



# **GARNET ENERGY CENTER**

**Case No.: 20-F-0043**

**1001.33 Exhibit 33**

**Other Applications and Filings**

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## **Exhibit 33: Other Applications and Filings**

This Exhibit will track the requirements of proposed Stipulation Exhibit 33, dated March 5, 2021, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.33.

### **33(a) Statement of Other Applications and Filings**

The Garnet Energy Center, LLC (the Applicant) does not have any other pending applications or filings with the New York State Public Service Commission (PSC) or any other governmental department, agency, or court of competent jurisdiction (state or federal) concerning the subject matter of the Garnet Energy Center (the Garnet Energy Center or The Project).

The Applicant participated in the 2019 Renewable Energy Standard Solicitation Request for Proposal (RESRFP 19-1) and was selected by the New York State Energy Research and Development Authority (NYSERDA) as a winning bidder with respect to the Garnet Energy Center.

In addition to the Article 10 Application, the Applicant will apply to the PSC for a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the New York State Public Service Law (PSL) authorizing the exercise of municipal rights to occupy municipal property and for other authorization as clarified by the Siting Board in its Cassadaga decision issuing the certificate.

### **33(b) Anticipated Federal Permits, Consents, Approvals, or Licenses**

The following federal permits, consultations, consents, approvals, or licenses are anticipated to be required for construction or operation of the Project:

#### ***United States Fish and Wildlife Service (USFWS):***

- Endangered Species Act, Section 7 Consultation

#### ***United States Army Corps of Engineers (USACE):***

- National Historic Preservation Act, Section 106 compliance; and
- Section 404 of the Clean Water Act (CWA) or Nationwide Permit for Placement of Fill in federal Jurisdictional Wetlands, Waters of the United States (WOTUS), estimated to be filed mid-2021.

The dates of these federal applications will be contingent upon certification of the Project through Article 10 of the PSL. The Applicant anticipates submitting an application for an Individual Permit for Placement of Fill in Federal Jurisdictional Wetlands during the 12-month Article 10 Application review period. In addition, the Secretary, presiding examiner, and each party will be notified of any significant change in the status of each application.