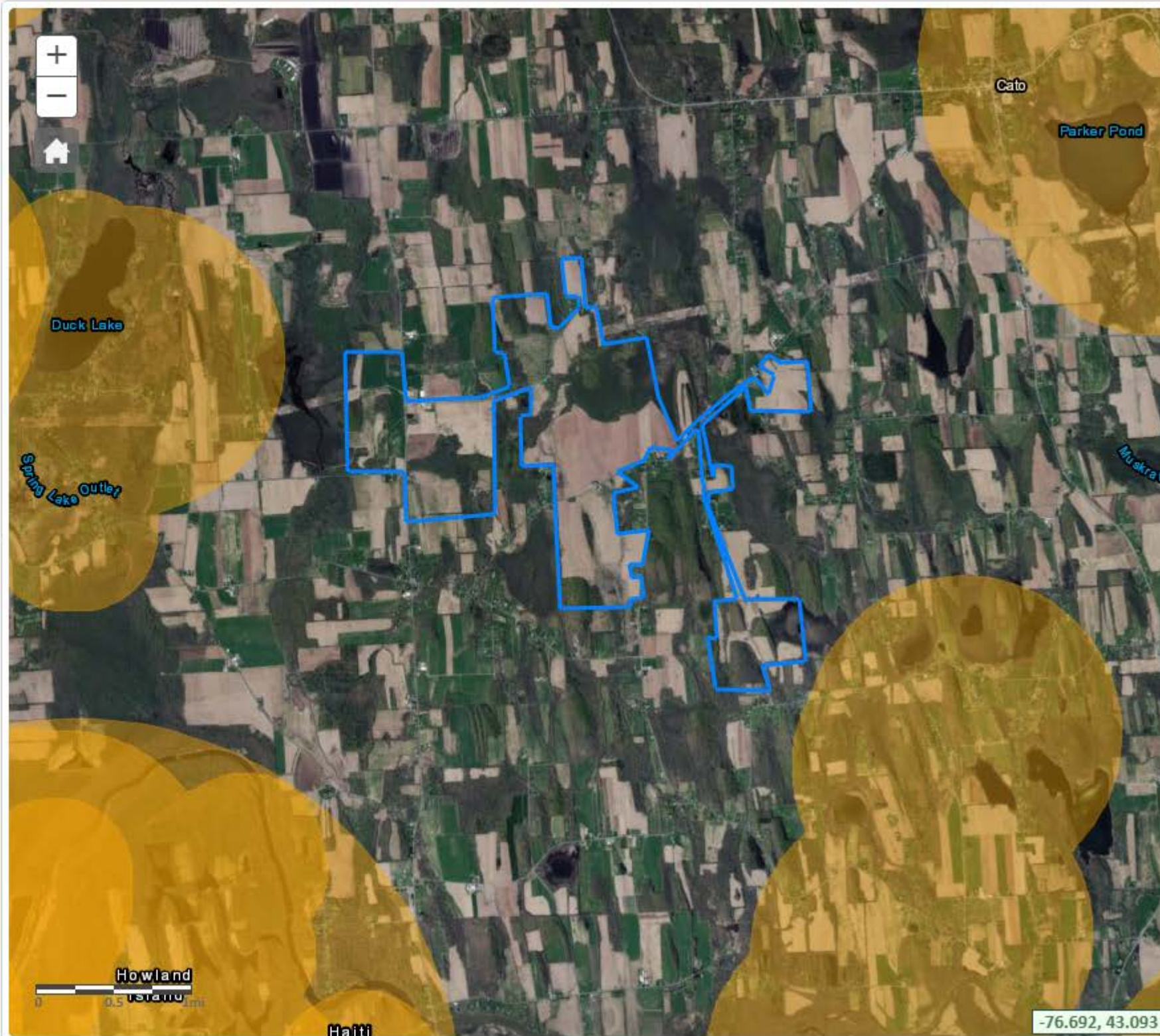




Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

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Environmental Resource Mapper

Base Map: Topographical Using this map

Search

Tools

Layers and Legend

☐ All Layers

☐ ★ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams i

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands (Outside of the Adirondack Park)

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☐ Significant Natural Communities

☐ Natural Communities Near This Location i

☒ Rare Plants or Animals

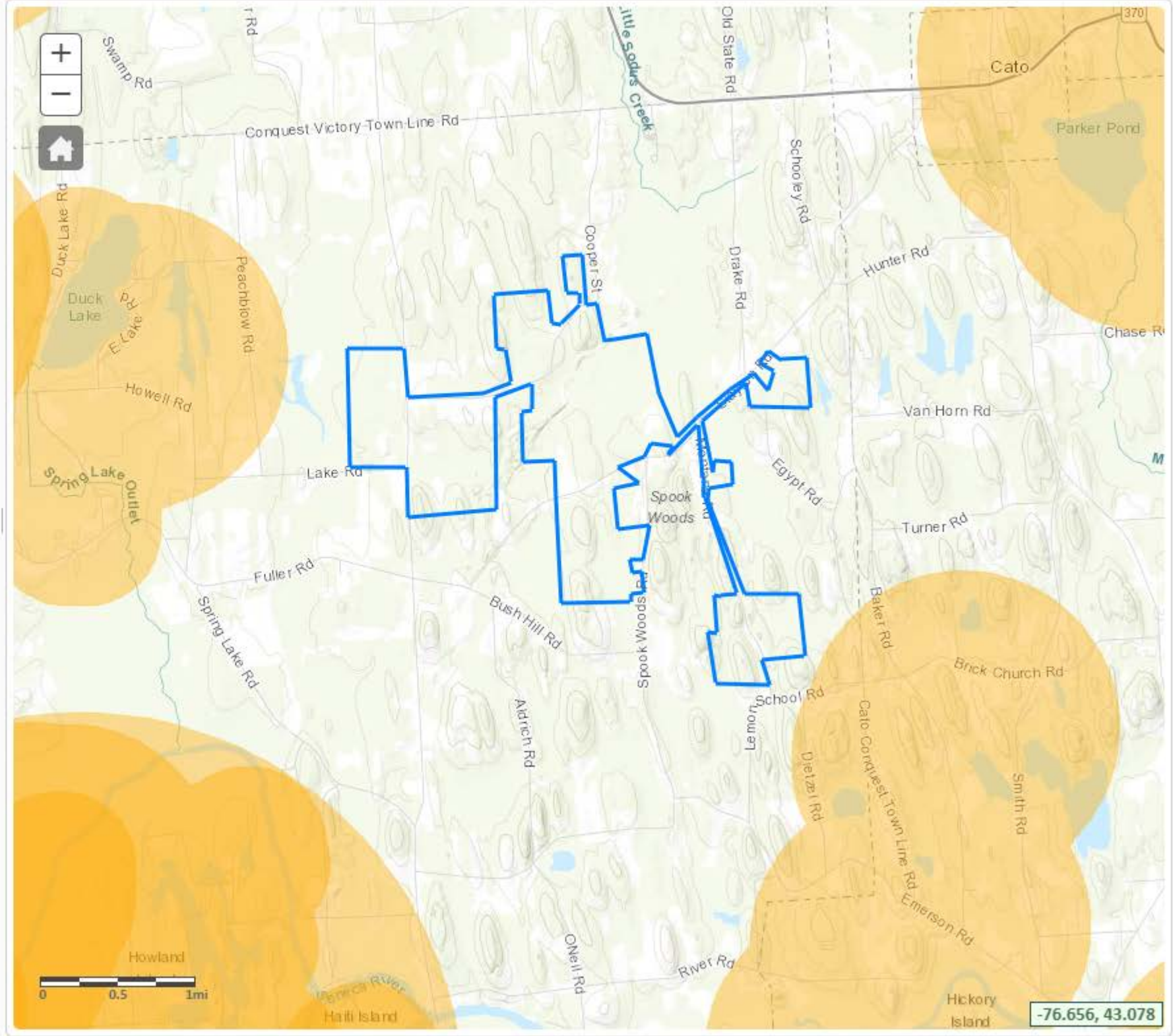
Other Wetland Layers

Reference Layers

Tell Me More...

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Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
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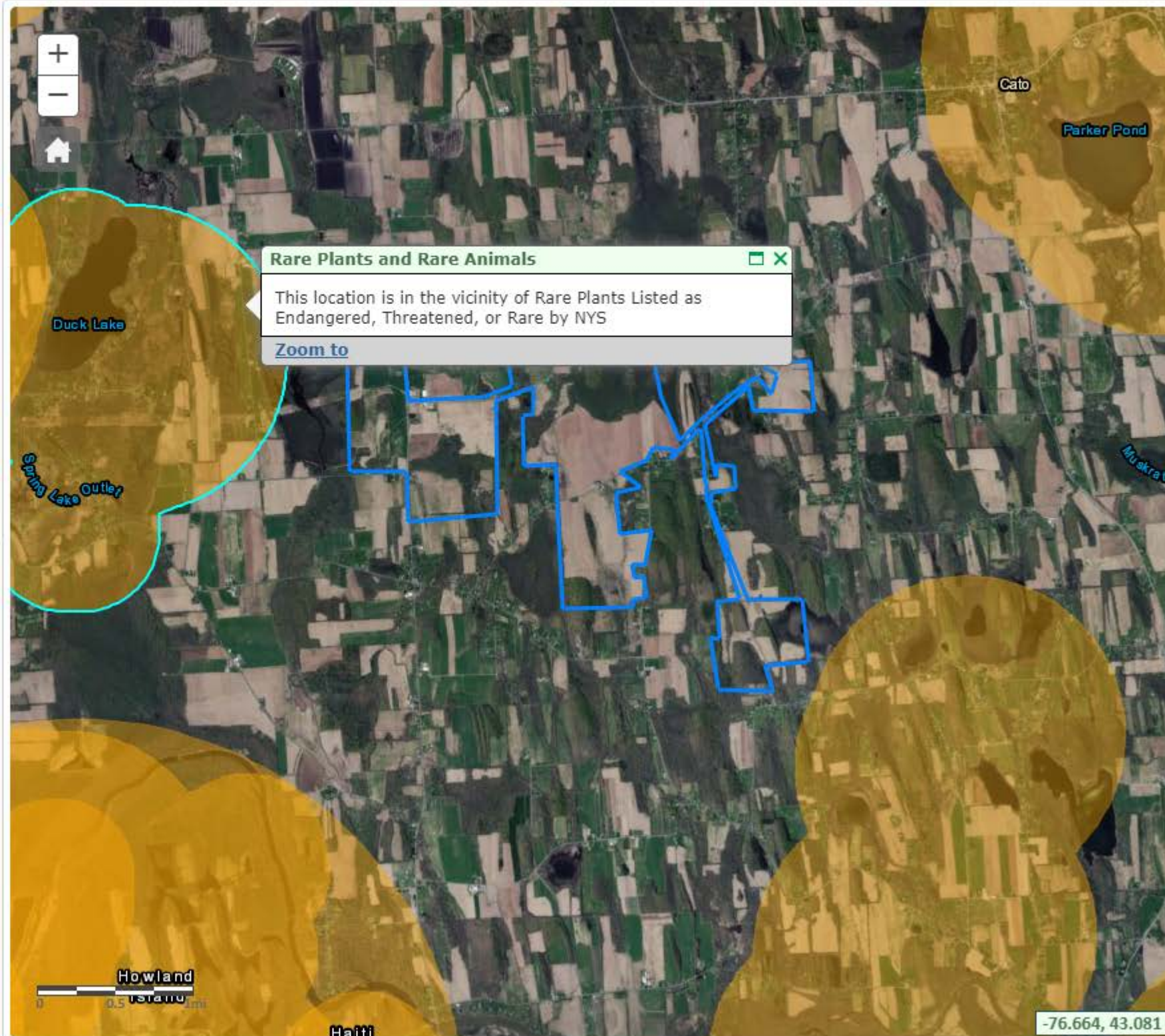
Other Wetland Layers

Reference Layers

Tell Me More...

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Contacts








Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

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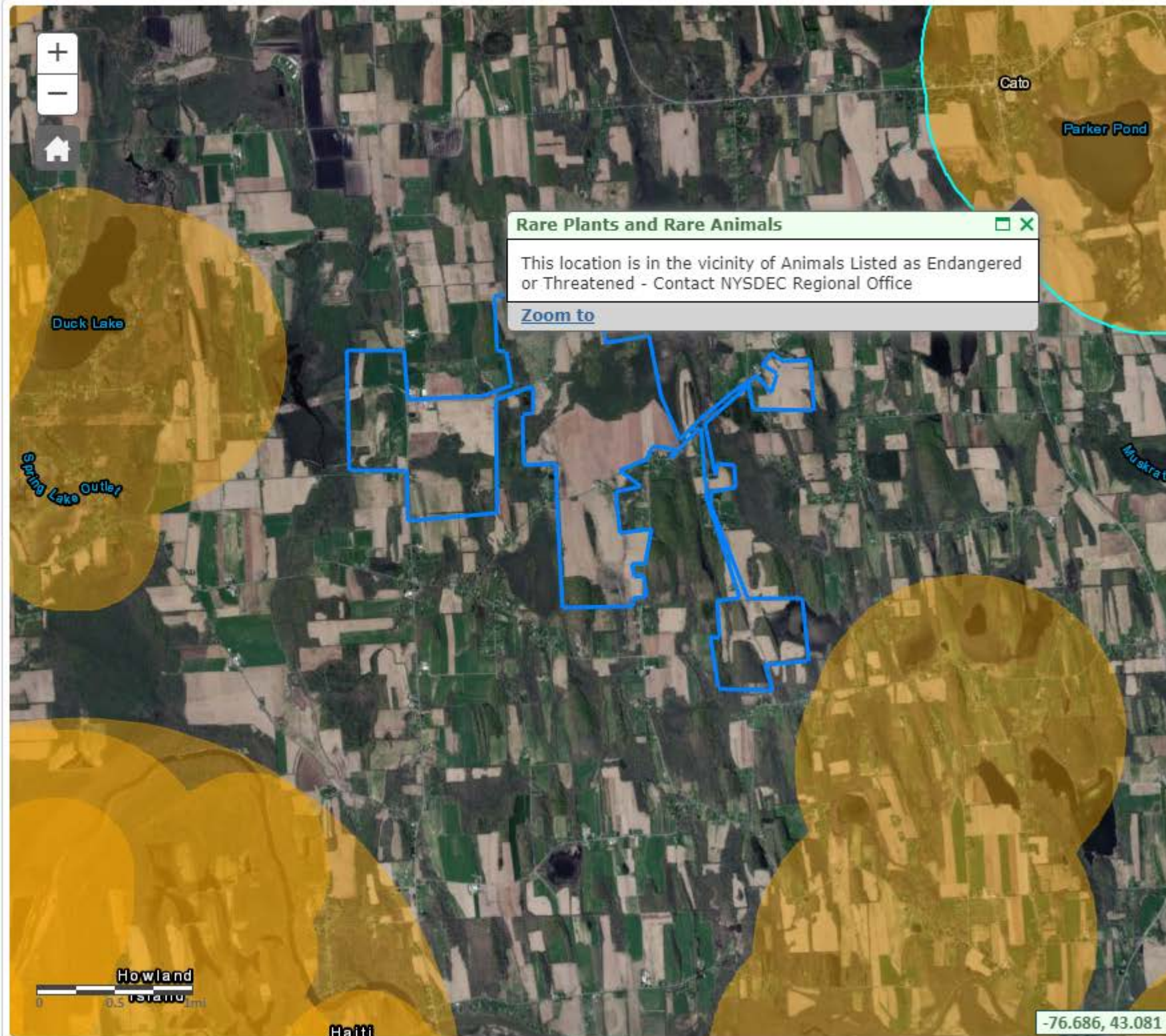
Other Wetland Layers

Reference Layers

Tell Me More...

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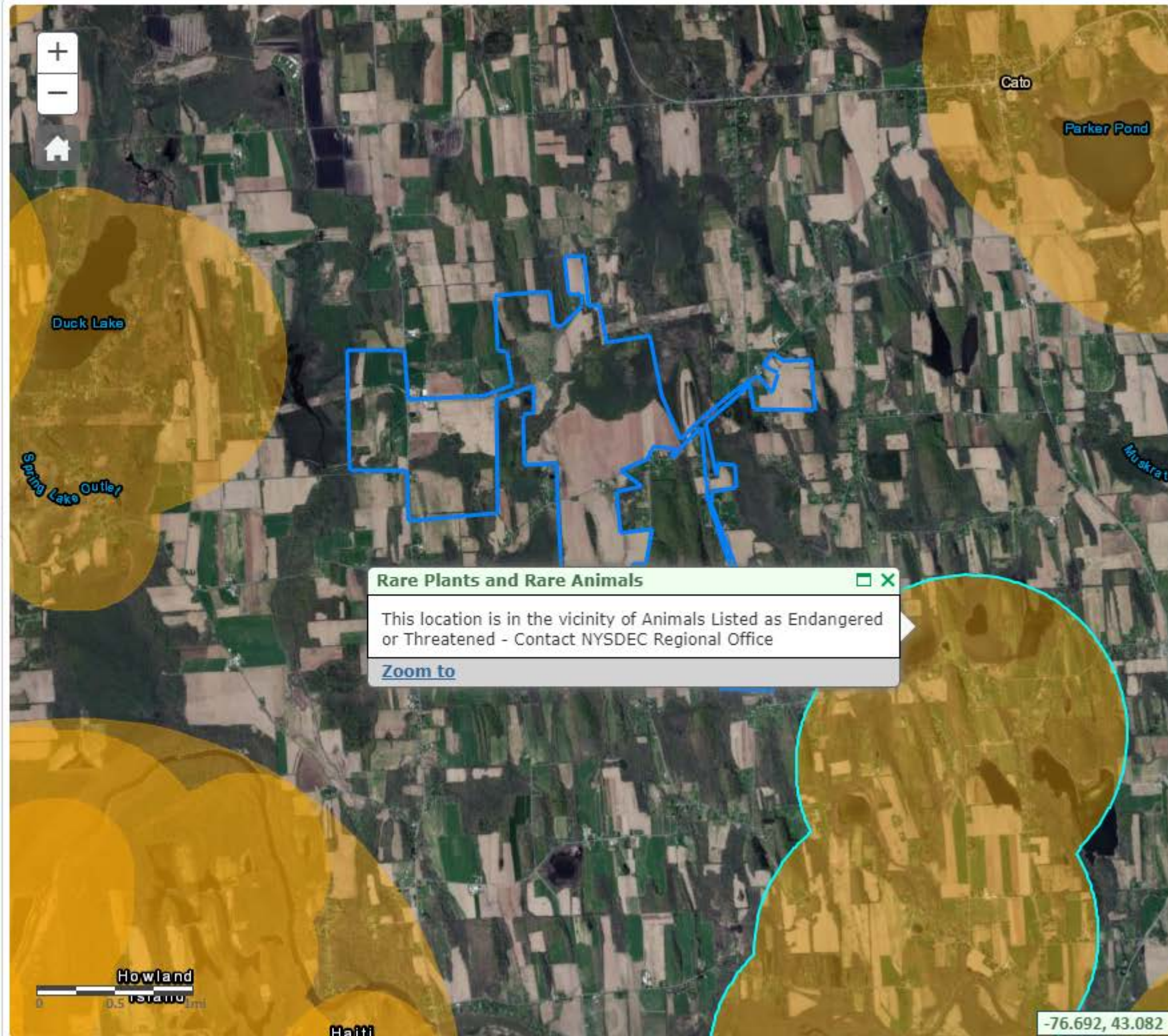




Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)









Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ — Waterbody Classifications for Rivers/Streams ☐  Waterbody Classifications for Lakes☐  State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐  State Regulated Wetland Checkzone ☐  Significant Natural Communities☐  Natural Communities Near This Location ☒  Rare Plants or Animals

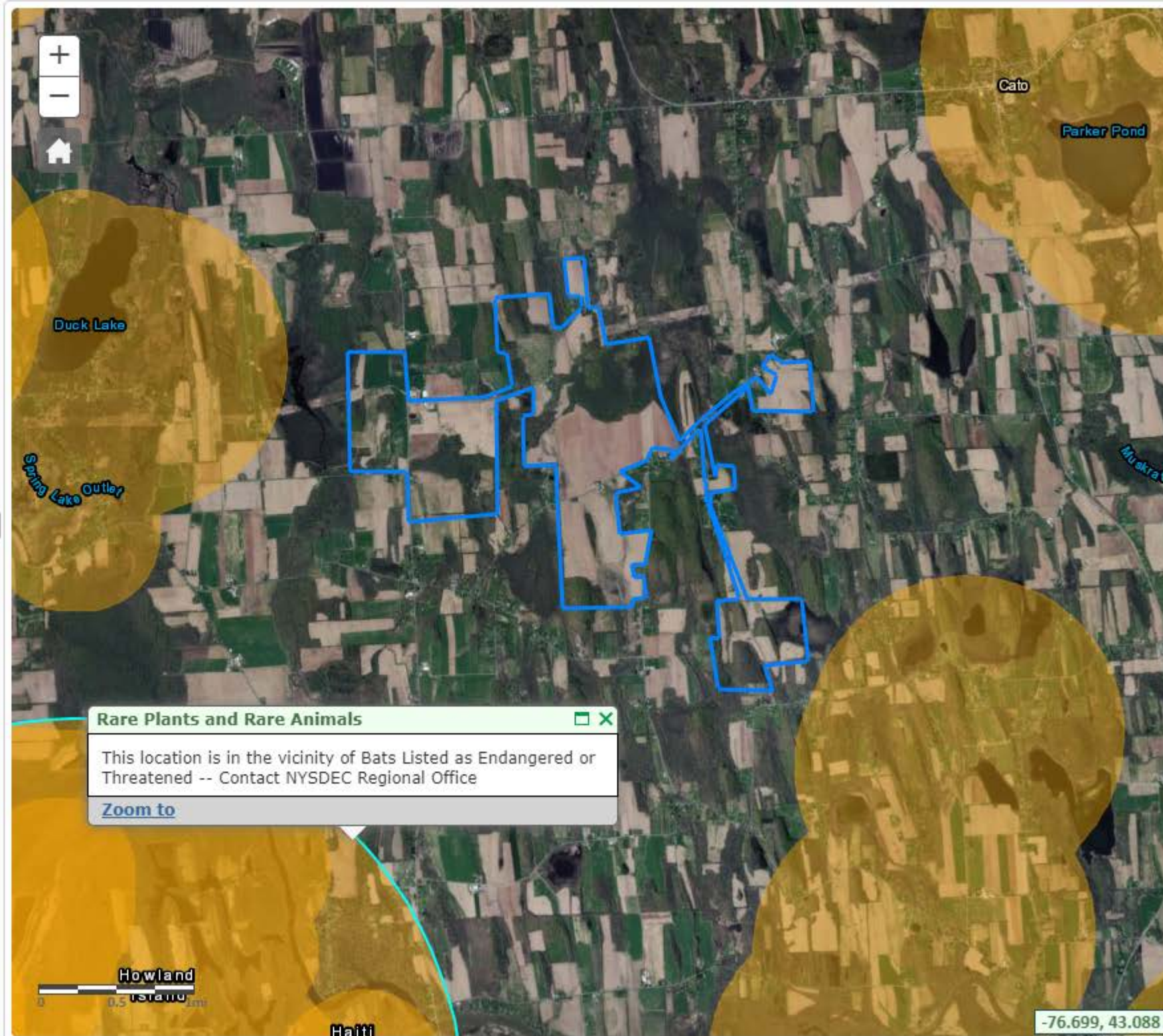
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts


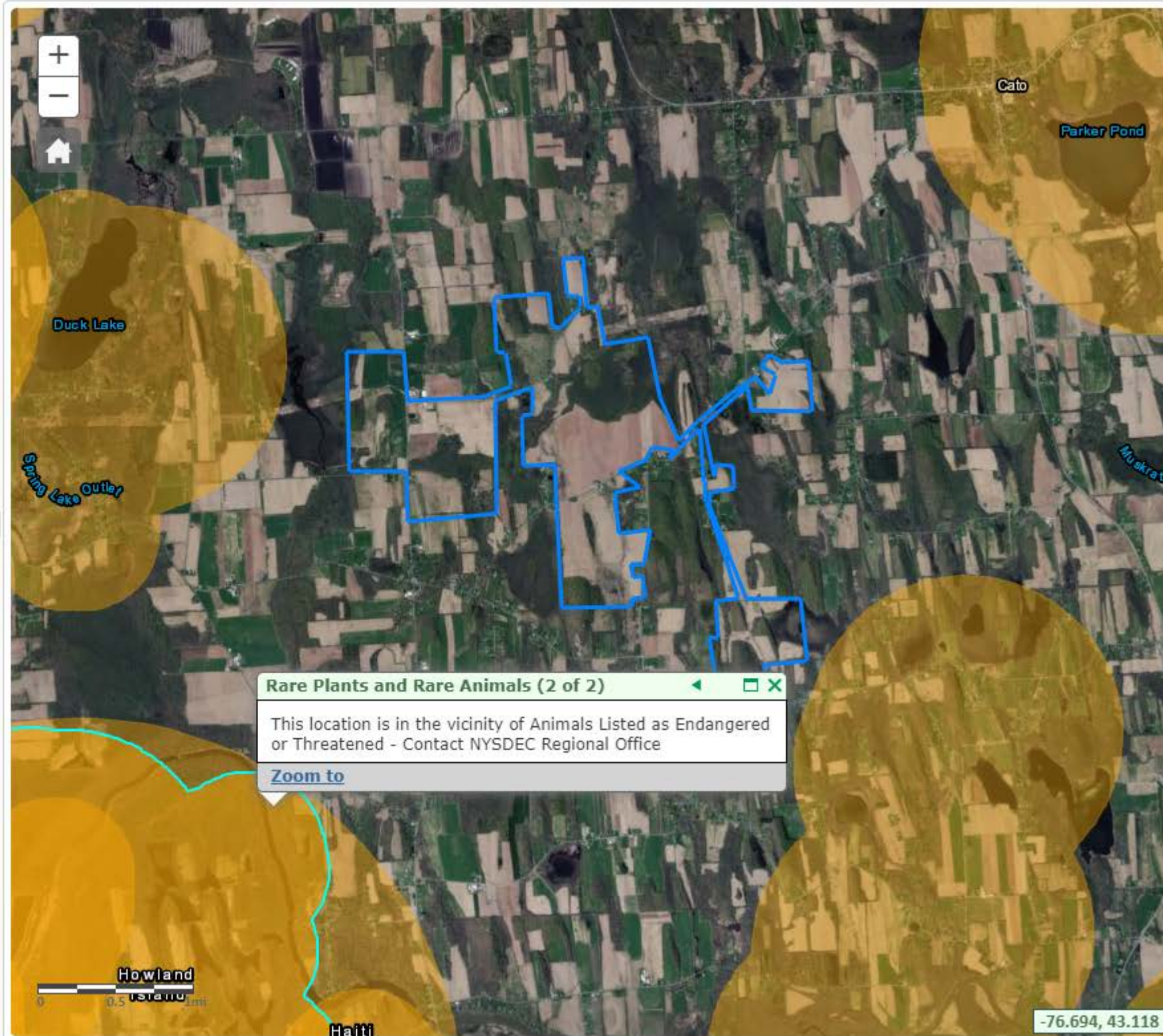




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Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ — Waterbody Classifications for Rivers/Streams ☐ — Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)



Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

Layers and Legend

☐ All Layers

☐ ★ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

☐ State Regulated Wetland Checkzone

☐ Significant Natural Communities

☐ Natural Communities Near This Location

☒ Rare Plants or Animals

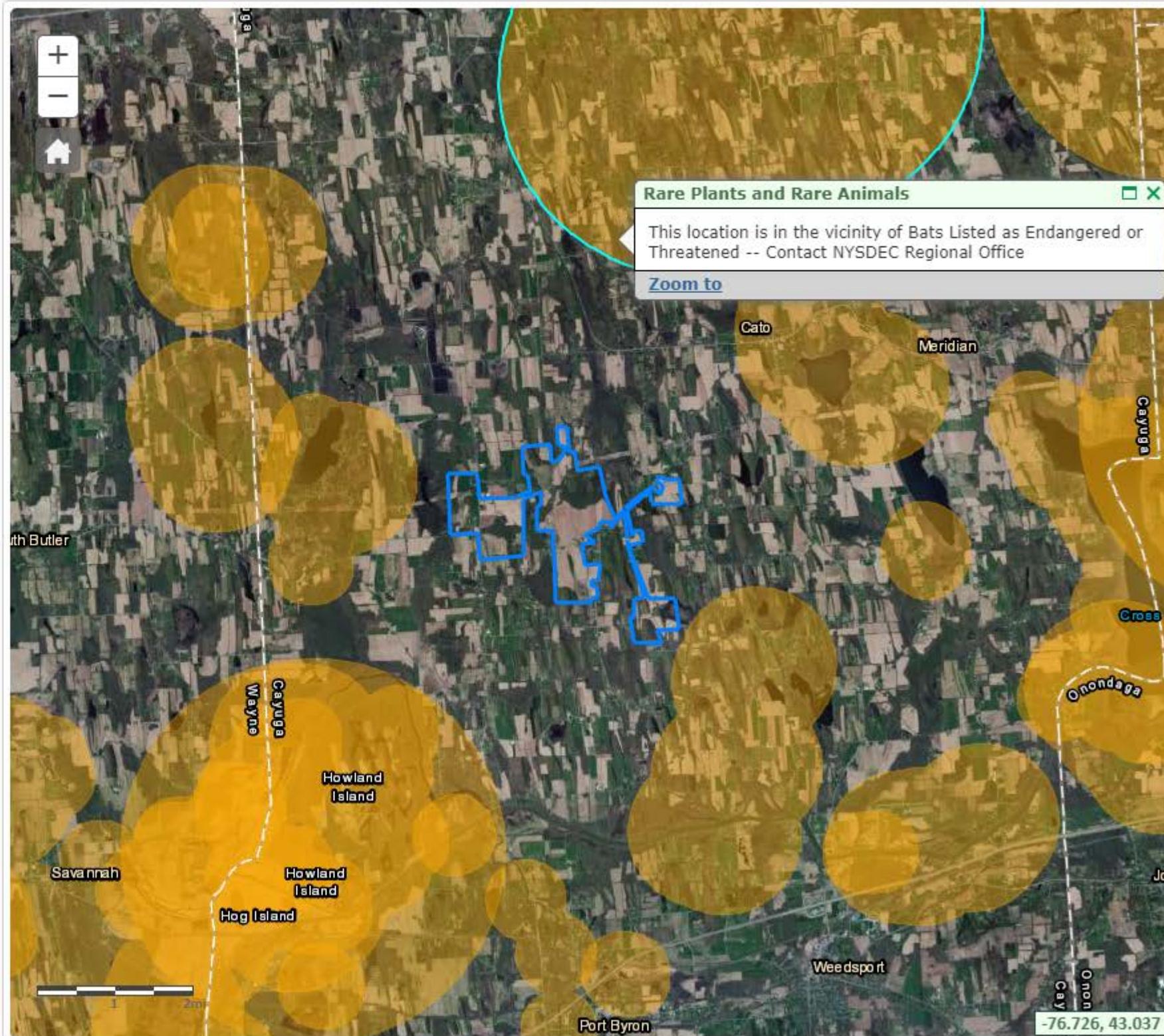
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals

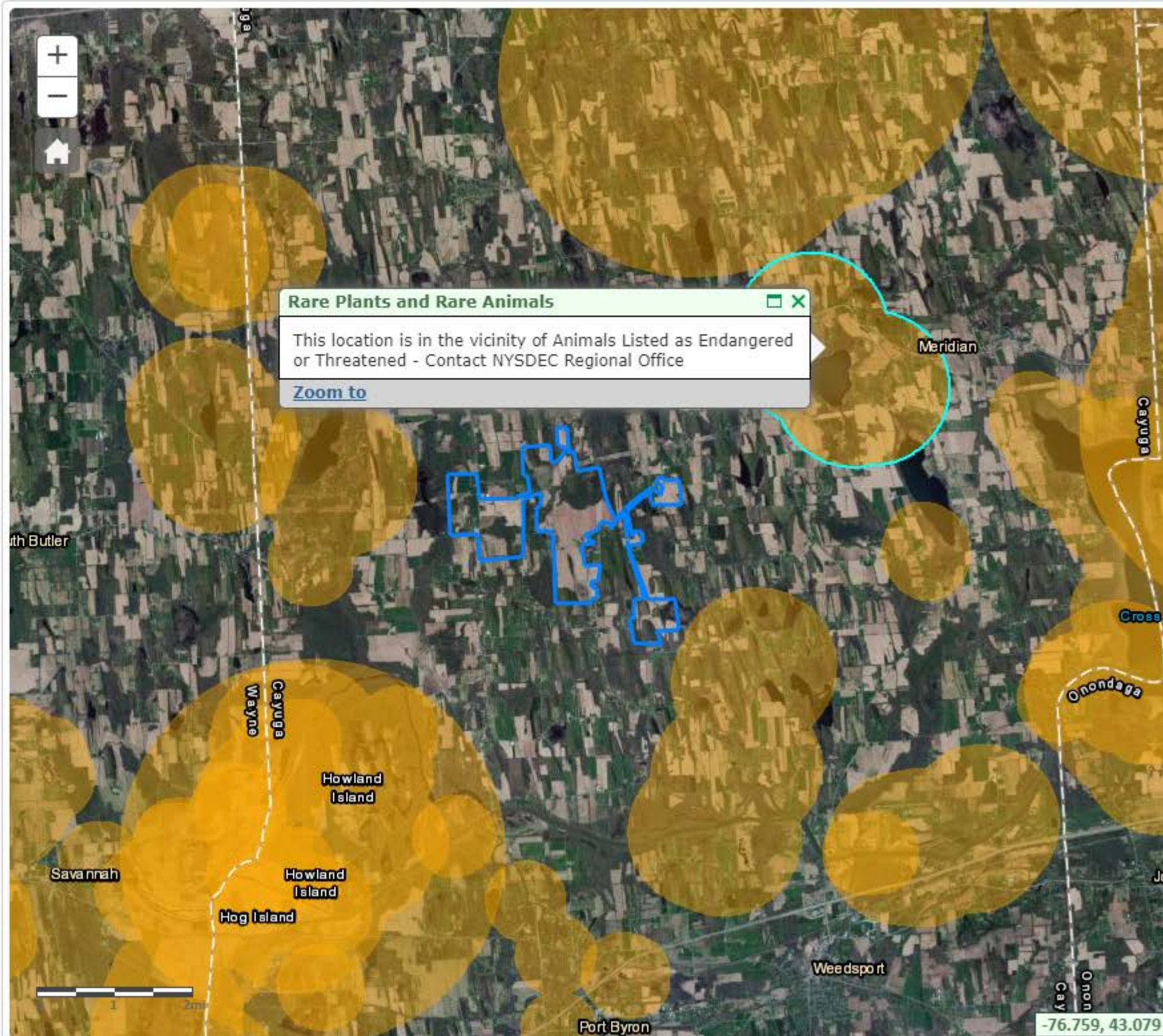
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts







Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals

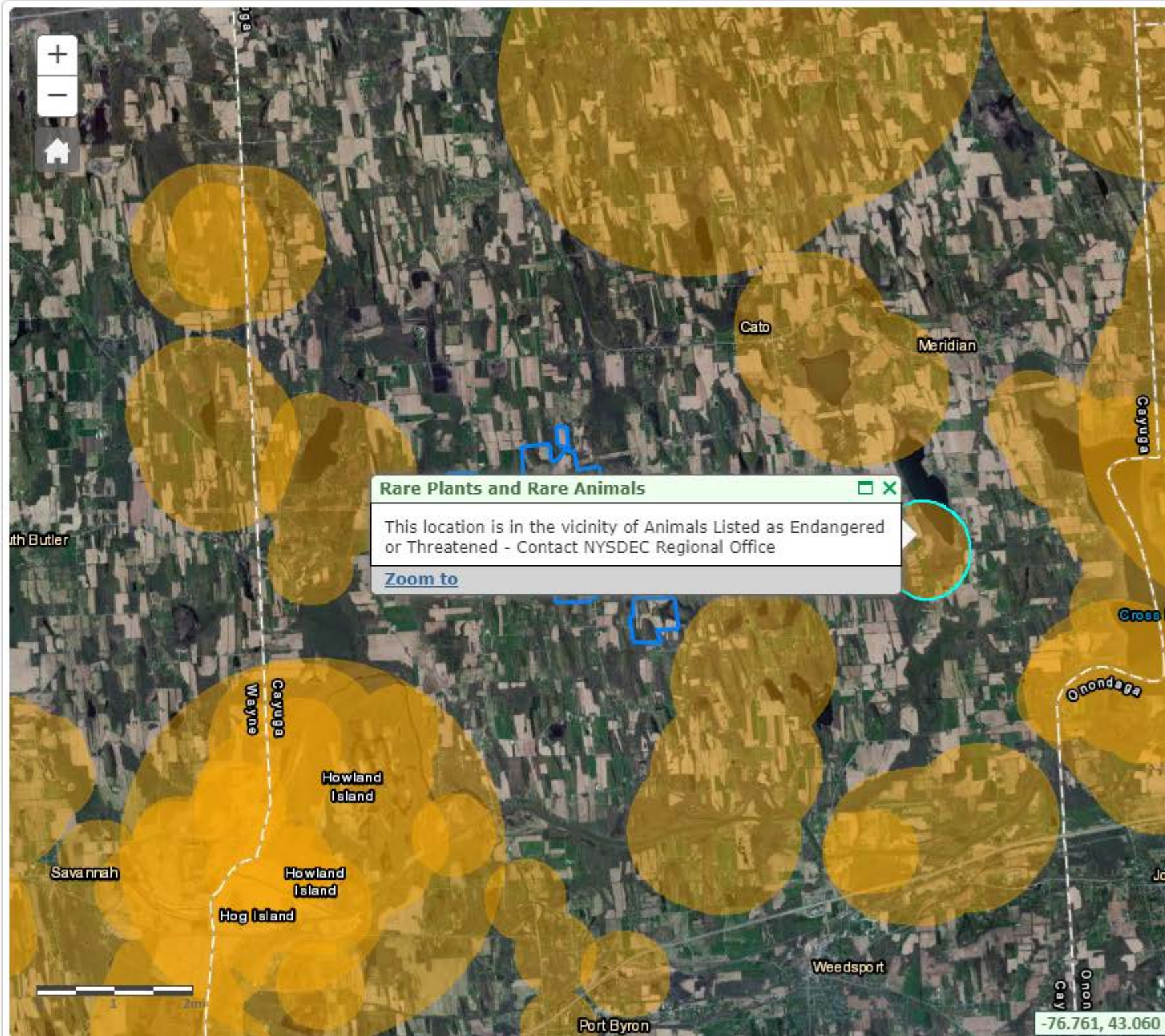
Other Wetland Layers

Reference Layers

Tell Me More...

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Contacts

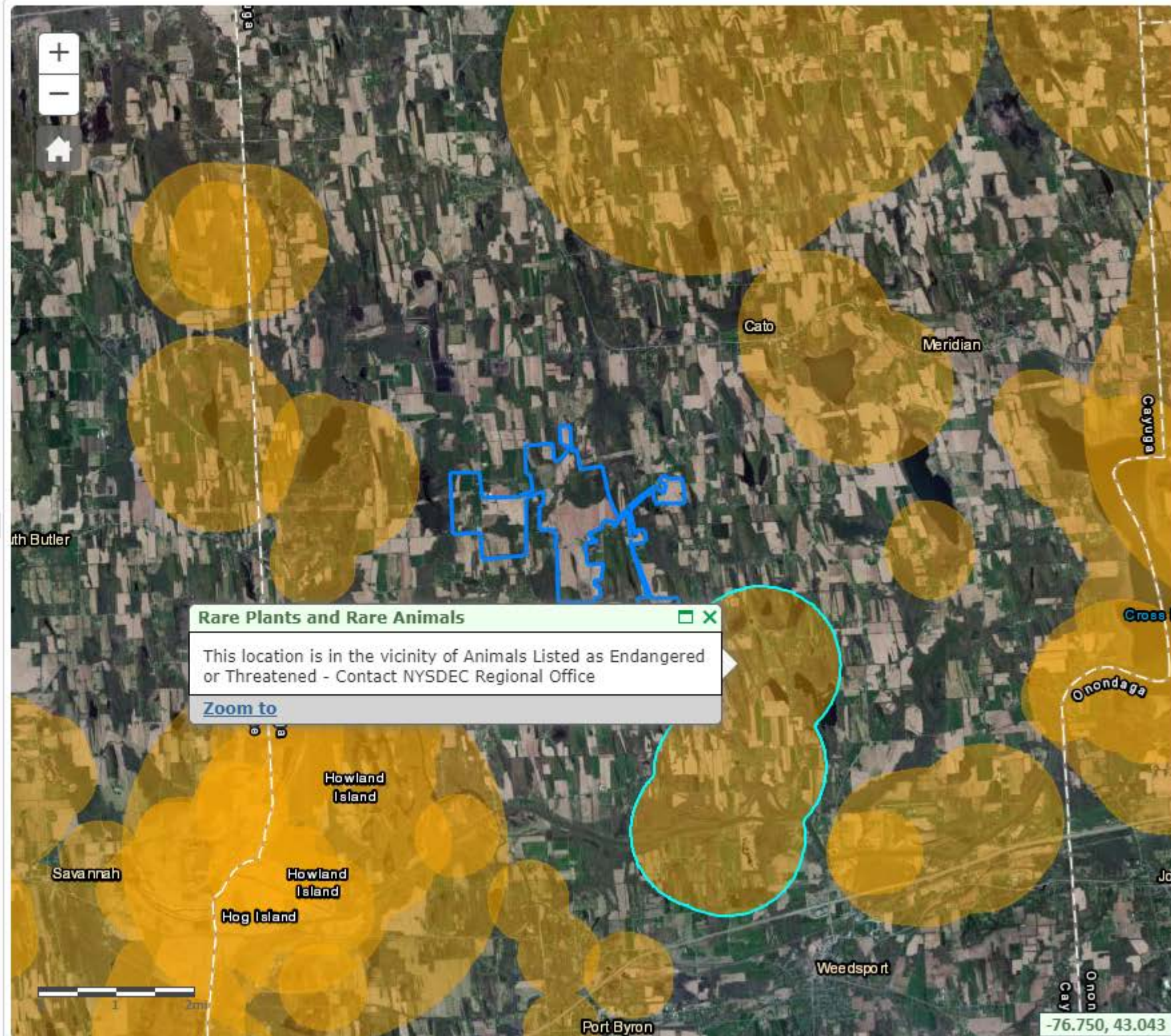




Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

Layers and Legend

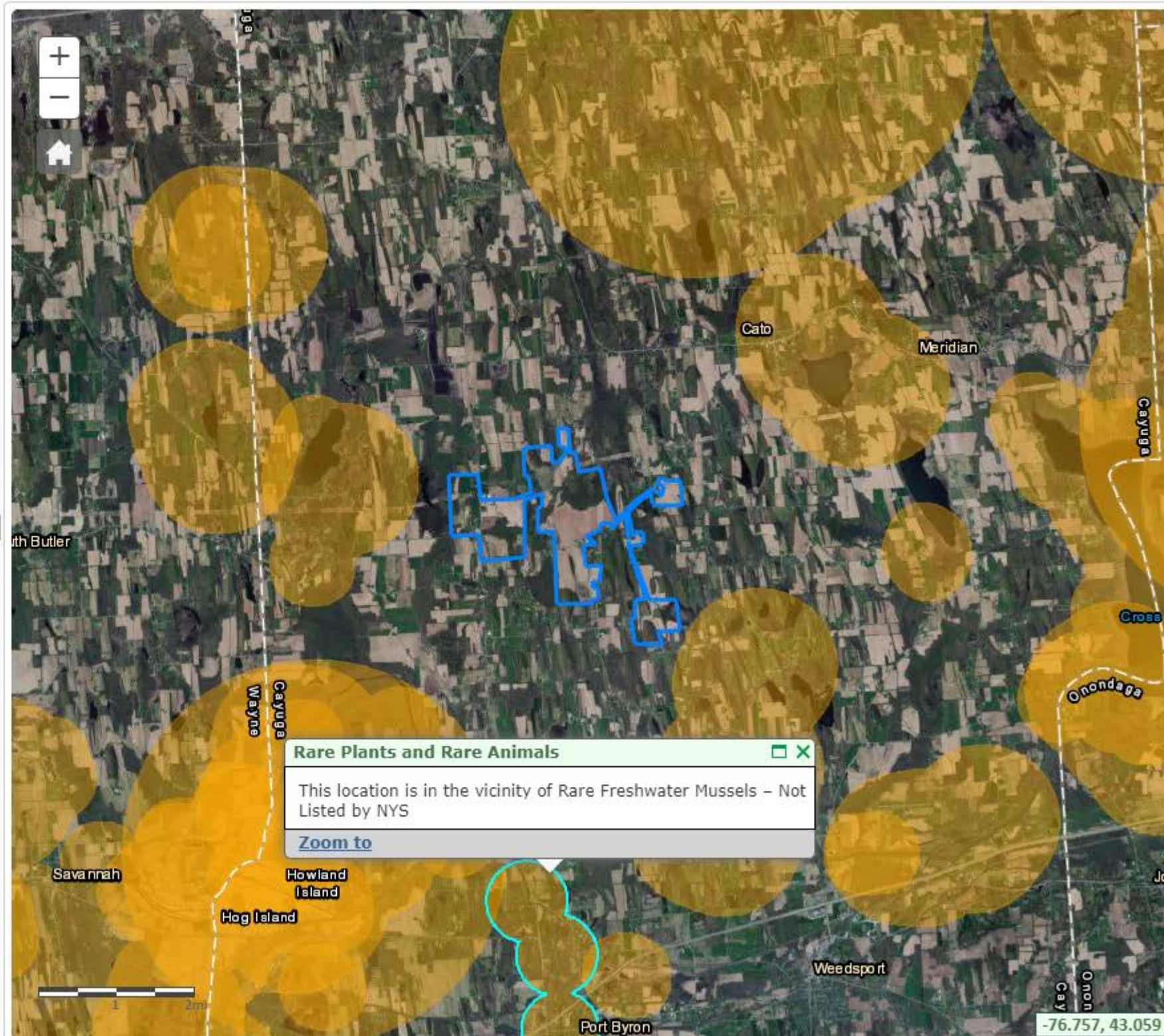
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(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)



Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

Layers and Legend

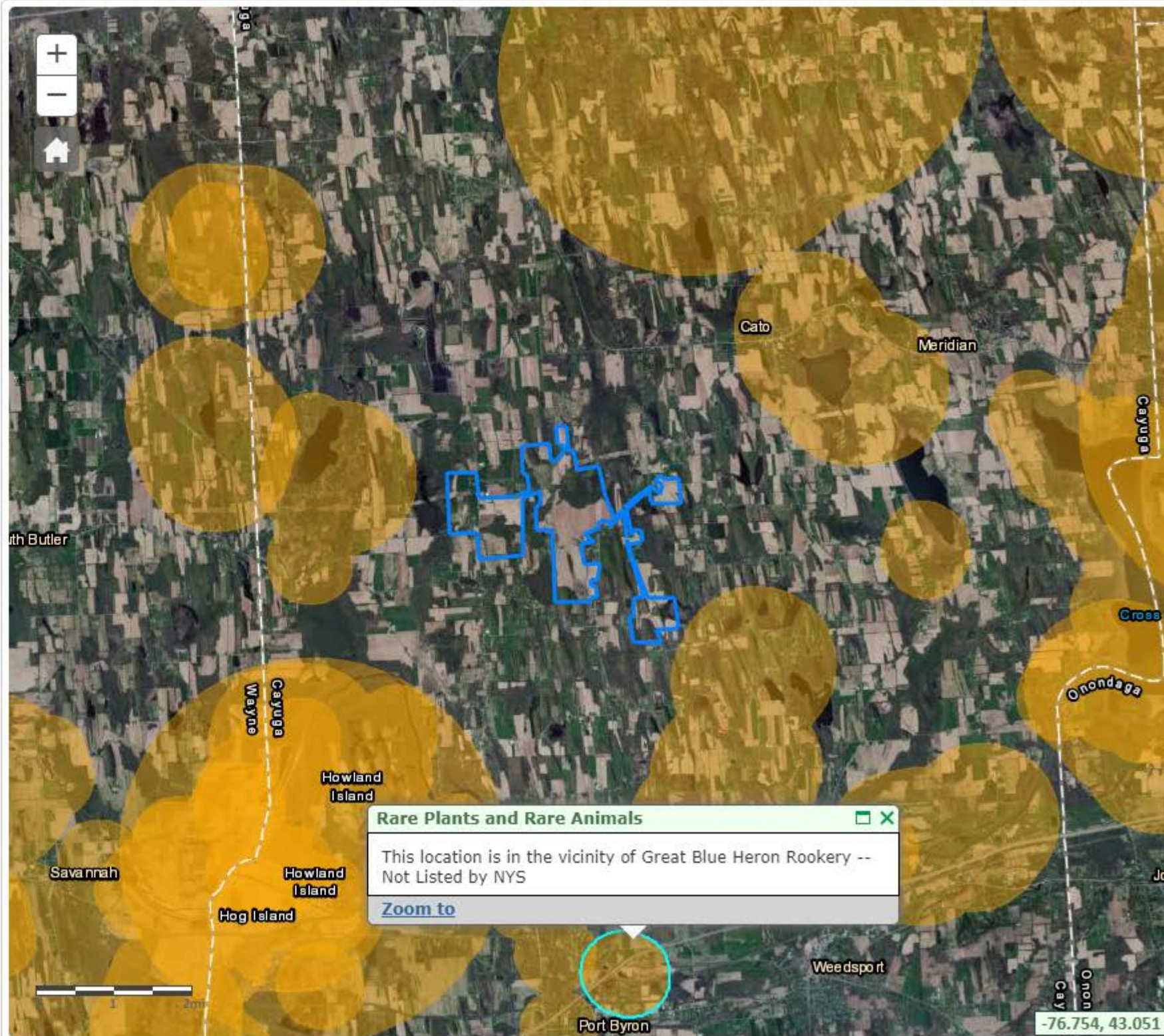
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(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)



Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)







Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ — Waterbody Classifications for Rivers/Streams ☐  Waterbody Classifications for Lakes☐  State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐  State Regulated Wetland Checkzone ☐  Significant Natural Communities☐  Natural Communities Near This Location ☒  Rare Plants or Animals

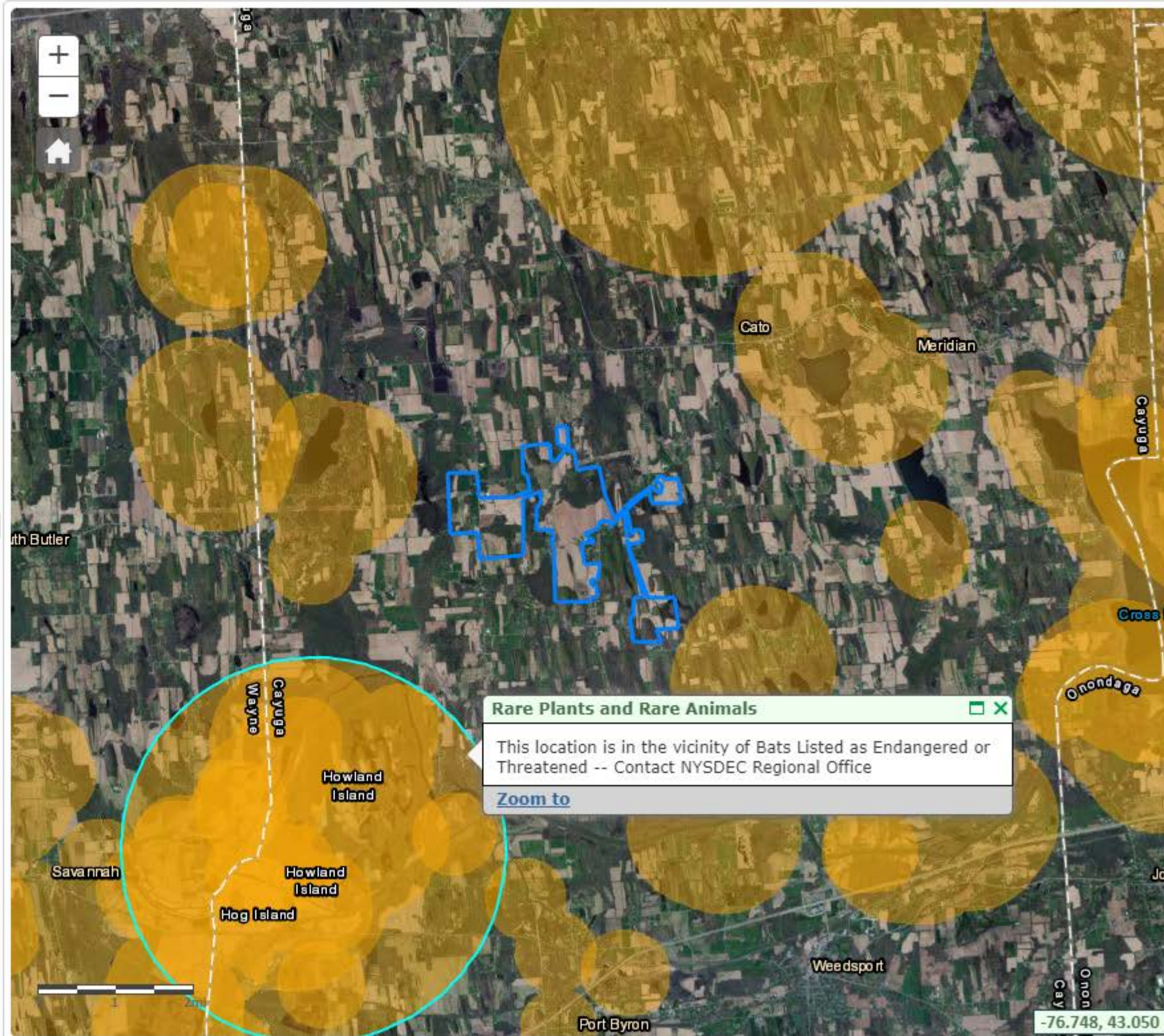
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers

☐ ★ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams i

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands (Outside of the Adirondack Park)

☐ State Regulated Wetland Checkzone i

☐ Significant Natural Communities

☐ Natural Communities Near This Location i

☒ Rare Plants or Animals

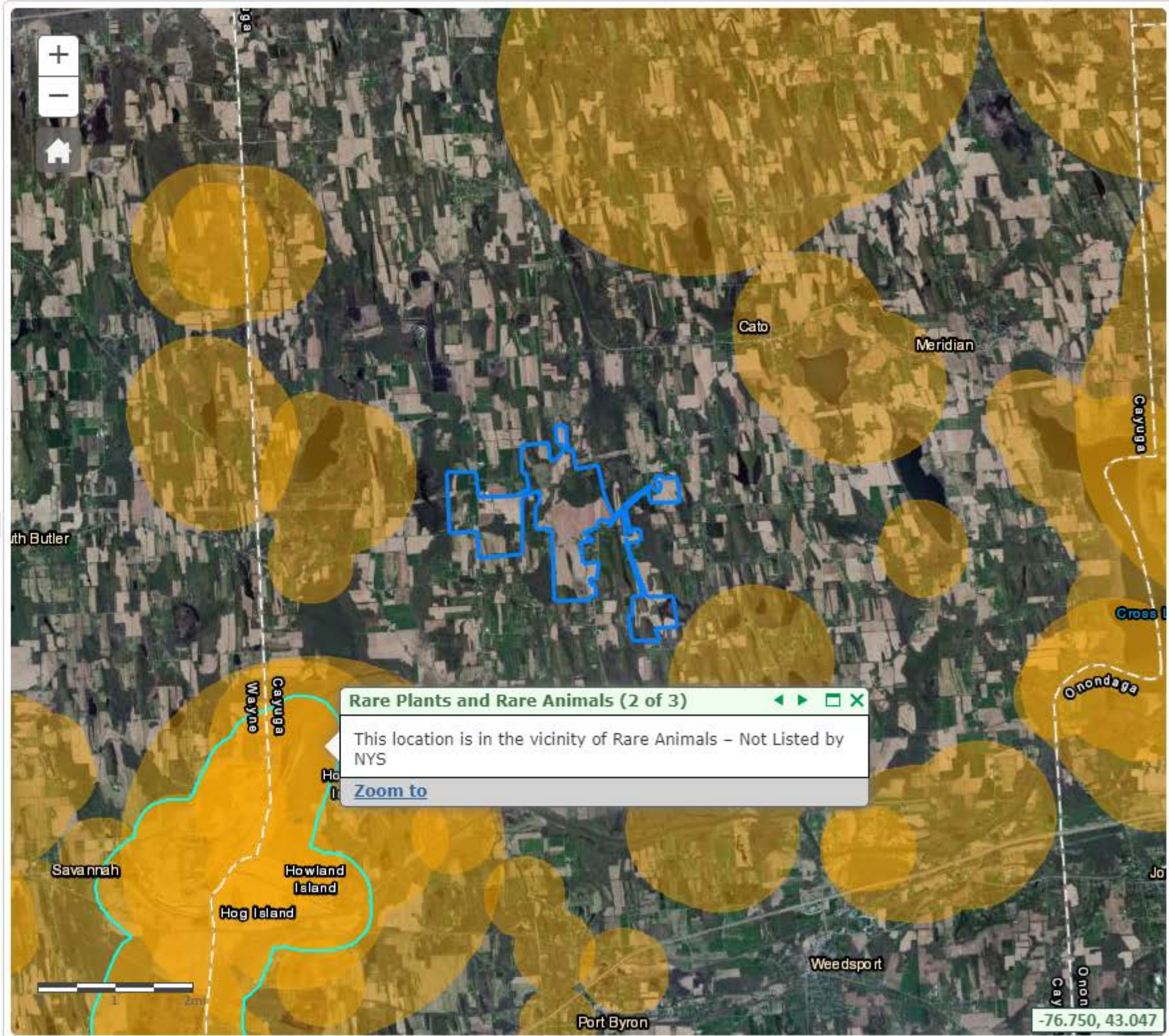
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Reference Layers

Tell Me More...

Need A Permit?

Contacts


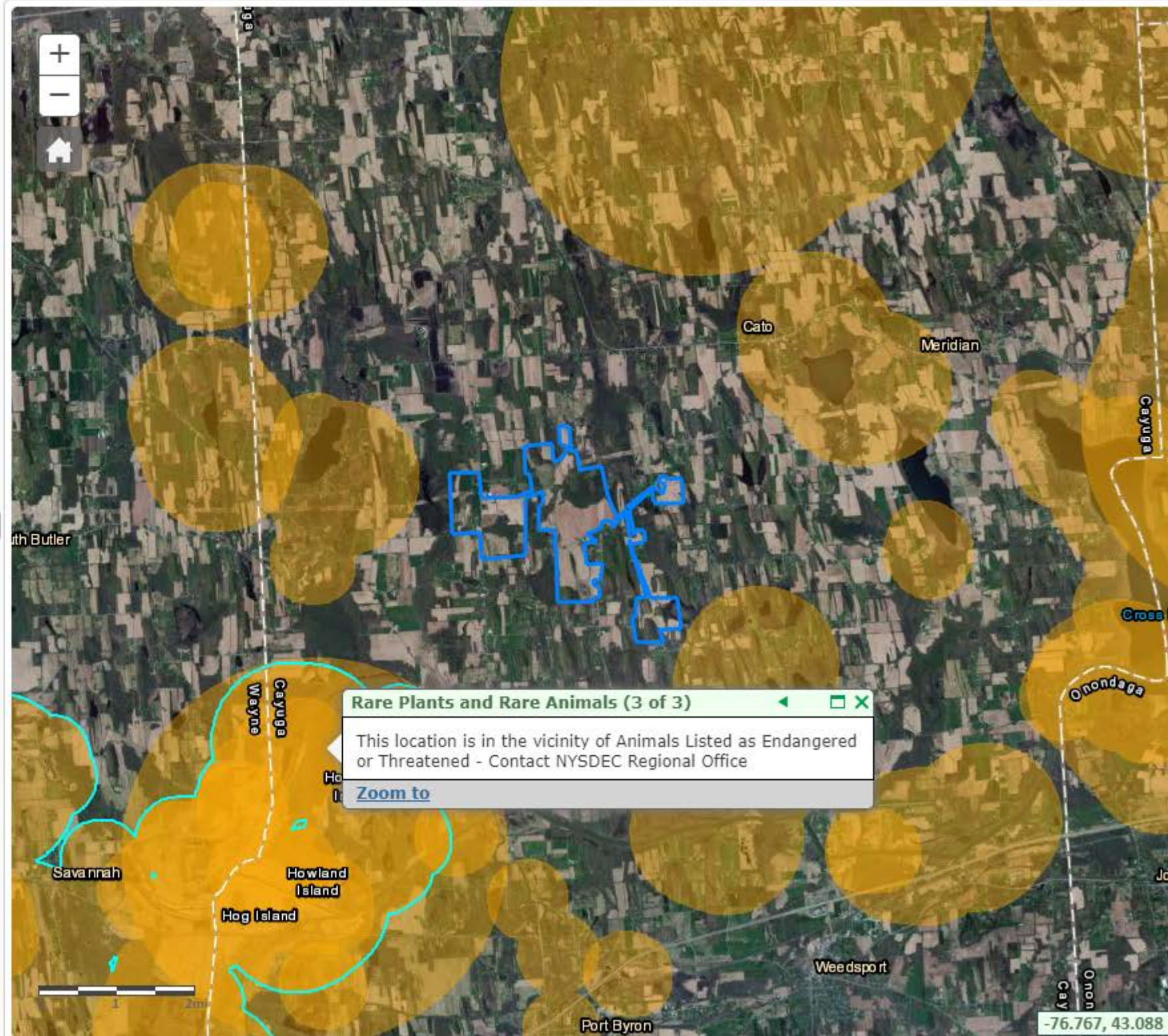




Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)[Search](#)[Tools](#)

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals[Other Wetland Layers](#)[Reference Layers](#)[Tell Me More...](#)[Need A Permit?](#)[Contacts](#)







Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ — Waterbody Classifications for Rivers/Streams ☐  Waterbody Classifications for Lakes☐  State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐  State Regulated Wetland Checkzone ☐  Significant Natural Communities☐  Natural Communities Near This Location ☒  Rare Plants or Animals

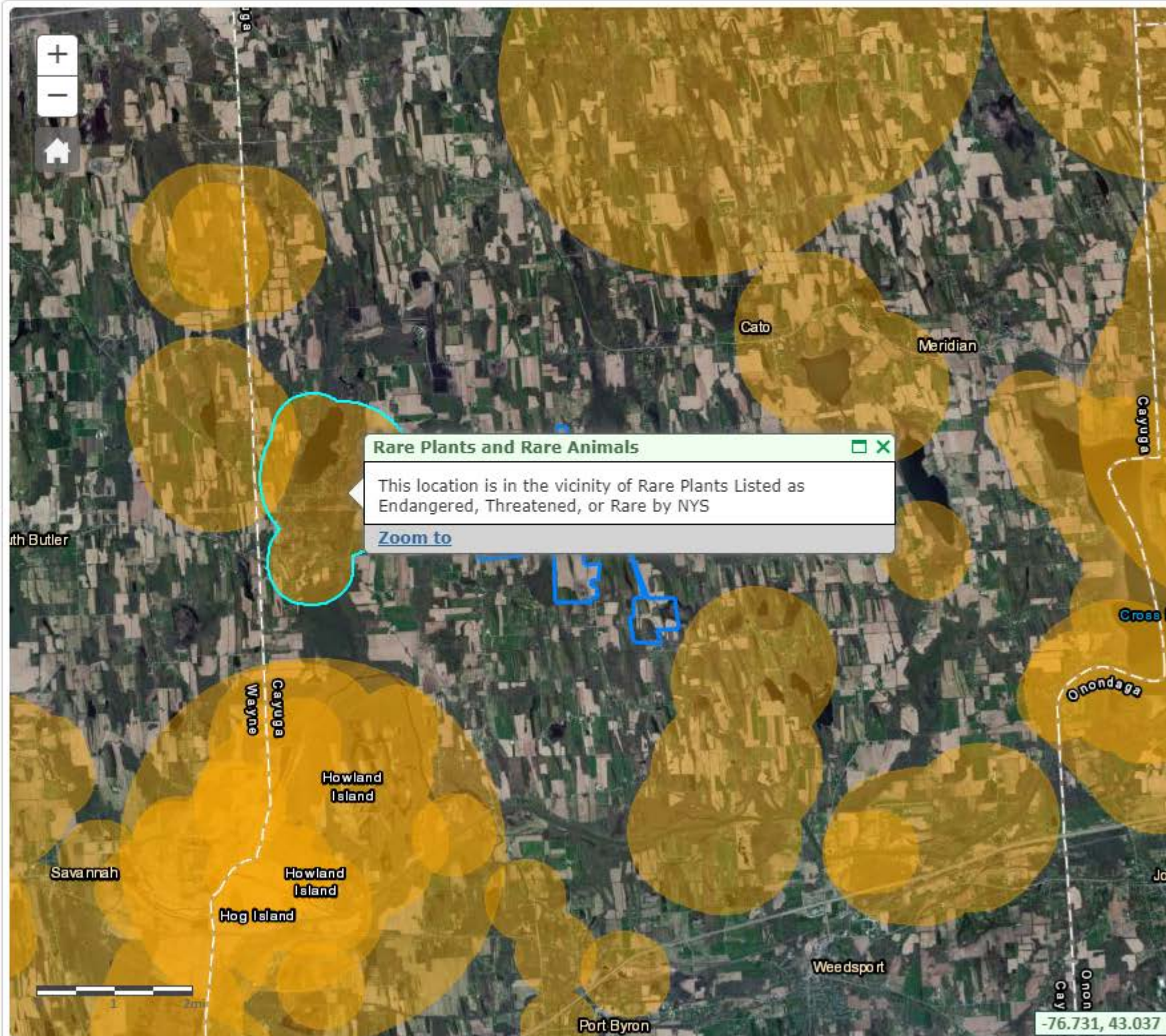
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers

☐ ★ Unique Geological Features

☐ — Waterbody Classifications for Rivers/Streams i

☐ — Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands (Outside of the Adirondack Park)

☐ State Regulated Wetland Checkzone i

☐ Significant Natural Communities

☐ Natural Communities Near This Location i

☒ Rare Plants or Animals

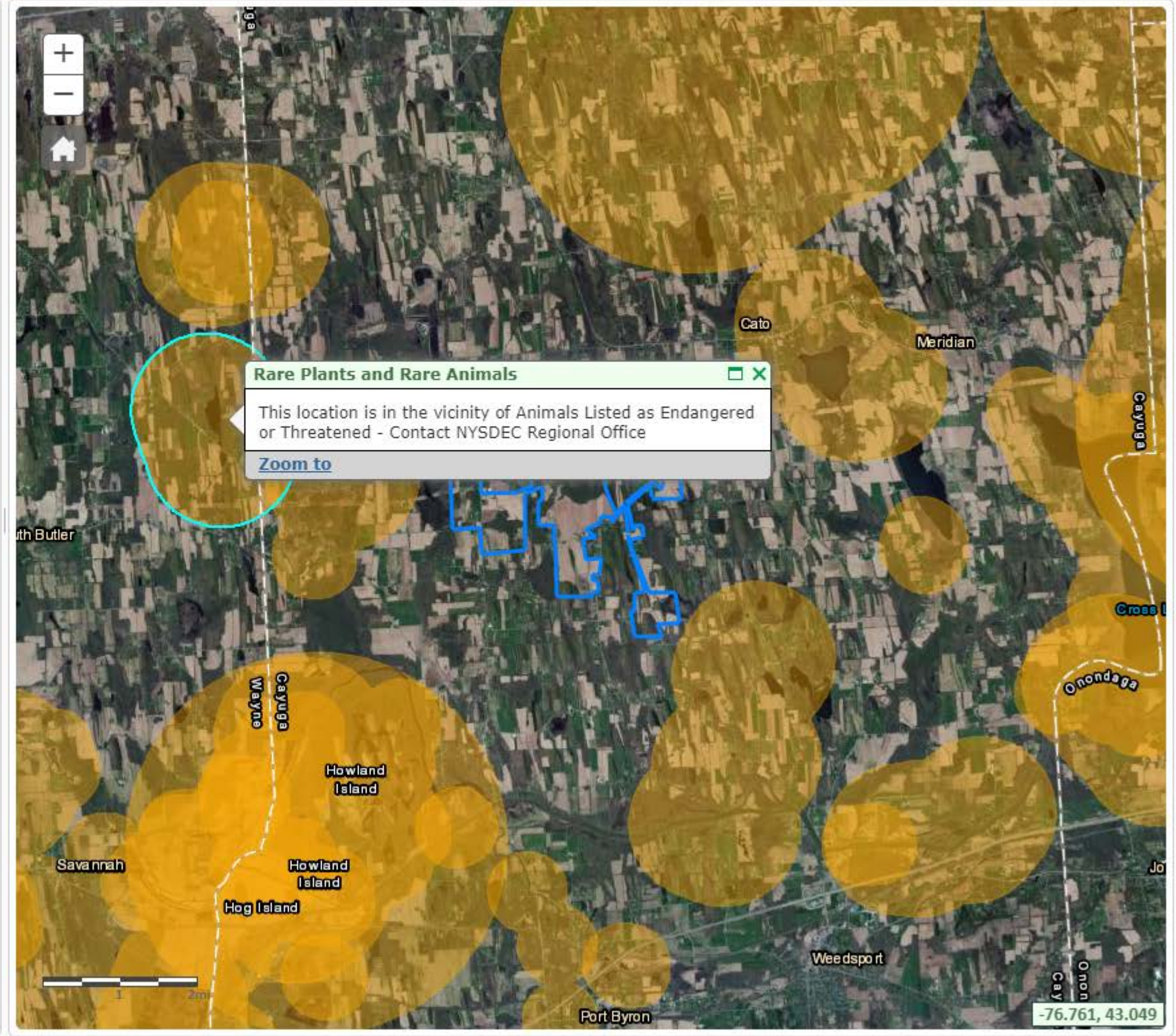
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Reference Layers

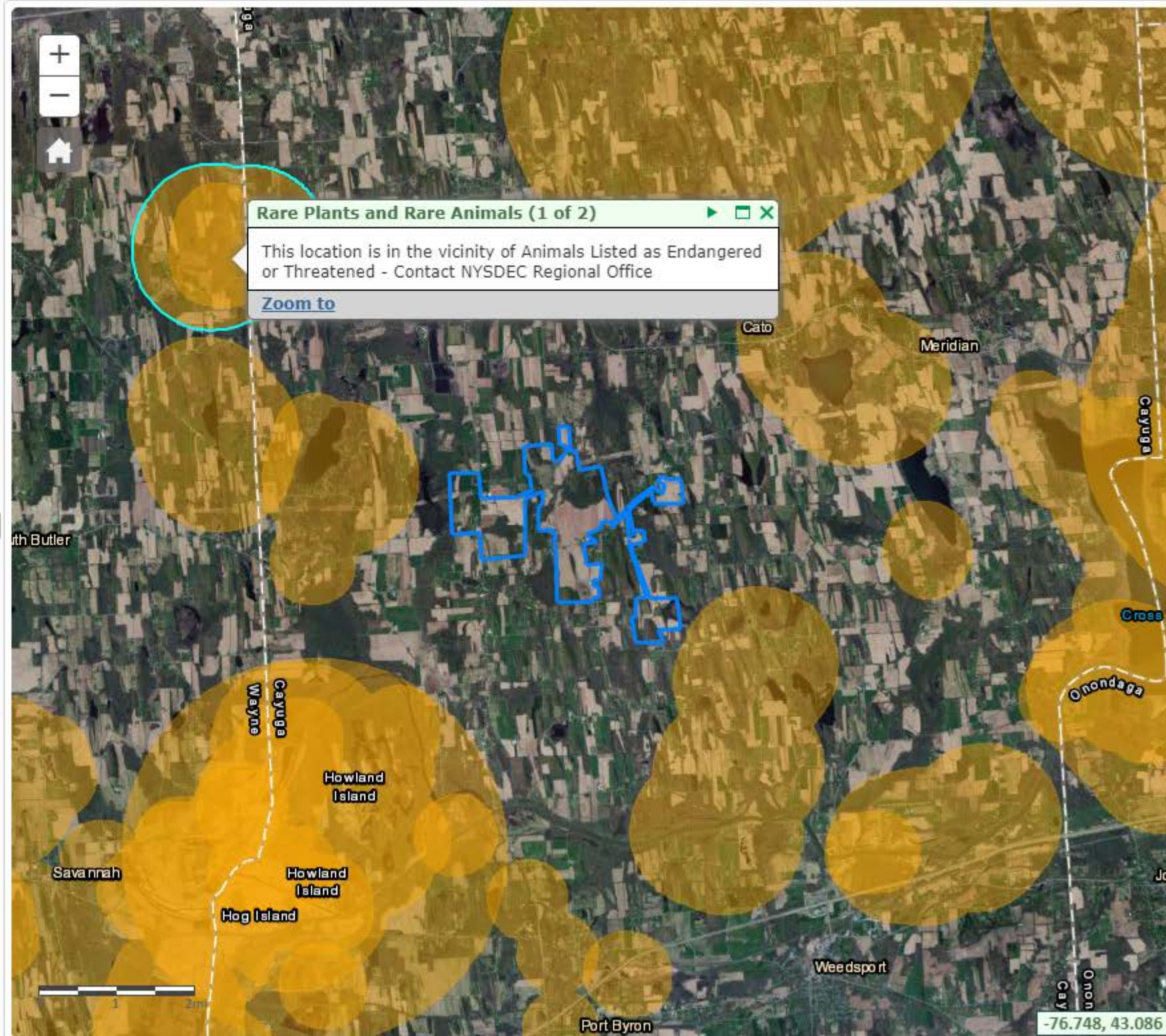
Tell Me More...

Need A Permit?

Contacts



Base Map: Satellite with Labels Using this map






Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☐ All Layers☐ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☐ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals

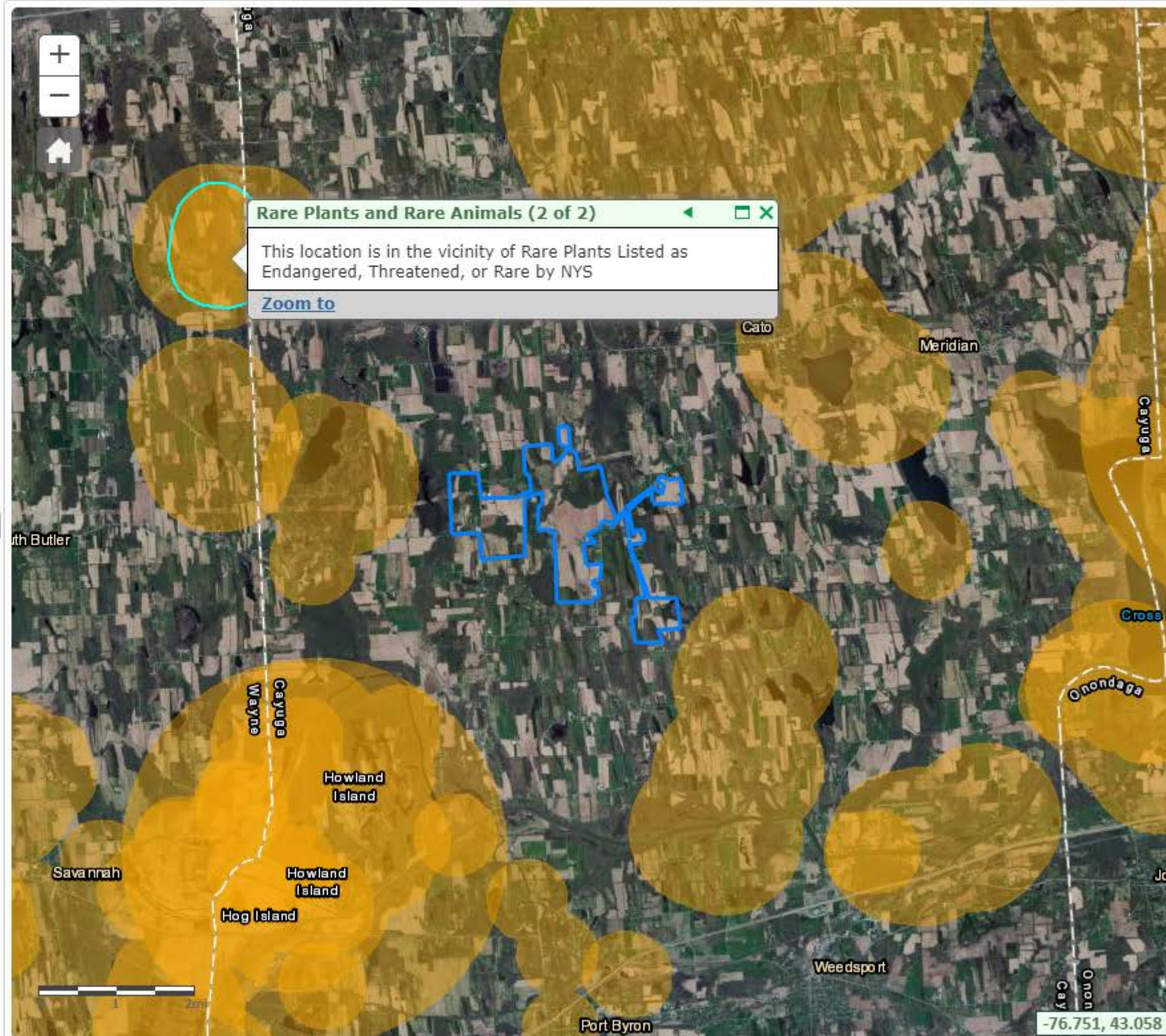
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

Layers and Legend

☐ All Layers

☐ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

State Regulated Wetland Checkzone

☐ Significant Natural Communities

Natural Communities Near This Location

☒ Rare Plants or Animals

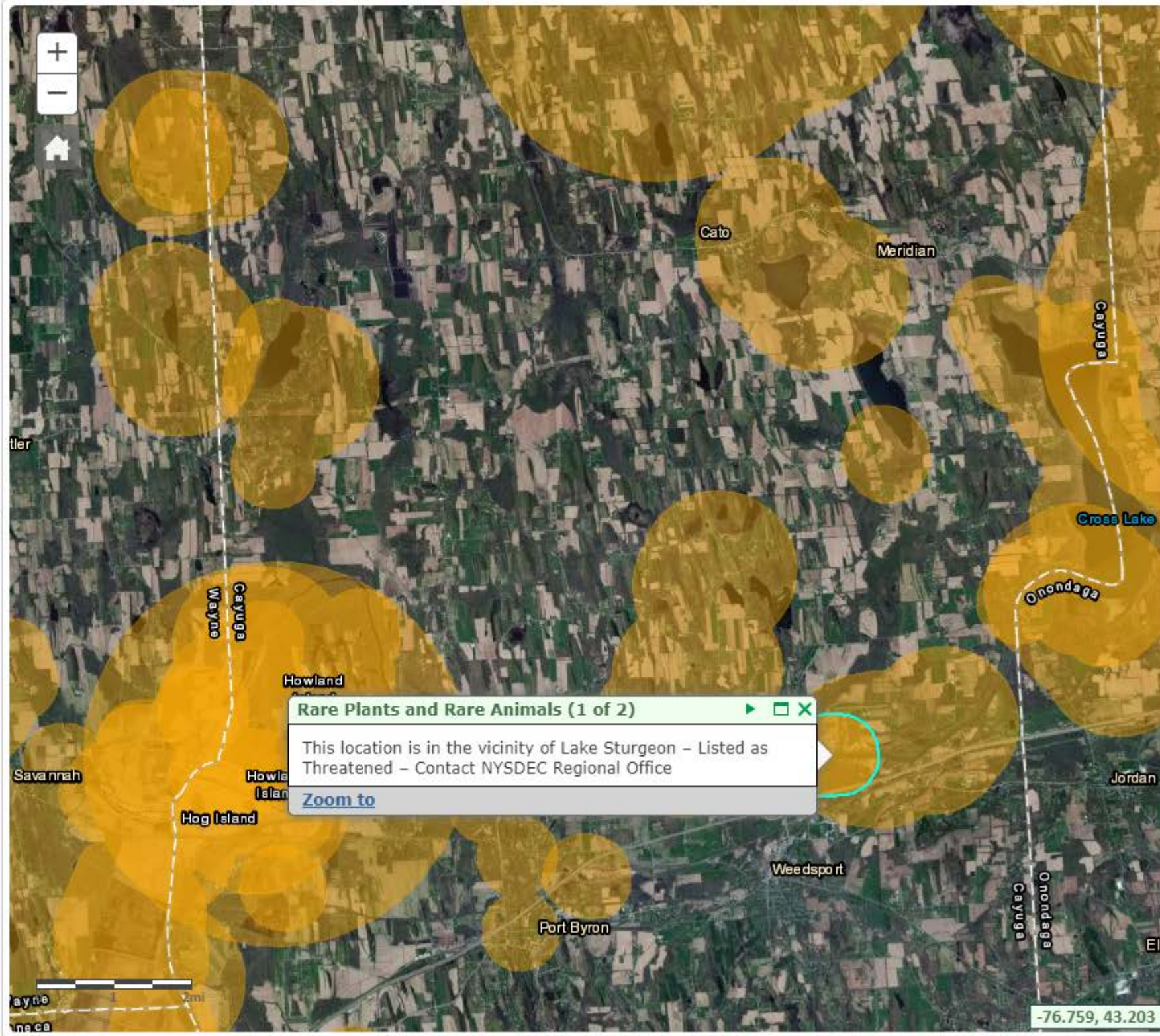
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

Layers and Legend

☐ All Layers

☐ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

☐ State Regulated Wetland Checkzone

☐ Significant Natural Communities

☐ Natural Communities Near This Location

☒ Rare Plants or Animals

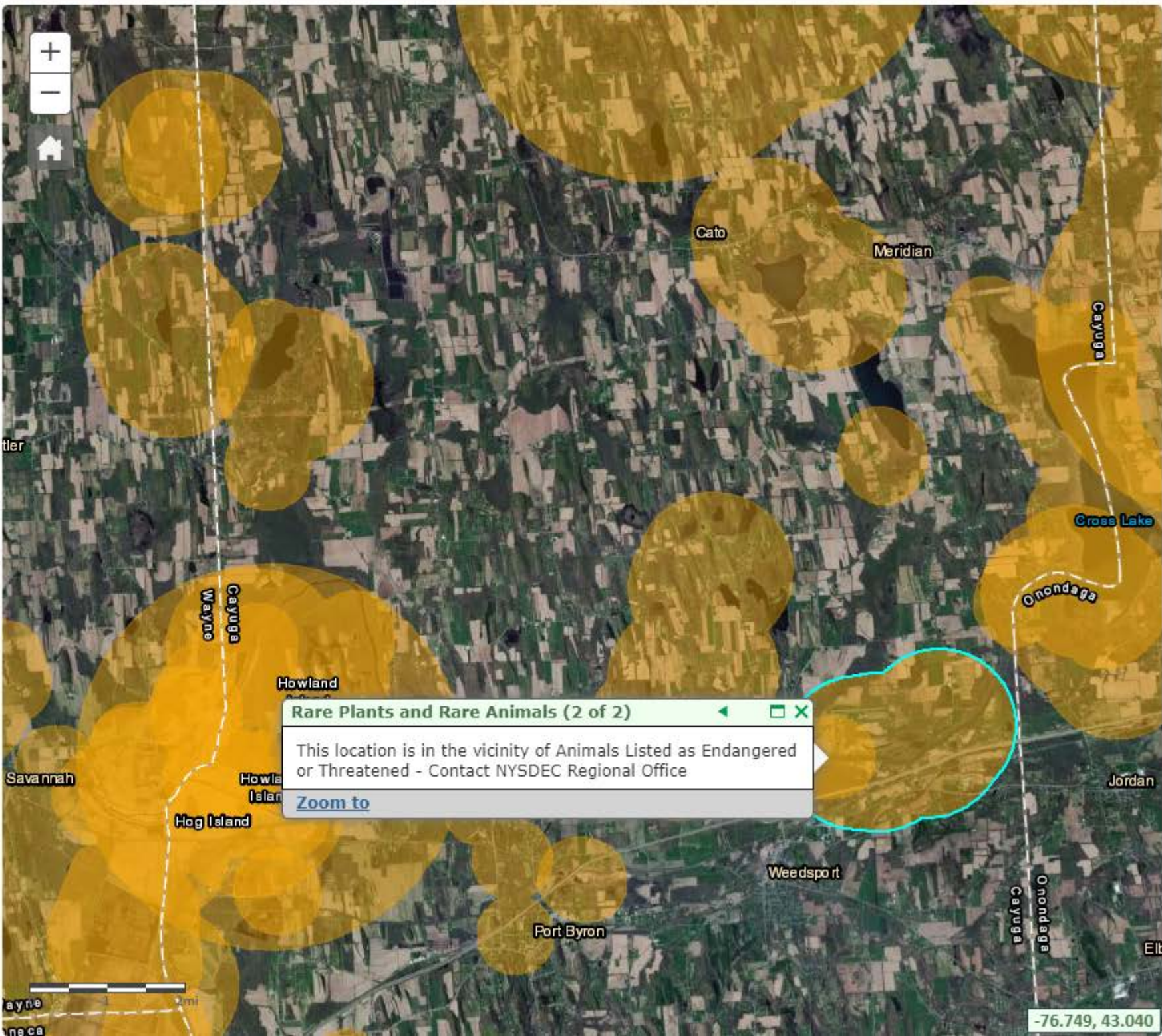
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

Layers and Legend

- ☒ All Layers
- ☒ ★ Unique Geological Features
- ☒ Waterbody Classifications for Rivers/Streams i
- ☒ Waterbody Classifications for Lakes
- ☒ State Regulated Freshwater Wetlands (Outside of the Adirondack Park) i
- ☐ State Regulated Wetland Checkzone i
- ☒ Significant Natural Communities i
- ☐ Natural Communities Near This Location
- ☒ Rare Plants or Animals

Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels Using this map

Search

Tools

Layers and Legend

☒ All Layers

☒ Unique Geological Features

☒ Waterbody Classifications for Rivers/Streams

☒ Waterbody Classifications for Lakes

☒ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

State Regulated Wetland Checkzone

☒ Significant Natural Communities

Natural Communities Near This Location

☒ Rare Plants or Animals

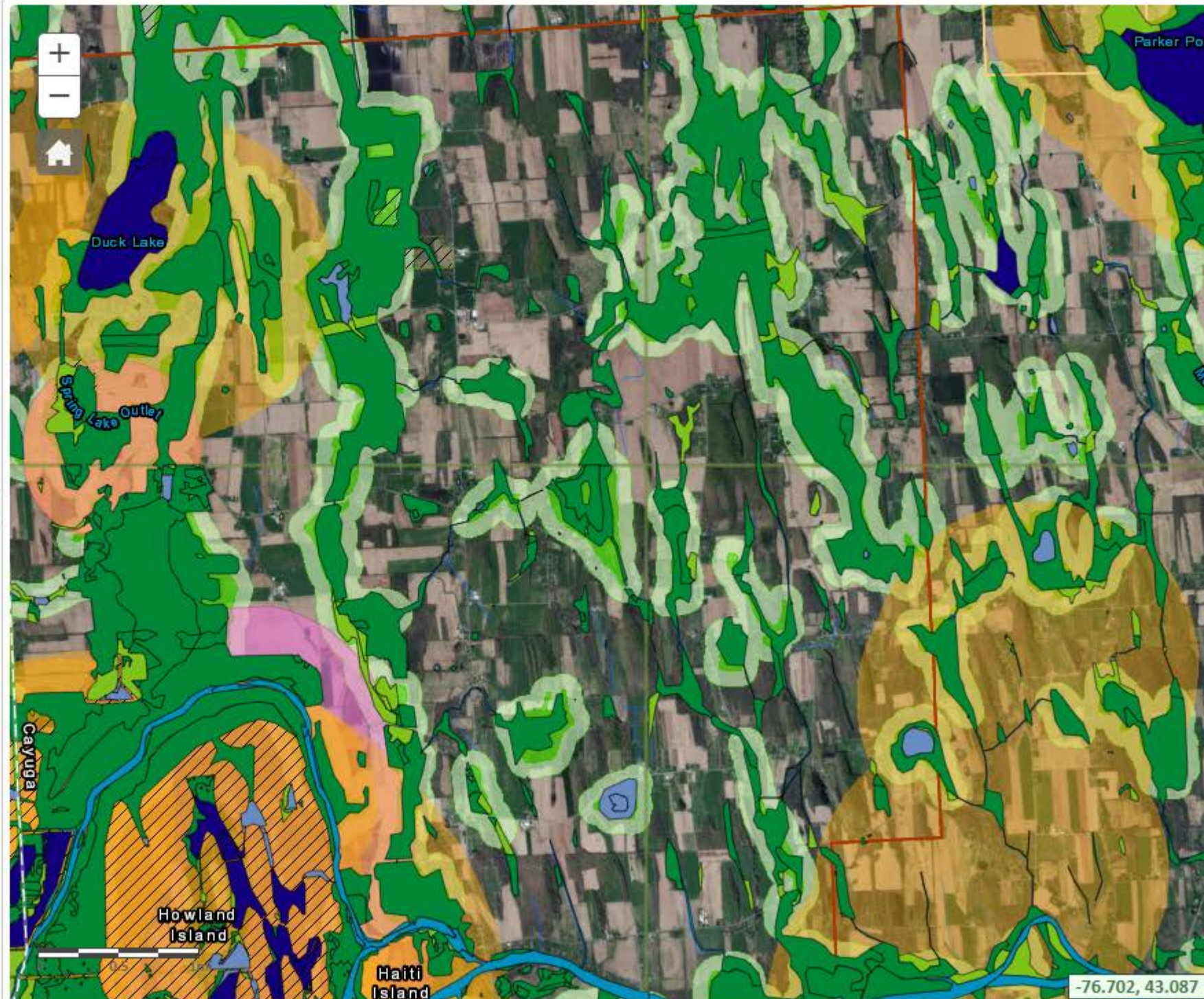
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels [Using this map](#)

Search

Tools

Layers and Legend

☒ All Layers

☒ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

State Regulated Wetland Checkzone

☒ Significant Natural Communities

Natural Communities Near This Location

☒ Rare Plants or Animals

Other Wetland Layers

Reference Layers

[Tell Me More...](#)

[Need A Permit?](#)

[Contacts](#)





Environmental Resource Mapper

Base Map: Satellite with Labels [Using this map](#)

Search

Tools

Layers and Legend

- ☒ All Layers
- ☒ ★ Unique Geological Features
- ☐ Waterbody Classifications for Rivers/Streams
- ☐ Waterbody Classifications for Lakes
- ☐ State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
- ☐ State Regulated Wetland Checkzone
- ☒ Significant Natural Communities
- ☐ Natural Communities Near This Location
- ☒ Rare Plants or Animals

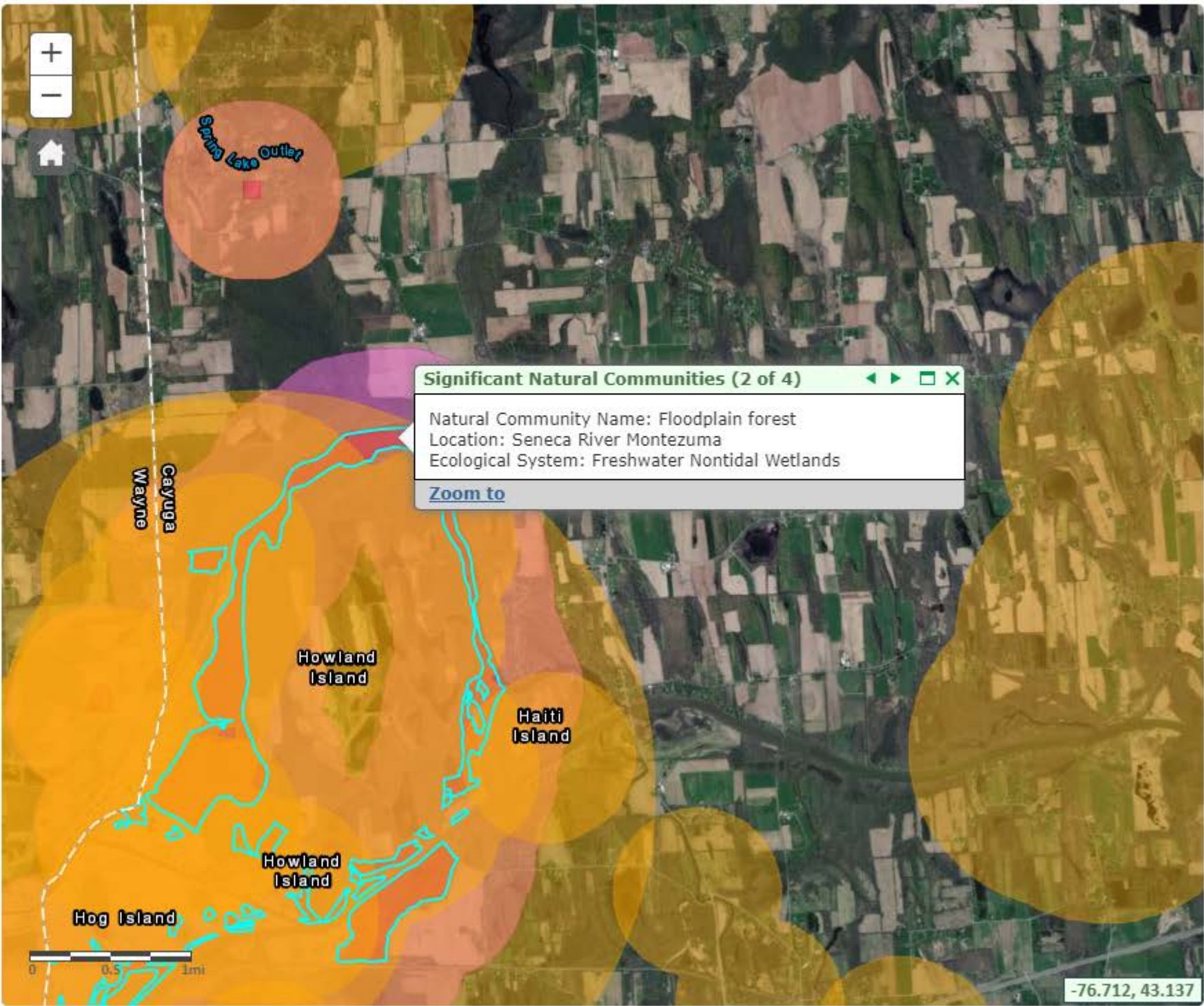
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





Environmental Resource Mapper

Base Map: Satellite with Labels [Using this map](#)

Search

Tools

Layers and Legend

☒ All Layers

☒ Unique Geological Features

☐ Waterbody Classifications for Rivers/Streams

☐ Waterbody Classifications for Lakes

☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)

State Regulated Wetland Checkzone

☒ Significant Natural Communities

Natural Communities Near This Location

☒ Rare Plants or Animals

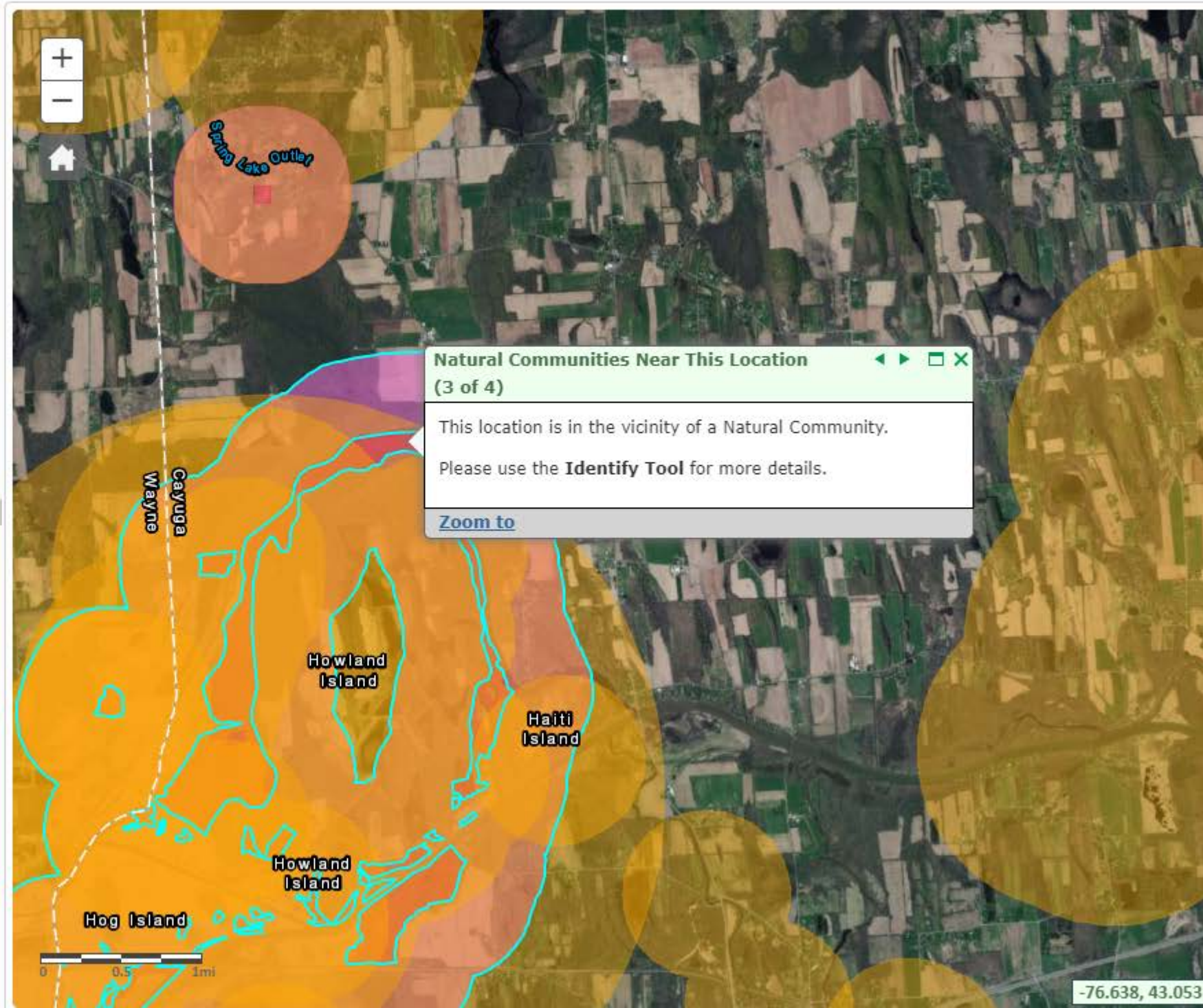
Other Wetland Layers

Reference Layers

[Tell Me More...](#)

[Need A Permit?](#)

[Contacts](#)



Natural Communities Near This Location (3 of 4)

This location is in the vicinity of a Natural Community. Please use the **Identify Tool** for more details.

[Zoom to](#)

-76.638, 43.053





Environmental Resource Mapper

Base Map: Satellite with Labels ▾ [Using this map](#)

Search

Tools

Layers and Legend

☒ All Layers☒ ★ Unique Geological Features☐ Waterbody Classifications for Rivers/Streams ☐ Waterbody Classifications for Lakes☐ State Regulated Freshwater Wetlands
(Outside of the Adirondack Park)☐ State Regulated Wetland Checkzone ☒ Significant Natural Communities☐ Natural Communities Near This Location ☒ Rare Plants or Animals

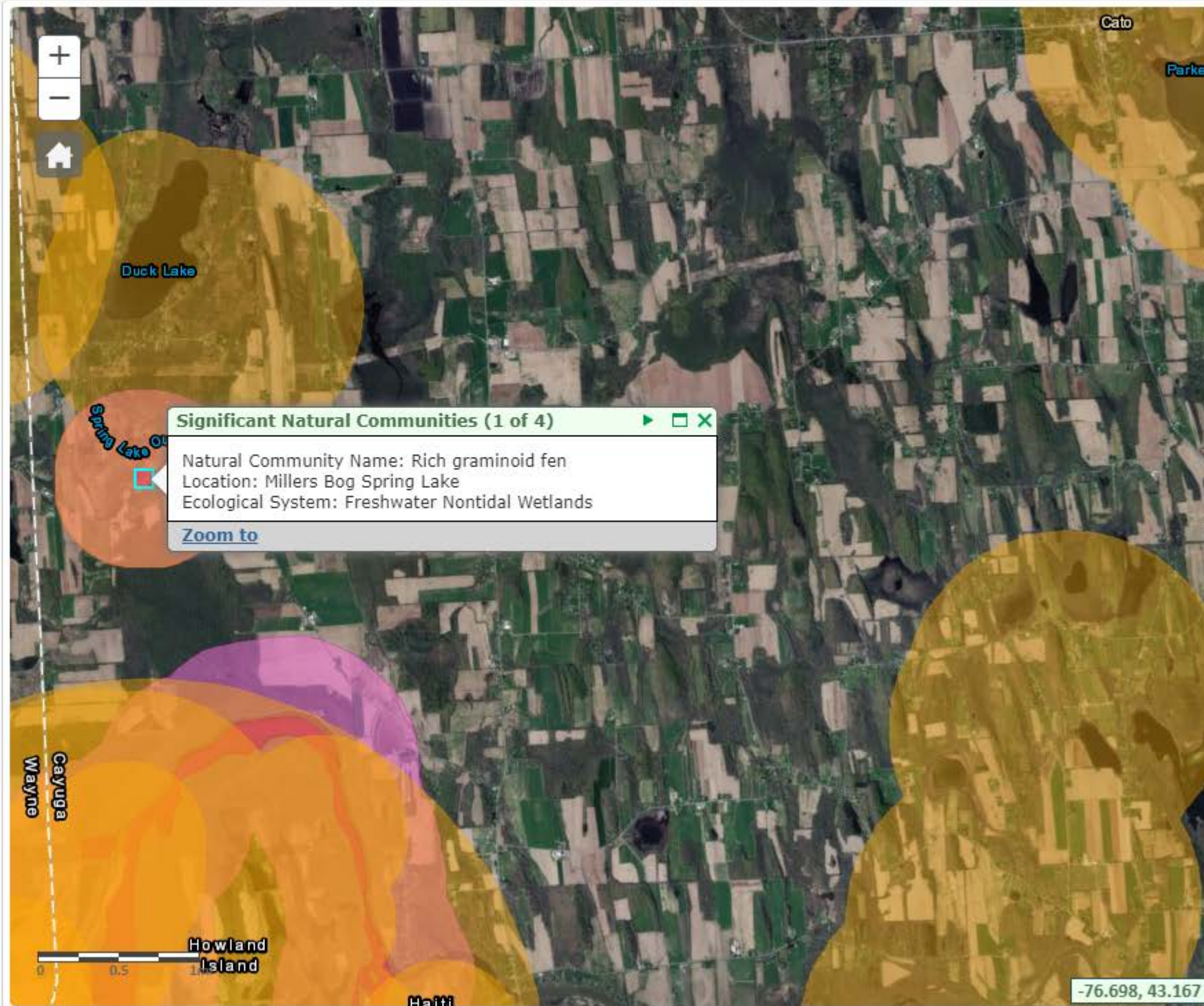
Other Wetland Layers

Reference Layers

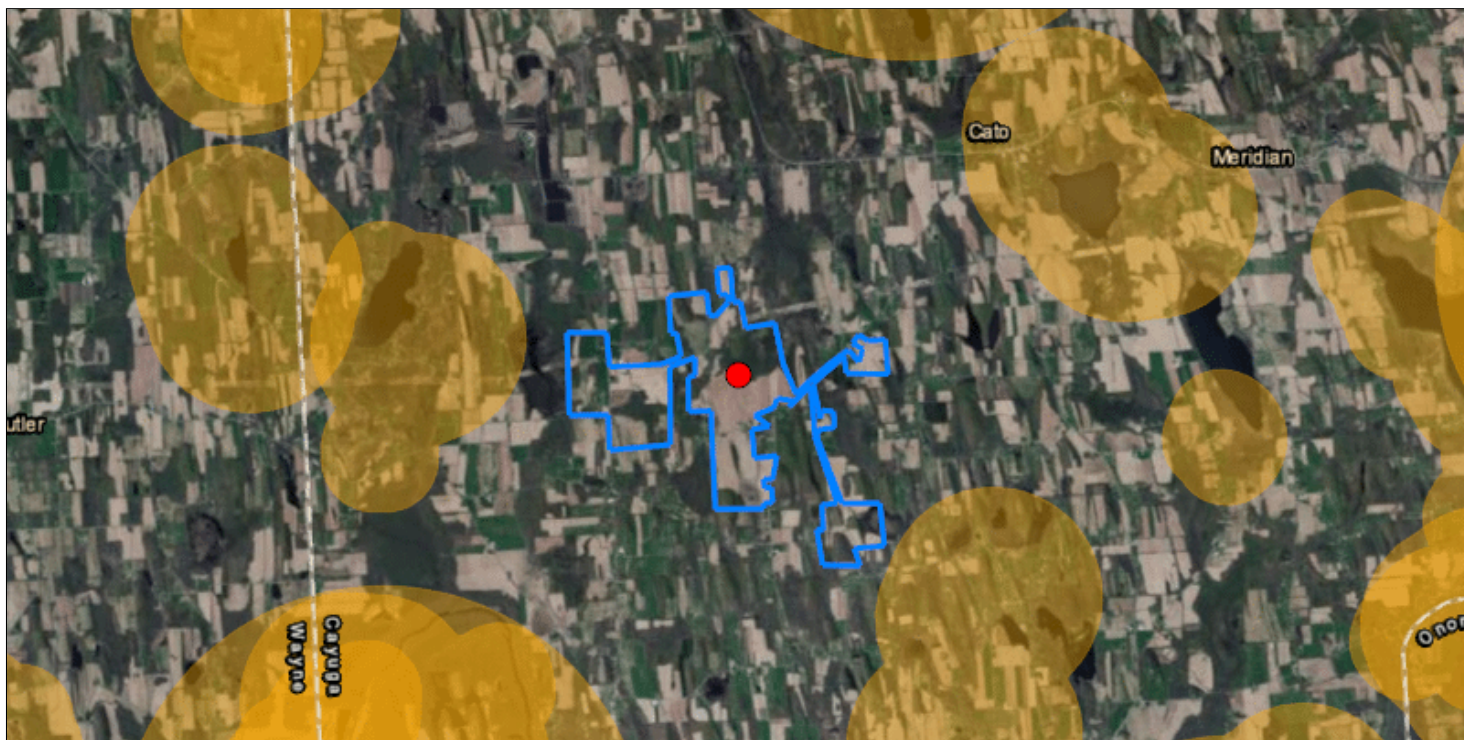
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Contacts



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The coordinates of the point you clicked on are:

UTM 18	Easting:	367899.9328269687	Northing:	4777321.3903784705
Longitude/Latitude	Longitude:	-76.6242979468146	Latitude:	43.13711955189549

The approximate address of the point you clicked on is:

Town of Conquest, New York

County: Cayuga

Town: Conquest

USGS Quad: CATO, VICTORY

DEC Region

Region 7:

(Central New York) Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties. For more information visit <http://www.dec.ny.gov/about/615.html>.

Waterbody Classifications for Rivers/Streams

Regulation: 847-500

Standard: C

Classification: C

Regulation: 847-490

Standard: C

Classification: C

State Regulated Freshwater Wetlands

ID: C-33

Class: 2

Size (Acres): 1131.8

Freshwater Wetlands Checkzone

This location is in the vicinity of one or more Regulated Freshwater Wetlands.

National Wetlands Inventory

Attribute: undefined

Type: undefined

Acres: undefined

For more information about the National Wetlands Inventory wetlands visit <http://www.fws.gov/wetlands/>

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

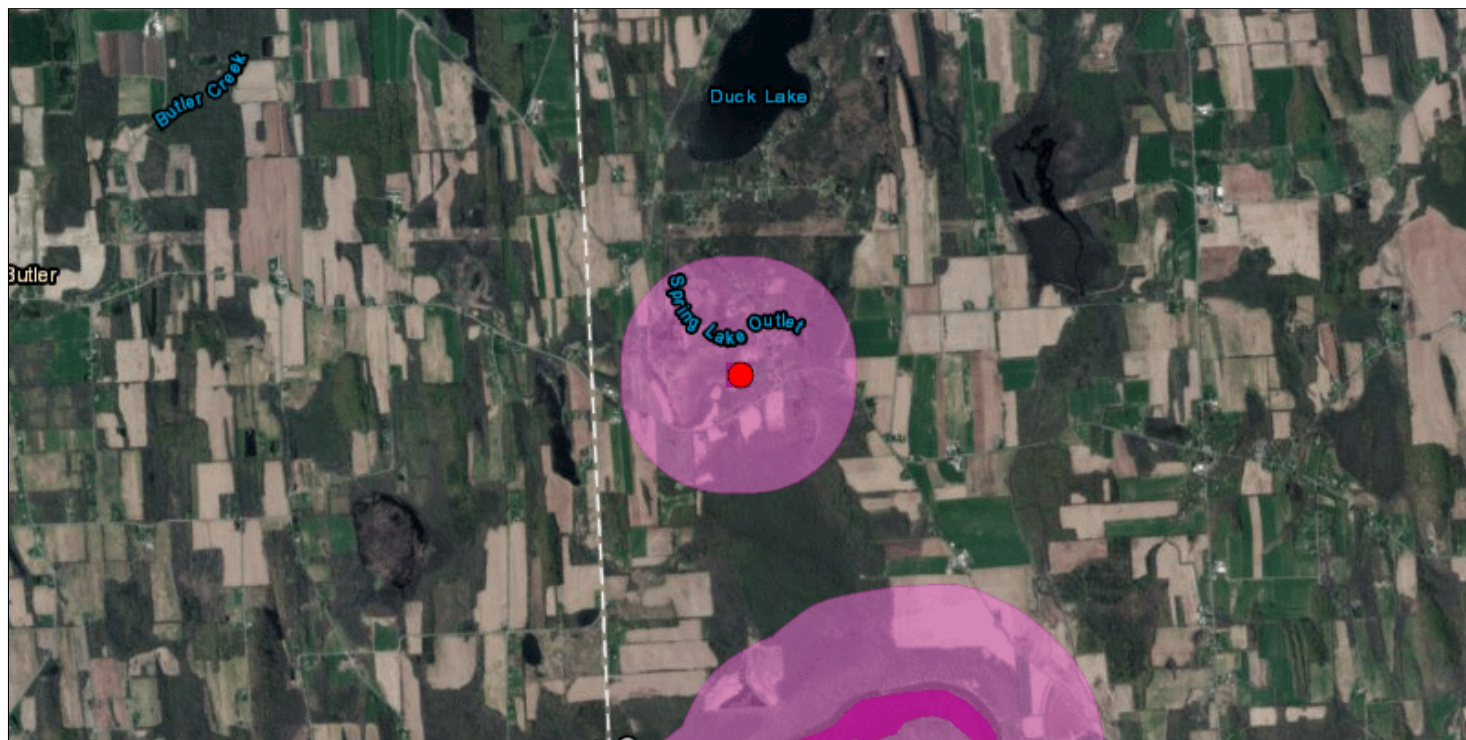
If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 362416.8197588789

Northing: 4776243.565043474

Longitude/Latitude

Longitude: -76.69142238741625

Latitude: 43.1264413162278

The approximate address of the point you clicked on is:

Town of Conquest, New York

County: Cayuga

Town: Conquest

USGS Quad: VICTORY

DEC Region

Region 7:

(Central New York) Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties. For more information visit <http://www.dec.ny.gov/about/615.html>.

[State Regulated Freshwater Wetlands](#)

ID: M-1

Class: 2

Size (Acres): 3685.7000000000003

[Freshwater Wetlands Checkzone](#)

This location is in the vicinity of one or more Regulated Freshwater Wetlands.

Significant Natural Communities

Natural Community Name: Rich graminoid fen

Location: Millers Bog Spring Lake

Ecological System: Freshwater Nontidal Wetlands

Natural Communities in the Vicinity

Natural Community Name: Rich graminoid fen

Location: Millers Bog Spring Lake

Ecological System: Freshwater Nontidal Wetlands

Rare Plants and Rare Animals

This location is in the vicinity of Rare Plants Listed as Endangered, Threatened, or Rare by NYS

National Wetlands Inventory

Attribute: undefined

Type: undefined

Acres: undefined

For more information about the National Wetlands Inventory wetlands visit <http://www.fws.gov/wetlands/>

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

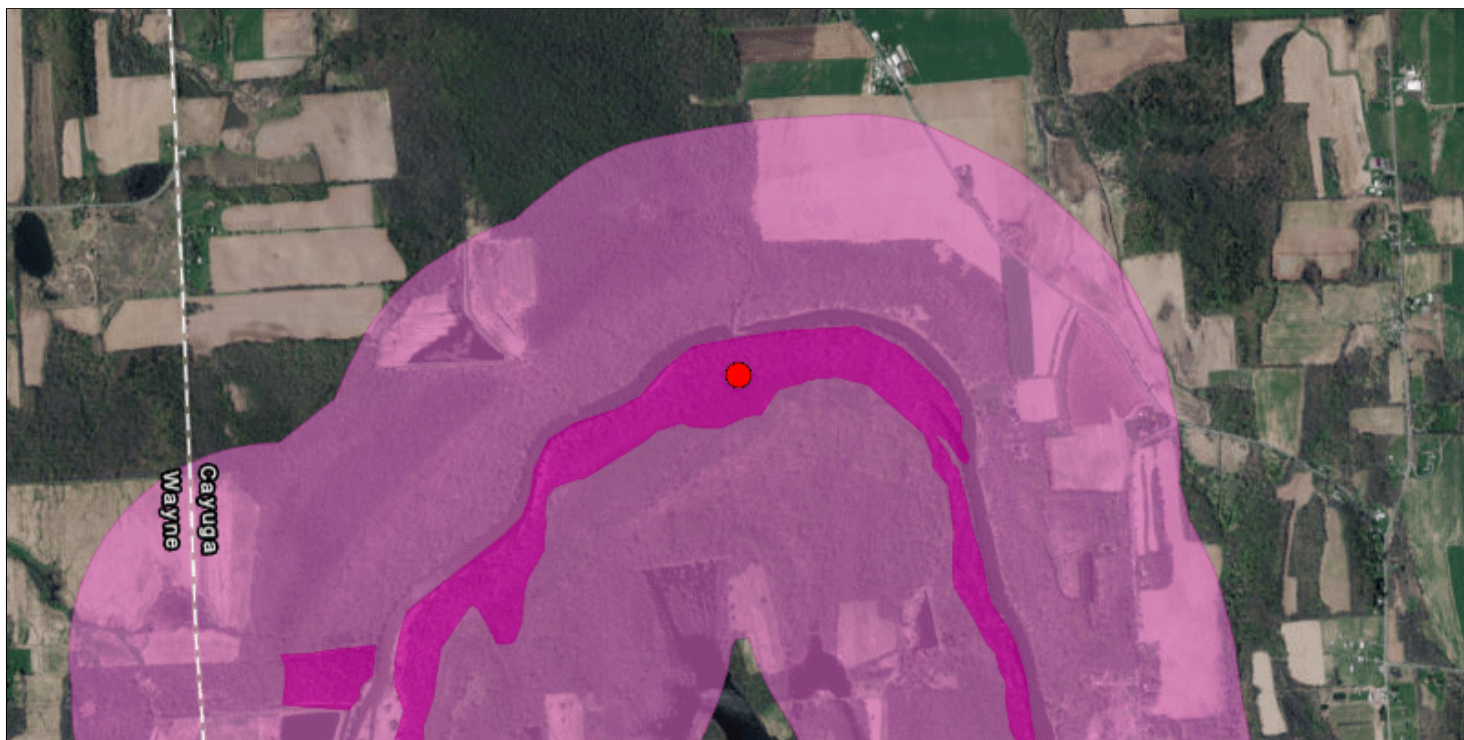
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Environmental Resource Mapper



The coordinates of the point you clicked on are:

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Northing: 4773640.074814842

Longitude/Latitude

Longitude: -76.67794696932545

Latitude: 43.1031962519943

The approximate address of the point you clicked on is:

Town of Conquest, New York

County: Cayuga

Town: Conquest

USGS Quad: MONTEZUMA

DEC Region

Region 7:

(Central New York) Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties. For more information visit <http://www.dec.ny.gov/about/615.html>.

Old or Potential Records (Not displayed on the map)

Common Name: Button-bush Dodder

Scientific Name: Cuscuta cephalanthi

Date Last Documented: 1926

Location: Howland Island

NYS Protected: Endangered

State Regulated Freshwater Wetlands

ID: M-1

Class: 2

Size (Acres): 3685.7000000000003

Significant Natural Communities

Natural Community Name: Floodplain forest

Location: Seneca River Montezuma

Ecological System: Freshwater Nontidal Wetlands

Rare Plants and Rare Animals

This location is in the vicinity of Bats Listed as Endangered or Threatened -- Contact NYSDEC Regional Office

National Wetlands Inventory

Attribute: undefined

Type: undefined

Acres: undefined

Attribute: undefined

Type: undefined

Acres: undefined

For more information about the National Wetlands Inventory wetlands visit <http://www.fws.gov/wetlands/>

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

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**ATTACHMENT B
NYNHP CORRESPONDENCE**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

March 16, 2020

Samantha Kranes
TRC
215 Greenfield Parkway, Suite 102
Liverpool, NY 13088

Re: Garnet Energy Center Project
County: Cayuga Town/City: Conquest

Dear Ms. Kranes:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 7 Office, Division of Environmental Permits, at dep.r7@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program



**The following state-listed animals have been documented
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 7 Office at dep.r7@dec.ny.gov, 315-426-7438.

The following species has been documented within 0.5 mile of the project site.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Birds			
Pied-billed Grebe <i>Breeding</i>	<i>Podilymbus podiceps</i>	Threatened	10643

The following species has been documented within 2.25 miles of the project site. Individual animals may travel 2.5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Mammals			
Indiana Bat <i>Bachelor colony</i>	<i>Myotis sodalis</i>	Endangered	Endangered 12845

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



**The following significant natural community has been documented in the
vicinity of the project site.**

We recommend that potential impacts of the proposed project on this community be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following natural community is considered significant from a statewide perspective by the NY Natural Heritage Program. By meeting specific, documented criteria, the NY Natural Heritage Program considers this community occurrence to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Wetland/Aquatic Communities			
Floodplain Forest			High Quality Occurrence of Rare Community Type
<p>Documented at the southern edge of the project site along the Seneca River. This is an extremely large floodplain forest with several very mature (possible old-growth) patches. The greater landscape is mostly agricultural and rural residential with a combination of natural rivers and altered canals. A good portion of the floodplain forest, especially the northern segments of this forest, is surrounded by protected natural areas such as wildlife management areas.</p>			

3669

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

USFWS Correspondence



215 Greenfield Pkwy.
Suite 102
Liverpool, NY 13088

T 315.671.1600
TRCcompanies.com

April 7, 2021

Robyn Niver, Endangered Species Biologist
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045
607-299-0620

Submitted via email at FW5ES_NYFO@fws.gov and robyn_niver@fws.gov

**Re: Garnet Energy Center, LLC
Garnet Energy Center
Town of Conquest, Cayuga County, New York
Project Review Request
Consultation Tracking Number: 05E1NY00-2020-SLI-4269**

Dear Ms. Niver,

Garnet Energy Center, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra), proposes to construct a solar energy center in the Town of Conquest, Cayuga County, New York (Figure 1). The proposed Project is located within the Victory, Cato, Weedsport, and Montezuma New York United States Geological Survey (USGS) 7.5 Minute Topographic Quadrangles. Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL). This Project review request is being made in order to help prepare the Article 10 Application and to engage the United States Fish and Wildlife Service (USFWS) early in the process in order to not miss any applicable species survey windows, if needed. There is a federal nexus (for impacts to Waters of the United States (WOTUS)) associated with this Project; however, we are asking for USFWS guidance prior to Section 7 consultation as the Project is not currently at the United States Army Corps of Engineers (USACE) permitting stage.

The proposed Project will have a generating capacity of 200 megawatts (MWs) of power and a 20 MW/4-hour duration energy storage system located on land leased from owners of private property. Proposed Project Components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, battery storage, fencing, inverters, a Project collection substation, and electrical interconnection facilities. Garnet Energy Center anticipates the interconnection facilities will include a 345-kV switchyard which will be transferred to the New York State Power Authority (NYPA) to own and operate. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

Land cover in the area being evaluated for the Project consists of agricultural and forested land, with a transmission line right-of-way, aquatic habitat, and rural residential properties. The general location of the area being evaluated for the Project is identified on the enclosed map, Figure 1. The Project is planned to commence commercial operation in 2023.

TRC, on behalf of Garnet Energy Center, LLC, has reviewed the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM) and consulted with New York Natural Heritage Program (NYNHP) as a first step in determining the presence of rare or state-listed

animals or plants, significant natural communities, or other significant habitats in the immediate vicinity of the Project. The results of ERM review and the NYNHP response (Attachment A) indicate that there are no known occurrences of threatened or endangered species within the Project Area or immediate vicinity, however there was a historic occurrence of a state-listed plant. Additionally, a list of federally listed species and designated critical habitats that may be present in the vicinity of the Project was obtained from the USFWS Information for Planning and Consultation (IPaC) system on January 29, 2021 (Attachment B). The USFWS Official Species List identified the Indiana bat (*Myotis sodalis*) as a federally listed species that may occur in vicinity of the Project. There are no USFWS-defined critical habitats for this species in the vicinity of the Project.

As shown on Figure 2 – National Land Cover Database (NLCD) Percent Cover Analysis, there are some forested areas within the Project Area that could provide potential roosting and foraging habitat for the Indiana bat. The Project layout and design is not final, however, currently the Project is proposing to clear approximately 260 acres of non-contiguous areas of trees. This amount of tree clearing would maintain at least 35% (approximately 44%) of potential Indiana bat habitat (deciduous forest, mixed forest, and woody wetlands) within 2.5 miles of the Project Area, consistent with USFWS conservation measures for the species. If USFWS records indicate that Indiana bats are found within the Project Area, then in order to avoid impacts to potentially roosting bats, Garnet Energy Center, LLC proposes to conduct tree clearing during the winter (between October 1 to March 31). We are requesting confirmation that there are indeed records of Indiana bat that occur within the Project Area and that winter tree clearing is an appropriate conservation measure to avoid take of the Indiana bat.

TRC has provided a shape (SHP) file of the Garnet Energy Center Project Area to assist in your review (Attachment C). We would like to schedule a meeting to discuss this information with you. Please contact me at TRC by calling (315) 715-1642 or via email at HEffler@trccompanies.com to schedule a meeting to discuss further.

Sincerely,



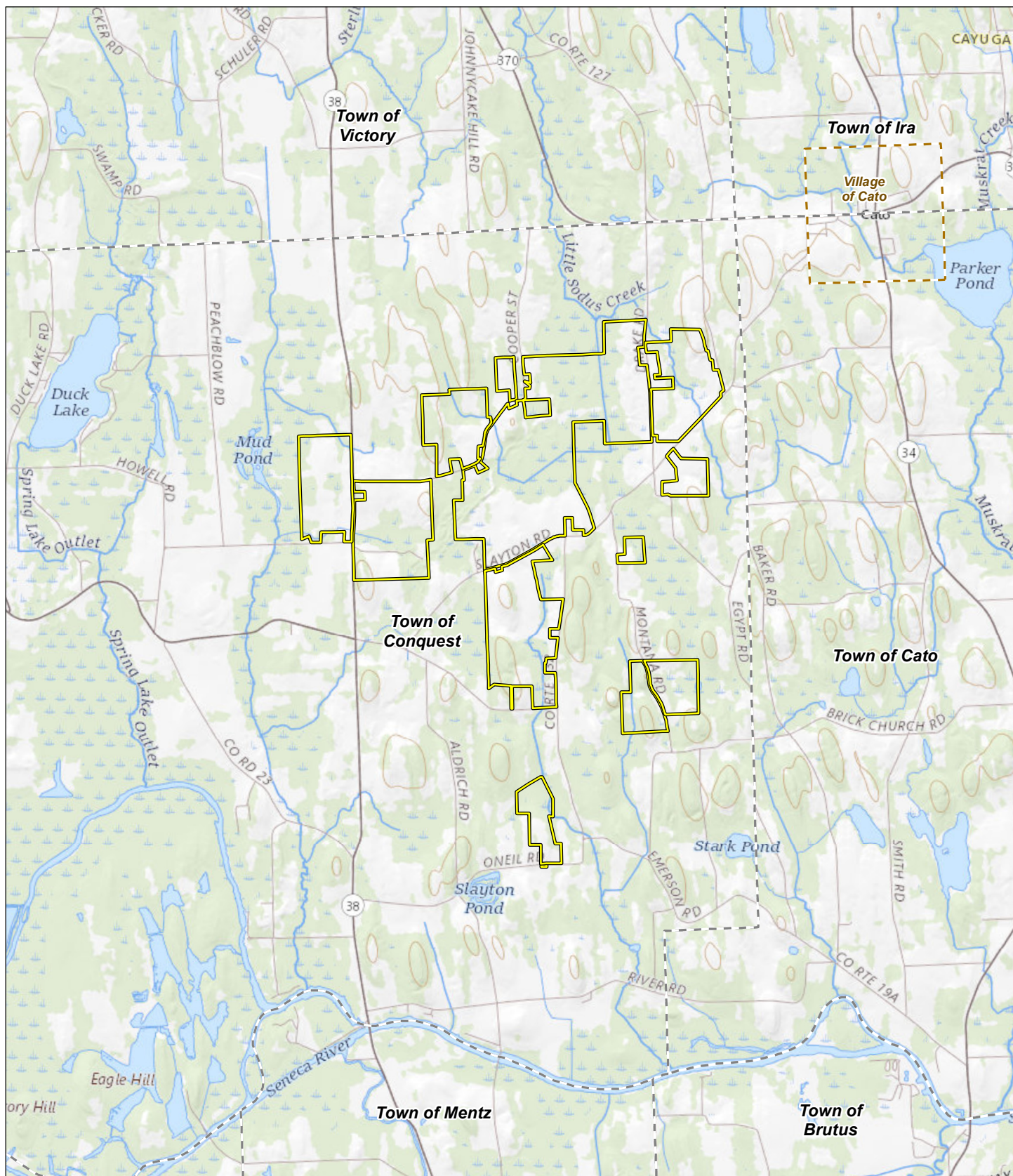
Hayley Effler
Project Manager, TRC

cc: Bill Boer, NextEra Energy Resources, LLC
Kris Scornavacca, NextEra Energy Resources, LLC
Valerie Mitchell, TRC

Figures: Figure 1. Project Location Map
Figure 2. NLCD Percent Cover Analysis

Attachments:
Attachment A. NYNHP Response
Attachment B. USFWS IPaC Official Species List
Attachment C. Shapefile (shp.) Package (zipped file)

Figures



- Area Being Evaluated for Project
- Village Boundary
- Municipal Boundary

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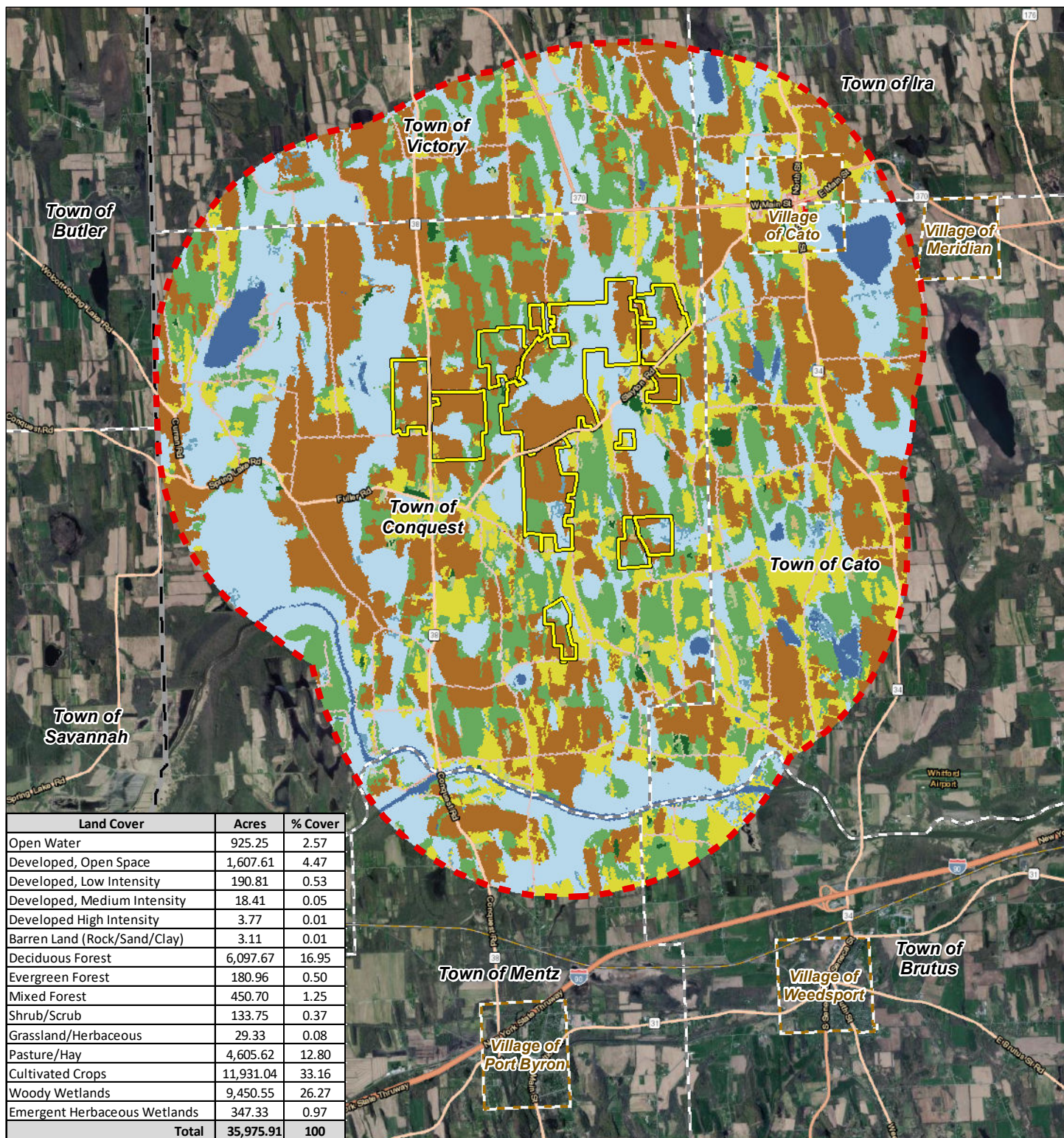
MAP LOCATION























PROJECT LOCATION MAP GARNET ENERGY CENTER, LLC TOWN OF CONQUEST, NY

FIGURE 1 | DECEMBER 2020

Map Produced by TRC



Land Cover		
	Open Water	 Developed, Medium Intensity
	Developed, Open Space	 Developed High Intensity
	Developed, Low Intensity	 Barren Land (Rock/Sand/Clay)
	Deciduous Forest	 Evergreen Forest
		 Mixed Forest
		 Shrub/Scrub
		 Grassland/Herbaceous
		 Pasture/Hay
		 Cultivated Crops
		 Woody Wetlands
		 Emergent Herbaceous Wetlands

-  Project Area
-  2.5-Mile Buffer of Project Area
-  Village Boundary
-  Municipal Boundary
-  County Boundary


MAP LOCATION



NLCD PERCENT COVER ANALYSIS GARNET ENERGY CENTER, LLC TOWN OF CONQUEST

FIGURE 2

APRIL 2021

Map Produced by 

Data: National Land Cover Dataset, 2016

0 0.75 1.5
Miles

Attachment A NYNHP Response

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

January 28, 2021

Valerie Mitchell
TRC
10 Maxwell Drive, Suite 200
Clifton Park, NY 12065

Re: Garnet Energy Center Project
County: Cayuga Town/City: Conquest

Dear Valerie Mitchell:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity. I have enclosed a report of a historical plant record in the vicinity of the project site.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 7 Office, Division of Environmental Permits, at dep.r7@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program

**The following rare plant has a historical record in the vicinity of the project site.**

The following rare plant was documented in the vicinity of the project site at one time, but has not been documented there since 1979 or earlier, and/or there is uncertainty regarding its continued presence. There is no recent information on this plant in the vicinity of the project site and its current status there is unknown. In most cases the precise location of the plant in this vicinity at the time it was last documented is also unknown.

If suitable habitat for this plant is present in the vicinity of the project site, it is possible that it may still occur there. We recommend that any field surveys to the site include a search for this species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

COMMON NAME	SCIENTIFIC NAME	NYS LISTING	HERITAGE CONSERVATION STATUS
Vascular Plants			
Northern Adder's Tongue	<i>Ophioglossum pusillum</i>	Endangered	Critically Imperiled in NYS

16400

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Attachment B

USFWS IPaC Official Species List



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>

In Reply Refer To:

January 29, 2021

Consultation Code: 05E1NY00-2020-SLI-4269

Event Code: 05E1NY00-2021-E-04041

Project Name: Garnet Energy Center

Subject: Updated list of threatened and endangered species that may occur in your proposed project location 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-4269

Event Code: 05E1NY00-2021-E-04041

Project Name: Garnet Energy Center

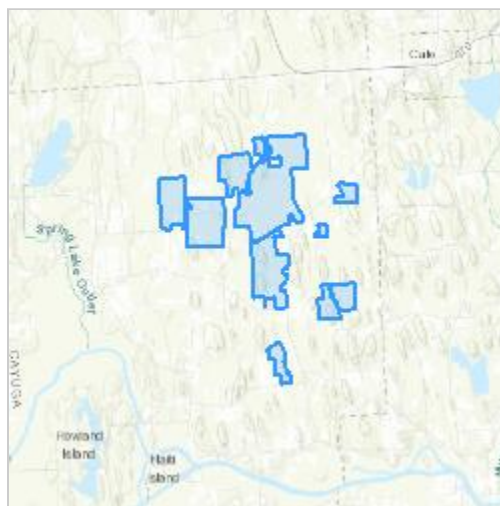
Project Type: POWER GENERATION

Project Description: Garnet Energy Center, LLC proposes to construct a solar energy center in the Town of Conquest, Cayuga County, New York. Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

The proposed Project will have a generating capacity of 200 megawatts (MWs) of power and a 3.4 MW/4-hour duration energy storage system located on land leased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, energy storage, fencing, inverters, a Project collection substation, and electrical interconnection facilities. Garnet Energy Center, LLC anticipates the interconnection facilities will include a 345-kV switchyard which will be transferred to the New York Power Authority (NYPA) to own and operate. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.14061054866512,-76.62315217476835,14z>



Counties: Cayuga County, New York

Endangered Species Act Species

There is a total of 1 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 Fisheries¹, 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.

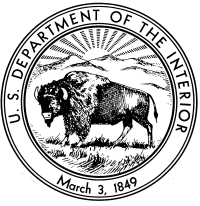
Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i>	Endangered
There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	

Critical habitats

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

Attachment C
Shapefile (shp.) Package (zipped file)
(included in email separately)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, New York 13045



May 13, 2021

Ms. Haley Effler
Project Manager
TRC Consultants
215 Greenfield Parkway, Suite 102
Liverpool, NY 13088

Dear Ms. Effler:

This letter is in response to your April 7, 2021, correspondence regarding the Garnet Solar photovoltaic energy production project proposed at several sites in the Town of Conquest, Cayuga County, New York. Solar arrays will be installed on at least 12 parcels over an unspecified area of land containing agriculture fields, wetlands, and forest.

The U.S. Fish and Wildlife Service (Service) appreciates the opportunity to provide the following comments pertaining to threatened and endangered species under our jurisdiction pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). We understand that a federal permit will be required from the US Army Corps of Engineers and therefore section 7 consultation will be necessary for this project in the future.

The proposed project involves a 200-megawatt electric generating facility with a 3.4-megawatt energy storage system, access roads, buried and overhead electric collection lines, fencing, inverters, substation and electric interconnection facilities. Tetra Tech retrieved data from our Information for Planning and Consultation system to determine if any federally-listed species may occur in the project area. The results indicate that the project is within the range of the federally-listed endangered Indiana bat (*Myotis sodalis*).

Previous telemetry studies have documented several Indiana bat roosts within the project vicinity. We understand that suitable summer habitat is present within the proposed project area and that over 260 acres of tree removal is planned. While lethal impacts to the Indiana bat are not anticipated, as the project sponsor has proposed to conduct tree removal between October 1 and March 31, your analysis does not address potential effects that may result from the loss and/or fragmentation of potential roosting and/or foraging habitat. Therefore, we have insufficient information to determine whether the proposed project would affect the Indiana bat. To assist with this analysis, the Service recommends that the project sponsor conduct bat presence/probable absence surveys¹. The Service can provide additional technical assistance

¹ [USFWS: Indiana Bat Survey Guidance](#)

regarding these surveys, if requested. Alternatively, the project sponsor can modify the project to avoid the potential for take².

The above comments pertaining to endangered or threatened species under our jurisdiction are provided pursuant to the ESA. Until the proposed project is complete, we recommend that you check our website regularly to ensure that listed species presence/absence information for the proposed project is current.*

This letter does not exempt the project sponsor from obtaining approvals or permits that may be required by State or Federal agencies. Further, this letter does not convey any authorization for take under the ESA or any other authorities. Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

We appreciate the opportunity to review this project. If you require additional information or assistance please contact Tim Sullivan at 607-753-9334.

Sincerely,

David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Syracuse, NY (Env. Permits; Wildlife)
USACOE, Auburn, NY

² Take is defined in section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct.



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>

In Reply Refer To:

May 17, 2021

Consultation Code: 05E1NY00-2020-SLI-4269

Event Code: 05E1NY00-2021-E-08241

Project Name: Garnet Energy Center

Subject: Updated list of threatened and endangered species that may occur in your proposed project location 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-4269

Event Code: 05E1NY00-2021-E-08241

Project Name: Garnet Energy Center

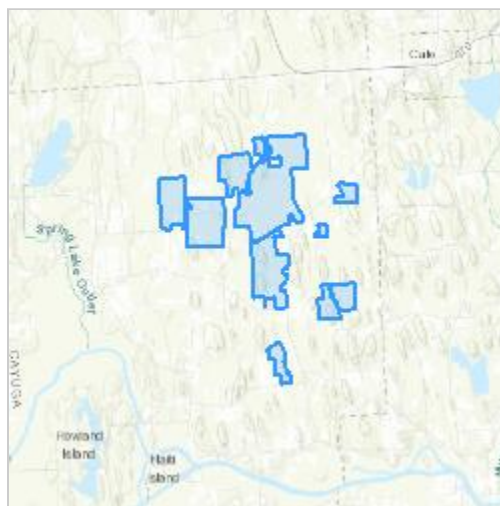
Project Type: POWER GENERATION

Project Description: Garnet Energy Center, LLC proposes to construct a solar energy center in the Town of Conquest, Cayuga County, New York. Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

The proposed Project will have a generating capacity of 200 megawatts (MWs) of power and a 20 MW/4-hour duration energy storage system located on land leased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, energy storage, fencing, inverters, a Project collection substation, and electrical interconnection facilities. Garnet Energy Center, LLC anticipates the interconnection facilities will include a 345-kV switchyard which will be transferred to the New York Power Authority (NYPA) to own and operate. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.14061054866512,-76.62315217476835,14z>



Counties: Cayuga County, New York

Endangered Species Act Species

There is a total of 1 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 Fisheries¹, 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.

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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
Indiana Bat <i>Myotis sodalis</i>	Endangered
There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	

Critical habitats

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