



Bear Ridge Solar Project
Towns of Cambria and Pendleton, Niagara County

Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit
Revised March 10, 2025

Wildlife Site Characterization

In compliance with 16 NYCRR § 1100-1.3(g)(2), Cypress Creek Renewables (Permittee) provided a draft Wildlife Site Characterization Report for the proposed Bear Ridge Solar Project, Towns of Cambria and Pendleton, Niagara County, New York dated April 27, 2021. This report, together with the avian surveys referenced below, have been provided to the Office of Renewable Energy Siting and Electric Transmission (the Office or ORES) and the New York State Department of Environmental Conservation (NYSDEC), in connection with the transfer of the Applicant's pending facility siting application from Article 10 of the Public Service Law to the ORES permitting process at Article VIII of the New York Public Service Law and 16 NYCRR Part 1100.

Permit Application

On November 29, 2021, the Permittee submitted a Permit Application to ORES for this Facility. ORES issued a Siting Permit for a Major Renewable Energy Facility (Siting Permit) for this Facility on July 31, 2023. Following issuance of the Siting Permit, the Permittee submitted a request to the Office for a Revised Take Determination on February 6, 2025. In response, the Office is providing a Revised Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit as described herein.

Avian Surveys

The Permittee provided a Breeding Bird Survey Report dated December 2019 and a Winter Grassland Raptor Survey Report dated July 2019. The Permittee completed the associated breeding bird surveys for the project site from May 6, 2019 – July 15, 2019, and completed the winter grassland raptor surveys from November 12, 2018 – April 10, 2019. The Office, in consultation with NYSDEC, has accepted these studies for purposes of the review required by 16 NYCRR § 1100-1.3(g)(5).

Determination

Pursuant to 16 NYCRR § 1100-1.3(g)(7), the Office has completed a review of this information and hereby provides its revised determination regarding whether occupied habitat for one or more New York State (NYS) threatened or endangered species exists within the Facility site, the boundary of the occupied habitat, whether de minimis levels as provided in 16 NYCRR § 1100-2.13 might be attainable for grassland birds, and, if applicable, the amount of mitigation funding

that may be necessary if impacts cannot be avoided or mitigated.

Northern Long-eared Bat

The project site is not within one and a half (1.5) miles of a maternity roost site or five (5) miles of a hibernaculum site.

Indiana Bat

The project site is not within two and a half (2.5) miles of maternity roost sites nor within 2.5 miles of a hibernaculum or bachelor colonies.

Bald Eagle

On November 5, 2021, the Office issued its initial Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit (Initial Determination), stating that there were no known bald eagle nests within the project area or within one-quarter (0.25) mile of the project area. In the Spring of 2024, NYSDEC reported the presence of a <BEGIN CONFIDENTIAL INFORMATION> [REDACTED] <END CONFIDENTIAL INFORMATION> within the Facility site. The Permittee confirmed the presence of the <BEGIN CONFIDENTIAL INFORMATION> [REDACTED] <END CONFIDENTIAL INFORMATION> and determined its exact location on May 1, 2024 in a memorandum submitted by the Permittee on January 8, 2025.

To avoid impacts to bald eagles, the Permittee shall demonstrate that the final facility design is consistent with the Uniform Standard Conditions (see §§ 1100-6.4 (o)(6)(i); 6.4(o)(6)(ii)(a) and (c)) during construction and operation.

Additionally, the Permittee shall restrict all work within 0.25 miles of the <BEGIN CONFIDENTIAL INFORMATION> [REDACTED] <END CONFIDENTIAL INFORMATION> to avoid the breeding season (January 1 to September 30). This restriction shall be noted on Exhibit 5 Design Drawings, as well as any other pre-construction compliance filings as appropriate. Attachment A depicts the location of the <BEGIN CONFIDENTIAL INFORMATION> [REDACTED] <END CONFIDENTIAL INFORMATION> in relationship to proposed project components.

Grassland Birds

On November 5, 2021, the Office issued its Initial Determination pursuant to § 1100-1.3(g)(7). Based on the Facility design provided by the Permittee during the pre-application process, ORES staff in consultation with NYSDEC calculated impacts to 449.7 acres of occupied wintering habitat for northern harrier. Subsequently, information provided in the Permittee's request for a Revised Take Determination, indicated the removal or reduction of photovoltaic panel (PV) arrays from open habitat areas, removal of some access roads and changes to other access road locations, and

modifications of associated components. With these changes, the Facility design reduces impacts to occupied wintering habitat for northern harrier. Based on the Permittee's request for a Revised Take Determination, ORES determined that the Facility is estimated to adversely impact 341.9 acres of occupied wintering habitat for northern harrier (a reduction of 107.8 acres). Therefore, the Permittee is required to develop and submit a NCBP for the proposed Facility to minimize or mitigate the significant adverse impact(s) to these habitats as described above. See 16 NYCRR §§ 1100-2.13(d) and (f).

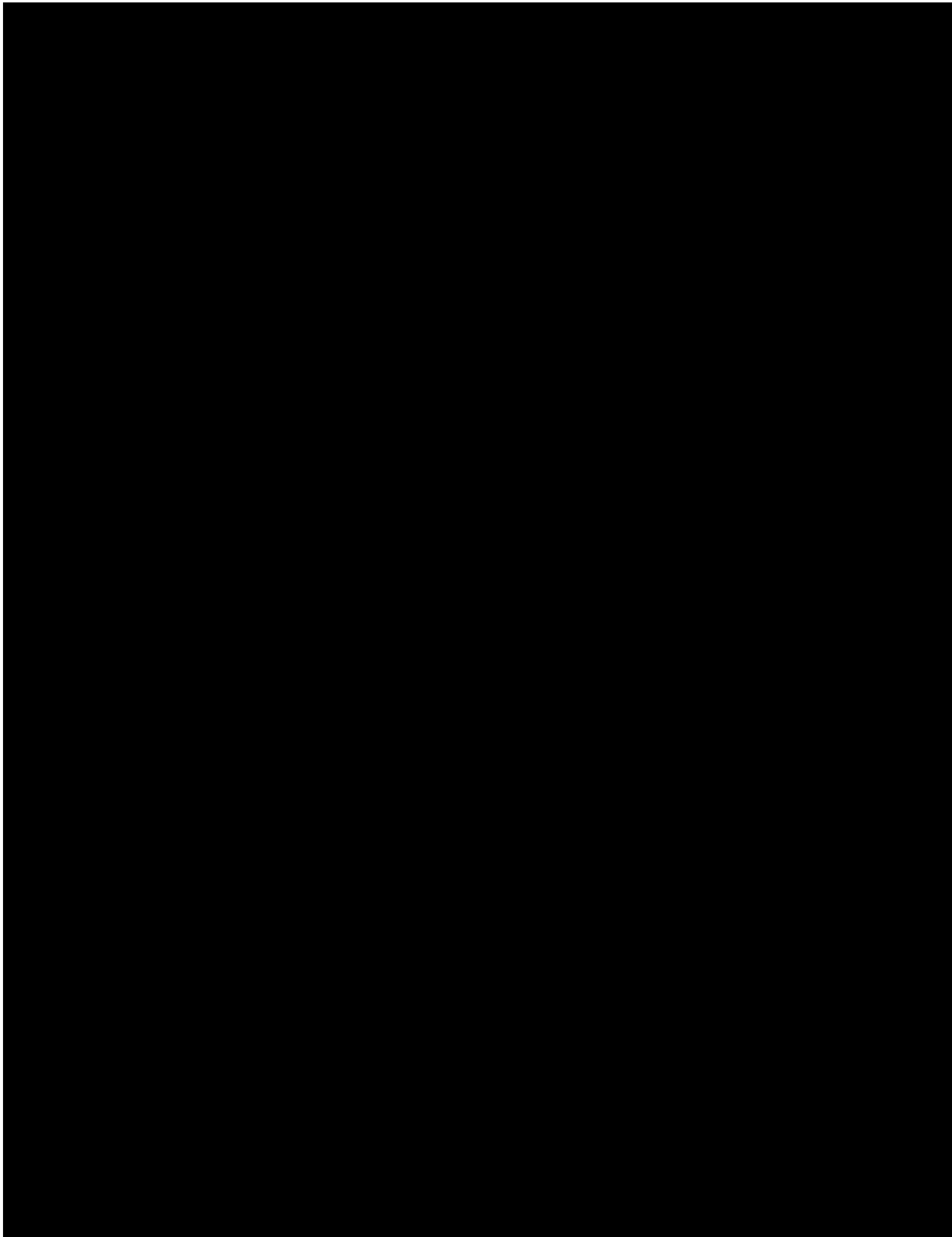
To avoid and minimize impacts to occupied grassland habitat, construction shall also adhere to the Uniform Standards and Conditions (see 16 NYCRR §§ 1100-6.4 (o)(3)(i)-(vii)). To avoid direct impacts to individual listed grassland birds during construction and to mitigate impacts to occupied grassland habitat, the Permittee shall adhere to the Uniform Standards and Conditions (see 16 NYCRR §§ 1100-6.4 (o)(3)(viii) and (ix)). Attachment B summarizes the areas of potential occupied habitat taken within the proposed facility site.

Please note that the basis for the Office's revised determination regarding occupied habitat and potential take only applies to this Facility. This determination is valid for a period of five years from the date of this letter. This determination may be subject to revision if changes are made to the Facility design and layout. Please contact the Office if any such changes are proposed.

**ATTACHMENT A: ORES <BEGIN CONFIDENTIAL INFORMATION> [REDACTED]
[REDACTED] <END CONFIDENTIAL INFORMATION> MAP**

ATTACHMENT B: ORES GRASSLAND BIRD TAKE DETERMINATION MAP

**ATTACHMENT A – ORES <BEGIN CONFIDENTIAL INFORMATION> [REDACTED]
[REDACTED] <END CONFIDENTIAL INFORMATION> MAP**



ATTACHMENT B – ORES GRASSLAND BIRD TAKE DETERMINATION MAP

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2000). The number of people aged 65 and over is projected to increase to 17.5 million by 2020, and the number of people aged 75 and over to 8.5 million (Office for National Statistics 2000).

There is a growing awareness of the need to address the needs of older people, and the need to ensure that they are able to live independently and actively in their own homes. The Department of Health (2000) has set out a strategy for older people, which includes a commitment to ensure that older people are able to live independently and actively in their own homes. The strategy also includes a commitment to ensure that older people are able to access the services and support that they need to live independently and actively in their own homes.

The Department of Health (2000) has also set out a number of key objectives for the strategy, which include: to ensure that older people are able to live independently and actively in their own homes; to ensure that older people are able to access the services and support that they need to live independently and actively in their own homes; to ensure that older people are able to participate in the community and social activities that they want to do; and to ensure that older people are able to live in a safe and secure environment.

The Department of Health (2000) has also set out a number of key actions to achieve these objectives, which include: to improve the quality of care and support for older people; to ensure that older people are able to access the services and support that they need to live independently and actively in their own homes; to ensure that older people are able to participate in the community and social activities that they want to do; and to ensure that older people are able to live in a safe and secure environment.

The Department of Health (2000) has also set out a number of key challenges to achieving these objectives, which include: the need to ensure that older people are able to access the services and support that they need to live independently and actively in their own homes; the need to ensure that older people are able to participate in the community and social activities that they want to do; and the need to ensure that older people are able to live in a safe and secure environment.

The Department of Health (2000) has also set out a number of key messages for older people, which include: to ensure that older people are able to live independently and actively in their own homes; to ensure that older people are able to access the services and support that they need to live independently and actively in their own homes; to ensure that older people are able to participate in the community and social activities that they want to do; and to ensure that older people are able to live in a safe and secure environment.

The Department of Health (2000) has also set out a number of key messages for carers, which include: to ensure that carers are able to provide the care and support that older people need to live independently and actively in their own homes; to ensure that carers are able to access the services and support that they need to provide care and support for older people; to ensure that carers are able to participate in the community and social activities that they want to do; and to ensure that carers are able to live in a safe and secure environment.

The Department of Health (2000) has also set out a number of key messages for service providers, which include: to ensure that service providers are able to provide the care and support that older people need to live independently and actively in their own homes; to ensure that service providers are able to access the services and support that they need to provide care and support for older people; to ensure that service providers are able to participate in the community and social activities that they want to do; and to ensure that service providers are able to live in a safe and secure environment.

The Department of Health (2000) has also set out a number of key messages for the public, which include: to ensure that the public are able to provide the care and support that older people need to live independently and actively in their own homes; to ensure that the public are able to access the services and support that they need to provide care and support for older people; to ensure that the public are able to participate in the community and social activities that they want to do; and to ensure that the public are able to live in a safe and secure environment.