WETHERSFIELD WIND REPOWERING PROJECT

MATTER NO. 23-03034

16 NYCRR § 1100-12 Exhibit 11

Terrestrial Ecology

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ACRONYM LIST

ECL	New York State Environmental Conservation Law
GCSR	Global Conservation Status Rank
GFA	Grassland Focus Area
IBA	Important Bird Area
IPaC	Information for Planning and Conservation
kV	kilovolt
LOD	Limits of Disturbance
MW	megawatt
NYCRR	New York Codes, Rules, and Regulations
NYNHP	New York Natural Heritage Program
NYSDEC	New York State Department of Environmental Conservation
SCSR	State Conservation Status Rank
USFWS	U.S. Fish and Wildlife Service
WMA	Wildlife Management Area

GLOSSARY TERMS

Key terms used frequently in this Application are defined below:

Applicant: Means Valcour Wethersfield NewCo, LLC.

Existing Facility: Refers to the existing 126-megawatt (MW) wind energy facility and its components located in the Towns of Eagle and Wethersfield, Wyoming County, New York, and commonly known as the Wethersfield Wind Park.

Facility Site: Refers to those privately owned parcels under option to lease, purchase, create an easement, or other real property interests with the Applicant on which all Repowered Facility components will be sited, including roads, collector lines, and interconnection with the electrical

Limits of Disturbance: Refers to the portion of the Facility Site that will necessarily be utilized to facilitate construction and operation of the Repowered Facility, including temporary workspaces.

Repowered Facility: Refers to the Wethersfield Wind Repowering Project, an approximately 136 MW wind energy generation facility located in the Towns of Eagle and Wethersfield, Wyoming County, New York, that will consist of new wind turbines, access roads, buried electric collection lines, collection substation facility improvements, temporary laydown and parking, permanent meteorological towers, and an aircraft detection lighting system tower. The Repowered Facility will reuse other existing aboveground components, including overhead collection lines, access roads, an operations and maintenance building, a 34.5-kilovolt (kV) to 230 kV collection substation; and a point of interconnection switchyard station owned by New York State Electric and Gas.

Study Area: Refers to the area evaluated for specific resource identification and/or resource impact assessment. The size of this area is appropriate for the target resource and takes into account the project setting, the significance of the resource or impact being identified or evaluated, and the specific survey distances included in 16 New York Codes, Rules, and Regulations Part 1100. Unless indicated otherwise in a specific exhibit, the Study Area represents the area within a 5-mile radius of the Facility Site.

16 NYCRR § 1100-2.12 Exhibit 11 Terrestrial Ecology

Exhibit 11 Information	Found in Section
Exhibit 11 shall contain:	
a. An identification and description of the type of plant communities present on the Facility Site, and adjacent properties within one hundred (100) feet of areas to be disturbed by construction, including the interconnections, based upon field observations and data collection.	11.1 and Appendix 11-A
b. An analysis of the temporary and permanent impact of the construction and operation of the facility and the interconnections on the vegetation identified, including a mapped depiction of the vegetation areas showing the areas to be removed or disturbed.	11.2
c. An identification and evaluation of avoidance measures or, where impacts are unavoidable, minimization measures, including the use of alternative technologies, regarding vegetation impacts identified.	11.3
d. A list of the species of mammals, birds, amphibians, terrestrial invertebrates, and reptiles that are likely to occur based on ecological communities present at, and bird and bat migration routes through, the facility, supplemented as necessary by site surveys, site observations and publicly available sources.	11.4 and Appendix 11-B
e. An analysis of the impact of the construction and operation of the facility and interconnections on wildlife, wildlife habitats, and wildlife travel corridors, other than a NYS threatened or endangered species or species of special concern (which will be addressed pursuant to 16 NYCRR § 1100-2.13).	11.5
f. An identification and evaluation of avoidance measures or, where impacts are unavoidable, minimization measures, including the use of alternative technologies, regarding impacts to wildlife and wildlife habitat.	11.6

11.0 EXHIBIT 11 - TERRESTRIAL ECOLOGY

SUMMARY OF EXHIBIT

Valcour Wethersfield NewCo, LLC (the Applicant), assessed potential impacts on terrestrial vegetation and wildlife resources associated with the construction and operation of the Repowered Facility. The Study Area for this exhibit consists of the Facility Site and all areas within 100 feet of anticipated construction disturbance, as required by 16 New York Codes, Rules, and Regulations (NYCRR) § 1100-2.12(a). This exhibit discusses impacts of the construction and operation of the Repowered Facility on species and habitats not currently listed as threatened or endangered in New York State.

The Repowered Facility will use 71 of the 77 Existing Facility parcels and will reuse 13.5 miles of existing access roads. The siting of the Repowered Facility avoids approximately 3,173 acres (95 percent) of forested communities within the Facility Site. Construction and operation of the Repowered Facility will result in temporary disturbance due to vegetation clearing for construction and temporary laydown yards, and buried electrical collection lines, as well as permanent impacts on vegetated habitats resulting from new components of Repowered Facility. Construction will require clearing approximately 157 acres or 5 percent of forested communities within the Facility Site for efficiencies related to construction and design. The Repowered Facility will result in permanent impacts of 300 acres or 4 percent of all existing plant communities within the Facility Site. No impacts on unique or rare natural communities will result from construction.

Changes in vegetation could influence the behavior of wildlife species by changing the quality and quantity of habitat for foraging, nesting, movement between habitats, or roosting (in the case of grassland bird species). However, because lands within the Facility Site have been subjected to ongoing agricultural use and operation of the Existing Facility, it is not anticipated that the Repowered Facility will materially affect wildlife utilizing habitats in the area. The Repowered Facility will permanently affect less than five percent of forested and agricultural lands within the Facility Site and, therefore, will not contribute materially to cumulative impacts on wildlife movement and travel corridors.

As described in Section 11.5, the Repowered Facility could result in the loss of approximately 20 birds per year more than the Existing Facility and a reduction of impacts on bats by 46 to 78 percent compared to the Existing Facility. The Applicant also considered the cumulative impacts (i.e., potential avian mortality analysis, potential bat mortality analysis, and a potential wildlife habitat impact analysis) of existing and proposed wind projects in the area. The Repowered Facility contribution is not expected to have population-level effects for any one bird or bat species.

11.1 IDENTIFICATION AND DESCRIPTION OF PLANT COMMUNITIES (16 NYCRR § 1100-2.12(a))

The Facility Site is dominated by agricultural row and field croplands and successional and mature forest types, interspersed with developed and successional lands reverting from agricultural or timber

use, wetland communities, and fallow agricultural fields, as outlined in this section. Plant communities were further classified into specific community descriptions provided in *Ecological Communities of New York State* (Edinger et al. 2014) and mapped based on a review of recent high-resolution aerial imagery and additional data collected during the 2024 field surveys. Figure 11-1 in Appendix 11-A depicts the following ecological communities within the Facility Site and Table 11.1-1 lists the State Conservation Status Rank Global Conservation Status Rank for each ecological community:

- **Beech–maple mesic forest:** A hardwood forest comprising codominant sugar maple (*Acer saccharum*) and American beech (*Fagus grandifolia*) with associates of red maple (*Acer rubrum)*, yellow birch (*Betula allegheniensis)*, or others, found on moist, well-drained, typically acidic soils.
- **Brushy cleared land:** Brushy cleared lands occur in areas that were formerly forest, woodland, or shrubland and have been clearcut or cleared by a brush-hog. According to Edinger et al. (2014), there is usually clear evidence of cut stumps, and there may be scattered, woody debris from logged trees. Vegetation is typically patchy, with scattered herbs, shrubs, and tree saplings. Areas such as log landings and primary logging roads are included in the developed/disturbed community description below.
- **Conifer plantation:** Conifer plantations are stands of softwoods planted for the cultivation and harvest of timber products or to provide wildlife habitat, soil erosion control, windbreaks, or landscaping. Although these communities provide some level of forest habitat, the lack of biodiversity typically does not support a wide range of plant and wildlife species.
- **Cropland/field crops:** A type of agricultural land with field crops, including alfalfa, wheat, timothy, and oats, as well as hayfields that are rotated to pastureland.
- **Cropland/row crops:** A type of agricultural land with row crops consisting of corn, soybeans, and other vegetables.
- **Developed/disturbed:** Developed and disturbed areas include any community created and/or maintained by human activities or modified by human influence such that the physical composition of the biological community is substantially different from the character of the community as it existed prior to human influence (Edinger et al. 2014). Examples include built environments (such as structures, roads, and pavement), mowed areas, landscaped areas, and areas with refuse dumping.
- **Emergent wetland:** Emergent wetlands include shallow emergent marsh habitat (Edinger et al. 2014). This is a very broadly defined wetland community that includes several distinct sub-communities and variants. Emergent wetlands occur in active agricultural lands, as well as undeveloped habitats with open canopies within the Repowered Facility Site.
- **Forested wetland:** Forested wetlands occur in poorly drained depressions. These communities primarily align with red maple-hardwood swamp, as defined

by Edinger et al. (2014). This is a broadly defined community with many regional and edaphic variants. The shrub layer is usually well developed and may be quite dense.

- **Hemlock-northern hardwood forest:** These mature forest communities occur in riparian areas and slopes. Edinger et al. (2014) define hemlock-northern hardwoods as an eastern hemlock (*Tsuga canadensis*) dominated woodland often found on lower hillslopes, in ravines, or in low-lying well-drained areas adjacent to forested wetlands. These communities are common throughout New York State. In any one stand, eastern hemlock is either the only canopy dominant or is codominant with one or more hardwoods, including white ash (*Fraxinus americana)*, maples, yellow birch, white oak (*Quercus alba*), and/or white pine (*Pinus strobus*). The shrub layer is usually sparse and may contain the saplings of dominant trees.
- **Open water:** Open water wetland features are open-water wetlands, palustrine unconsoli-dated bottom wetlands, farm ponds, rain-dependent/agricultural drainage streams (ephemeral), seasonal streams (intermittent), year-round streams (perennial), and all other open water features. In-depth descriptions of open water features within the Facility Site are found in Appendix 14-C Wetland and Waterbodies Delineation Report.
- **Pastureland:** Pastureland is a type of agricultural land permanently maintained as a pasture area for livestock.
- **Scrub-shrub wetland:** Scrub-shrub wetlands occur within successional areas, including those that were previously used as pasture and hay lands. These communities are typically dominated by tall shrubs that occur within wet depressions or valleys, or as a transition zone between a marsh, fen, or bog and a swamp or upland community. This is a very broadly defined habitat type that includes several distinct communities and many intermediates.
- **Successional northern hardwoods:** Successional northern hardwood forests are composed of hardwood or mixed forests that occur on sites that have been cleared or otherwise previously disturbed. Species growing in successional forests are typically considered pioneer species given that they are the first trees to populate an area that was once cleared.
- **Successional old field:** Successional old fields are meadows dominated by forbs and grasses that occur on sites that have been cleared and plowed (for farming or development) and then abandoned. They include fields mowed at an interval (e.g., less than once per year) that favors the reproduction of characteristic successional old field species.
- **Successional shrubland**: A successional shrubland is a shrubland that occurs on sites that have been cleared or disturbed. This community has at least 50 percent shrub cover.

As further described in Exhibit 12 NYS Threatened or Endangered Species, the Applicant coordinated with state and federal agencies to determine the presence of special status plant

communities in the vicinity of the Facility Site, inclusive of the Study Area. There are no NYNHP significant natural communities identified within the Facility Site or plant community study area (Facility Site and areas within 100 feet from the limits of disturbance). Additionally, the official species list provided by the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act did not identify any federally listed plants or rare communities in the Study Area or vicinity of the Repowered Facility (Appendix 12-A Wildlife Site Characterization Report).

Table 11.1-1 State and Global Conservation Status Rank

Ecological Community	State Conservation Status Rank	Global Conservation Status Rank
Beech–maple mesic forest	S3?	G4
Brushy cleared land	No rating listed	No rating listed
Conifer plantation	No rating listed	No rating listed
Cropland/field crops	No rating listed	No rating listed
Developed/disturbed	No rating listed	No rating listed
Emergent wetland	S3	G5
Forested wetland	S3S4	G5
Hemlock-northern hardwood forest	S3	G4G5
Open water		
open-water wetlands	S4	G4
palustrine unconsolidated bottom wetlands	S3	G4
farm ponds	No rating listed	No rating listed
rain-dependent/agricultural drainage streams (ephemeral)	No rating listed	No rating listed
seasonal streams (intermittent)	S4	G4
year-round streams (perennial)	S4	G4
all other open water features	N/A	N/A
Pastureland	No rating listed	No rating listed
Scrub/shrub wetland	S3S4	G5
Successional northern hardwoods	No rating listed	No rating listed
Successional old field	S5	G5
Successional shrubland	S5	G5

Source: NYNHP, 2025

Key:

S3: Vulnerable - Vulnerable globally or in the state/province due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation.

G4, S4: Apparently Secure - Uncommon but not rare; some cause for long-term concern due to declines or other factors.

G5, S5: Secure - Common, widespread, and abundant globally or in the state/province.

G#G#, S#S#: Range Rank - A numeric range rank (e.g., S2S3) is used to indicate any range of uncertainty about the status of the species or community. Ranges cannot skip more than one rank (e.g., SU is used rather than S1S4).

?: Inexact or Uncertain - Denotes inexact or uncertain numeric rank. (The ? qualifies the character immediately preceding it in the S-rank).

N/A: Ratings not applicable

11.2 IMPACTS ON PLANT COMMUNITIES (16 NYCRR § 1100-2.12(b))

Impacts on plant communities during construction and operation include temporary impacts, permanent conversion, and permanent impacts. Table 11.2-1 provides estimated acreages of impacts by plant community type, and Figure 11-A indicates where these impacts may occur.

Temporary impacts will occur within the Limits of Disturbance (LOD), which encompasses the anticipated outer bounds of the areas to be disturbed by the construction of the Repowered Facility, including any necessary vegetation clearing. This boundary includes defined work corridors along Repowered Facility components and incorporates areas where construction vehicles and/or personnel may need room to construct the Repowered Facility, which are not otherwise counted as permanent conversions or permanent impacts (defined below). Areas of temporary impact within plant communities include:

- Areas where shrubs and herbaceous vegetation are cut during construction;
- Areas where successional forests or conifer plantations are cut during construction, as these areas have the potential to return to their current state more rapidly than mature forest types;
- Areas not graded or grubbed (no removal of tree stumps), allowing the soil seed bank to be maintained; and
- Areas where crane pads will be installed to construct wind turbines.

These temporarily impacted areas will be restored following construction and will not be disturbed during operation of the Repowered Facility. Table 11.2-1 identifies temporary impacts on existing plant communities during construction of 53 acres, or 0.7 percent of the Facility Site. Construction and installation of Repowered Facility components within the LOD may result in temporary soil impacts, further described in Exhibit 10 Geology, Seismology, and Soils.

Permanent conversion represents all areas where trees will be cleared during construction and maintained over the lifespan of the Repowered Facility. Such clearing will be implemented according to an approved Vegetation Management Plan, submitted as a preconstruction compliance filing per 16 NYCRR § 1100-10.2(e)(4). Areas of permanent conversion will generally include:

- All areas of tree clearing associated with mature forest communities;
- All areas adjacent to the wind turbine foundations outside of areas utilized for agriculture;
- Areas adjacent to new or modified access roads where road edges will be mowed/maintained;
- Mowed areas for new collection line corridors outside of areas utilized for agriculture;
- Areas maintained for stormwater purposes; and
- Buried collection circuits.

These areas do not include places with successional vegetation that are cleared during construction and allowed to return to a vegetated state naturally after construction is complete (see the definition of temporary impacts, above). Table 11.2-1 identifies permanent conversion impacts on existing plant communities during construction and operation of 287 acres, or 3 percent of the Facility Site.

Permanent impacts comprise any areas where plant communities are removed for the installation of impervious surfaces and all areas that will host new or modified built components of the Repowered Facility. These permanent impacts will include:

- New wind turbine foundations; and
- New access roads or modifications to existing access roads cleared of all vegetation, graded, and grubbed prior to installation, where applicable.

These areas will be restored following decommissioning, as described in Exhibit 23 Site Restoration and Decommissioning. Table 11.2-1 identifies permanent impacts on existing plant communities during construction and operation of 13 acres, or 0.2 percent of the Facility Site.

All plant communities identified within the Study Area are common in New York State; therefore, no impacts on unique or rare natural communities will result from construction of the Repowered Facility. Temporary and permanent impacts on plant communities will not result in extirpation or material reduction of any plant community type within the Study Area.

11.3 MEASURES TO AVOID OR MINIMIZE PLANT COMMUNITY IMPACTS (16 NYCRR § 1100-2.12(c))

The siting process for the Repowered Facility maximizes the use of the Existing Facility site while reducing the total number of wind turbines. The Repowered Facility will use 71 of the 77 parcels of the Existing Facility. The Applicant sited access roads to reuse 13.5 miles of access roads from the Existing Facility to minimize areas of disturbance to the maximum extent practicable, while constructing 4.5 miles of new access roads. Built facilities of the Existing Facility will be reused, including the operation and maintenance facility, interconnection substation, and collection substation, thereby avoiding additional impacts on plant communities within the Facility Site. As a result of the Applicant's efforts to responsibly site the Repowered Facility and repurpose components of the Existing Facility, impacts to plant communities are minimal relative to the distribution of these communities within the Facility Site, Study Area, and beyond.

The Applicant evaluated the Survey Area through extensive field surveys to identify wetlands, cultural resources, visual resources, wildlife habitat, and other sensitive resources. Whenever possible, the results of the field surveys were used to avoid and minimize potential impacts on sensitive environmental resources within the Facility Site. Additionally, the Repowered Facility is proposed to be sited in a manner that avoids significant impacts on sensitive plant communities.

As shown in Table 11.2-1, agricultural communities represent nearly half of all plant communities within the Facility Site, totaling approximately 4,095 acres. Repowered Facility construction and

operation will result in permanent impacts on 140.7 acres or approximately 3.4 percent of agricultural communities within the Facility Site, including row cropland, field cropland, and pastureland. Impacts to agricultural lands are further discussed in Exhibit 15 Agricultural Impacts.

Additionally, the Facility Site contains approximately 3,350 acres of forested communities; forests comprise approximately 40 percent of all plant communities in the Facility Site. By siting the Repowered Facility in the location of the Existing Facility and reusing components of the Existing Facility, construction will result in permanent impacts on only approximately 127.3 acres of forestlands within the LOD, or 3.8 percent of forested communities within the Facility Site.

Table 11.2-1 Estimated Temporary and Permanent Impacts on Plant Communities

Community Type[1]	Presence			Temporary Conversion[2]			Permanent Conversion[3]			Permanent Impact[4]			
	Study Area (acres)	Facility Site (acres)	LOD (acres)	Acres	% of FS	% of LOD	Acres	% of FS	% of LOD	Acres	% of FS	% of LOD	Total Permanent Impacts[5] (acres)
Agricultural Areas													
Cropland/Field Crops	2,254	2,249	230	4	0.1	0.6	60	0.7	8.2	5	0.1	0.6	65
Cropland/Row Crops	1,619	1,617	158	2	<0.1	0.2	69	0.8	9.3	4	<0.1	0.5	72
Pastureland	230	229	24	<1	0.0	0.1	4	<0.1	0.5	<1	0.0	<0.1	4
Subtotal	**4,103**	**4,095**	**411**	**6**	**0.1**	**0.9**	**133**	**1.6**	**18.0**	**8**	**0.1**	**1.1**	**141**
Forested Communities													
Beech–Maple Mesic Forest	1,084	1,084	73	0	0.0	0	65	0.8	8.9	2	<0.1	0.3	67
Successional Northern Hardwoods	894	891	47	30	0.4	4.1	9	0.1	1.2	1	<0.1	0.1	10
Forested Wetland[6]	136	136	9	0	0.0	0.0	9	0.1	1.2	<1	0.0	<0.1	9
Conifer Plantation	347	345	7	3	<0.1	0.5	3	<0.1	0.3	<1	0.0	0.0	3
Hemlock-northern Hardwood Forest	895	895	40	0	0.0	0.0	38	0.5	5.1	1	<0.1	0.2	39
Subtotal	**3,357**	**3,350**	**177**	**34**	**0.4**	**4.6**	**123**	**1.5**	**16.8**	**4**	**0.1**	**0.5**	**127**
Wetland Communities													
Emergent Wetland	164	163	16	2	<0.1	0.3	5	0.1	0.6	<1	0.0	<0.1	5
Forested Wetland[6]	136	136	9	0	0.0	0.0	9	0.1	1.2	<1	0.0	<0.1	9
Scrub/Shrub Wetland	97	97	8	4	<0.1	0.5	2	<0.1	0.3	<1	0.0	<0.1	2
Open Water	33	33	<1	<1	0.0	<0.1	<1	0.0	0.0	0	0.0	0.0	0.
Subtotal	**430**	**428**	**33**	**6**	**0.1**	**0.8**	**16**	**0.2**	**2.1**	**1**	<0.1	**0.1**	**16**
Developed and Successional Communities													
Developed/Disturbed	338	301	96	6	0.1	0.8	18	0.2	2.5	1	<0.1	0.1	19
Successional Old Field	184	184	13	1	<0.1	0.1	2	<0.1	0.3	<1	0.0	<0.1	3
Successional Shrubland	233	232	16	6	0.1	0.9	3	<0.1	0.4	<1	0.0	<0.1	3
Brushy Cleared Land	1	1	0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Subtotal	**756**	**718**	**125**	**13**	**0.2**	**1.8**	**24**	**0.3**	**3.2**	**1**	<0.1	**0.1**	**25**
Total	**8,509**	**8,455**	**737**	**53**	**0.7%**	**8.0**	**287**	**3.4**	**38.9**	**13**	**0.2**	**1.8**	**300**

Notes:

1 Based on *Ecological Communities of New York* (Edinger et al. 2014), as described in Section 11.2.

2 Ecological communities restored following construction and allowed to naturally revegetate.

3 Includes areas cleared during construction and maintained as early successional communities during operations and mature forest communities cleared during construction and allowed to naturally revegetate.

4 Areas converted to built components of the Repowered Facility.

5 Rounded values.

6 Note that the Forested Wetland community type is included in the subtotal of both the Forested Communities and Wetland Communities subcategories.

Key: FS = Facility Site, LOD = Limits of Disturbance

In areas of temporary impacts and areas of permanent conversion of forests outside of areas to be maintained for the life of the Repowered Facility, the Applicant will not use herbicides to prevent sprouting of woody vegetation. Areas of permanent conversion of existing plant communities to maintained vegetation will be revegetated with a seed mix designed for wind sites and will be composed of fescues (*Festuca* spp.), Kentucky bluegrass (*Poa pratensis*), and white clover (*Trifolium repens*) or equivalent within the New York State Department of Environmental Conservation (NYSDEC) Blue Book (NYSDEC 2016), or as otherwise deemed appropriate for the area. For wetland areas that are temporarily impacted during construction, the Applicant anticipates reseeding with Ernst Conservation's OBL Wetland Mix, Southern Tier's Northeast Wetland Grass/Forb Mix, or an equivalent native obligate wetland seed mix appropriate to the Facility Site. The Construction Seeding Plan will be submitted as part of the Vegetative Management Plan during preconstruction compliance filings in accordance with 16 NYCRR § 1100-10.2. During operations, additional temporary vegetation impacts are not anticipated.

Other measures to avoid or minimize impacts on vegetation include marking sensitive areas (such as wetlands) where no disturbance or vehicular activities will be allowed, educating the construction workforce on respecting and adhering to the physical boundaries of off-limit areas, employing best management practices during construction, and maintaining a clean work area within the designated LOD. The Applicant will retain an independent environmental monitor to conduct inspections of areas requiring environmental compliance during construction activities, with an emphasis on those activities in sensitive areas. To protect adjacent undisturbed vegetation and other ecological resources, Appendix 13-C Stormwater Pollution Prevention Plan provides a comprehensive Erosion and Sediment Control Plan.

In addition, an Invasive Species Control and Management Plan will be developed for the Repowered Facility as a preconstruction compliance filing in accordance with 16 NYCRR § 1100-10.2(f)(4). The Invasive Species Control and Management Plan will include prescribed measures to control, remove, and dispose of invasive species throughout the area of disturbance during construction.

At the end of the Repowered Facility's life, the Applicant will remove the Repowered Facility components and restore disturbed areas within the Facility Site, as described in Exhibit 23 Site Restoration and Decommissioning. Following decommissioning and restoration efforts, lands within the Study Area are expected to return to preconstruction condition.

11.4 WILDLIFE AND WILDLIFE HABITAT (16 NYCRR § 1100-2.12(d))

Appendix 11-B lists mammals, birds, amphibians, terrestrial invertebrates, and reptiles that may occur within the Study Area based on site surveys, site observations, and publicly available sources. Wildlife and habitat potentially present within the Study Area were identified through a review of existing information obtained from publicly available sources and the site-specific Wildlife Site Characterization Report (Appendix 12-A), Wintering Grassland Raptor Survey Report (Appendix 12-B), Breeding Bird Survey Report (Appendix 12-C), Bat Survey Reports (Appendix 12-D), and Agency Correspondence (Appendix 12-E). Exhibit 12 NYS Threatened or Endangered

Species addresses impacts from construction and operation of the Repowered Facility on state-listed threatened, endangered, and species of special concern and their habitats. The following public data sources provided information on wildlife and habitats (citations for each are included in Appendix 12-A) within the Study Area:

- New York's Environmental Assessment Form Mapper, maintained by NYSDEC
- USFWS Information for Planning and Conservation (IPaC) and Environmental Conservation Online System Databases
- New York's Environmental Resource Mapper, maintained by NYSDEC
- NYSDEC Nature Explorer tool
- Biodiversity and Wind Siting Mapping Tool, developed by The Nature Conservancy, New York Natural Heritage Program (NYNHP), and New York State Energy and Research Development Authority
- iNaturalist
- The Cornell Lab of Ornithology eBird
- Audubon Christmas Bird Counts
- The U.S. Geological Survey Breeding Bird Survey
- The New York Breeding Bird Atlas III
- Data from the New York State Ornithological Association, Inc.
- National Land Cover data
- USFWS National Wetlands Inventory
- NYSDEC Wildlife Management Areas (WMAs)
- Data regarding other areas of interest (e.g., Audubon Important Bird Areas (IBAs), national wildlife refuges, wildlife management areas, grassland focus areas, core forest blocks, and known bat hibernacula)

The presence of mammals, including small mammals, was determined using the *Checklist of the Amphibians, Reptiles, Birds and Mammals of New York, Including Their Protective Status* (NYSDEC 2019) and International Union for Conservation of Nature range maps (IUCN 2024). The presence of terrestrial invertebrates was determined using research-grade observations reported to iNaturalist for Wyoming County, New York.

The NYNHP identified one state-listed threatened species documented at the Facility Site and one federally and state-listed endangered species documented within 150 yards of the Facility Site. No significant natural communities were identified within the Environmental Resource Mapper. See the Wildlife Site Characterization Report in Appendix 12-A for additional information.

Special status lands within 5 miles of the Repowered Facility include Lost Nation State Forest, Cold Creek State Forest, and NYSDEC public fishing access areas on Tonawanda Creek and Wiscoy Creek). The U.S. Department of Agriculture Natural Resource Conservation Service (USDA NRCS) Wetland Reserve Easement Program database identified two easement blocks within 5 miles of the Facility Site. Additionally, The Nature Conservancy's Matrix Forest Blocks and Linkages dataset did not identify any areas of large contiguous forest within the Facility Site (TNC Eastern Conservation Science 2024). Figure 3-8 Areas Affected by Sight and Sound includes the locations of these special status lands.

The Facility Site is located entirely within NYSDEC Grassland Focus Area (GFA) 1, which encompasses large portions of Western New York. GFA 1 contains breeding grounds for grassland species based on data from the third New York State Breeding Bird Atlas and Audubon New York surveys to identify regions that support these core populations. As shown in Table 11.2-1, approximately 4,278 acres (51 percent) of the ecological communities in the Facility Site provide grassland habitat (including field crops, row crops, pasturelands, and successional old fields).

The Facility Site does not overlap any Audubon Grassland IBAs. The nearest IBA is Letchworth State Park, which is approximately 11.5 miles to the east-northeast of the Facility Site and includes the Letchworth Bird Conservation Area.

11.5 IMPACTS ON WILDLIFE, WILDLIFE HABITATS, AND WILDLIFE TRAVEL CORRIDORS (16 NYCRR § 1100-2.12(e))

Construction-related impacts on wildlife are anticipated to be limited to habitat disturbance and loss, temporary displacement of wildlife due to behavioral disturbance, and potential incidental injury and mortality due to construction activity and vehicular movement. Operation-related impacts on wildlife include direct habitat impact, some habitat and travel corridor degradation through fragmentation, disturbance/displacement, and potential risk of injury and mortality. Exhibit 12 NYS Threatened or Endangered Species discusses impacts on species listed as threatened, endangered, and species of special concern and their habitats and proposed mitigation measures. The following paragraphs apply only to non-listed species.

Habitat Disturbance, Loss, and Fragmentation

The Repowered Facility components have been sited to minimize impacts on wildlife habitat by siting new components in lands used for the Existing Facility, and repurposing several Existing Facility components, while also reducing the number of turbines from 84 down to a maximum of 35. As shown in Table 11.2-1, agricultural and forest communities represent the majority of the plant communities that are anticipated to be impacted by construction of the Repowered Facility.

Changes in vegetation could influence the behavior of wildlife species by changing the quality and quantity of habitat for foraging, nesting, roosting, or movement between habitats. It is anticipated that the majority of wildlife present in the Facility Site will return to areas that were temporarily

disturbed following the completion of construction activity. Forests provide important breeding, migratory stopover, and wintering habitats for a variety of species. The amount of forest cover, size of individual forest patches, forest type, and linkages to other patches in a landscape determine their ability to support wildlife species that depend on them, including area-sensitive and edge-intolerant species. This is particularly true for mammals and forest birds that require extensive forests (Environment Canada 2004).

New locations of wind turbines, access roads, or collection line corridors through forests will provide some diversity to the mosaic of forested and open habitats available to wildlife species in the area. For example, the mowed and maintained clearance areas around the wind turbines will provide open habitat for foraging, and maintained access roads and collection line corridors will provide travel lanes for bats and other wildlife.

The Repowered Facility turbine locations will provide benefits to some edge and open habitat species, while fragmentation may negatively impact forest interior habitat species. In forested habitats, variation in forest types and age classes can benefit various wildlife species (Telfer 1974). Wildlife species respond differently to habitat modifications caused by forest harvests and other disturbances (Fredericksen et al. 2000). Although construction of the Repowered Facility will result in impacts to forested communities, the amount of forest habitat available within the Facility Site and within the greater landscape will not be significantly decreased or result in any decrease of existing wildlife species diversity or abundance. Although smaller turbines will be replaced with larger turbines for the Repowered Facility, evidence suggests that wildlife mortality rates are relatively constant per unit of energy produced when turbines are under similar environmental conditions, regardless of size (Huso et al. 2021).

Forest clearing or conversion will reduce available habitat and could result in impacts on forest avian species, which are sensitive to edge effects and habitat fragmentation. Fragmentation impacts can degrade habitat quality by impacting the movement, breeding, roosting, or foraging behaviors of birds and bats and may ultimately impact reproductive success or survival. Impacts that are taxa/species specific can occur at different spatial scales and will vary depending on configuration and extent of impacted areas, previous land uses or quality of previous habitat, and new land uses in the impacted areas.

Habitat fragmentation resulting from the Repowered Facility's operation may affect movement within travel corridors, breeding, and/or roosting behavior of various species across the landscape, but not materially more than any fragmentation that may have occurred as a result of the construction and operation of the Existing Facility. Additionally, on a landscape scale, forested habitats are abundantly available in the region. Forestland bird species vary in sensitivity to habitat fragmentation, as forest interior species are typically the most sensitive (Bannerman 1998). Forested fragmentation effects on bats are not well understood, and the effects may vary across species based on preferred prey, foraging areas, roosting needs, and flight morphology. Although measures to avoid the direct take of bats will be implemented for tree clearing, suitable roosting areas for some species may be lost due to tree clearing associated with construction.

However, suitable roosting habitat is prevalent throughout the region and near the Facility Site, and construction will only permanently affect less than five percent of forested lands within the Study Area. Additionally, the creation of open areas and forest edge may benefit some species, such as little brown bat (*Myotis lucifugus*) and big brown bat (*Eptesicus fuscus*), by increasing foraging opportunities.

Fields of row crops, such as corn and soybeans, typically provide marginal habitat for wildlife species, as these habitats are often too disturbed for nesting and breeding to be successful. Hay and pasture fields can provide habitats for foraging and breeding activities for a variety of migratory species, grassland birds, and small mammal species. The Facility Site is entirely within NYSDEC GFA (Grassland Focus Area) 1 (Western New York). Construction will permanently impact approximately 65 acres of field cropland, 72 acres of row cropland, 4 acres of pastureland, and 3 acres of successional old field communities. Given that NYSDEC GFA 1 comprises an area of over 1.5 million acres, these impacts are anticipated to be negligible in terms of landscape-level grassland habitat management.

As stated above, a significant portion of the Repowered Facility is in forested areas where existing access roads will be reused, and new access roads and maintained wind turbine locations will provide opportunities for foraging and movement through the area. In addition, the ecological function of forested areas within the Study Area will remain largely unaffected as most of the surrounding forest will remain available to wildlife. Similarly, though portions of the Repowered Facility are in agricultural areas, these areas provide marginal habitat ecologically due to regular farming activities; therefore, impacts due to the construction and operation of the Repowered Facility are considered negligible.

Behavioral Disturbance and Displacement

Some wildlife displacement may occur due to increased noise and human activity associated with construction. The significance of this impact will vary by species and the seasonal timing of construction activities. Outside of localized displacement due to construction disturbance in the immediate vicinity of Repowered Facility components, no significant displacement impacts on wildlife species are anticipated during construction. The Repowered Facility is sited mostly within the boundary of the Existing Facility. New locations for wind turbines may temporarily impact habitat suitability for nesting, foraging, roosting, or other wildlife use in these specific locations. However, these impacts are expected to be localized and temporary.

Incidental Injury or Mortality

Direct impacts from construction may include incidental injury or mortality due to construction equipment. Tree-clearing activities could impact forest nesting birds (eggs or hatchlings) and non-volant bat pups. However, these impacts are anticipated to be minimal and will not result from any tree clearing conducted outside of breeding windows. Vehicle-related mortality may increase temporarily due to increased traffic during construction and operation. However, potential mortality is expected to be low, as equipment used in wind energy facility construction generally

moves at slow rates or is stationary for long periods (e.g., earth moving equipment and erection cranes). Incidental injury and mortality during construction should be limited to juvenile and sedentary/slow-moving species that are unable to move out of the area disturbed by construction, such as small mammals, ground-nesting bird eggs and hatchlings, reptiles, amphibians, and invertebrates. More mobile species and mature individuals should be able to vacate areas disturbed by construction. Vehicle-related mortality may increase temporarily due to increased traffic during construction; however, as traffic decreases upon the completion of construction, so will the potential for wildlife-vehicle collisions.

Approximately 4 billion bird fatalities are recorded from anthropogenic sources annually in the contiguous United States, including fatalities resulting primarily from interactions with domestic cats, collisions with buildings and windows, and automobiles (Erickson et al. 2014). Wind turbines pose a significantly lower risk, resulting in an average of 386,000 avian fatalities per year or less than 0.01 percent due to collisions with blades and towers (Erickson et al. 2014). Avian mortality rates have remained relatively consistent at most wind turbine facilities across the United States. Across North America, studies show that fatality rates for all bird species range from zero birds/per megawatt (MW)/year to 77 birds/MW/year (Smallwood 2013). Most wind facility studies report on the low end of the range with 2.3 or fewer fatalities per MW/year and a median of 1.3 birds/MW/year (AWWI 2021). In the eastern United States, including New York, the median avian fatality rate at wind energy facilities is 1.43 birds/MW/year and the mean bird fatality rate is 2 birds/MW/year (AWWI 2020). Across North America, passerines (i.e., songbirds) are the most common bird fatalities recorded, accounting for approximately 60 percent of all avian fatalities (Choi et al. 2020). This is likely due to their nocturnal migration behaviors and their overall abundance. The highest risk of collision occurs during the spring and fall migrations, and during times of unfavorable weather such as fog (AWWI 2021). Currently, there has been no documentation of population impacts for any single bird species due to the development of wind energy facilities. This is primarily because passerines, which are the species most likely to collide with turbine structures and blades, are relatively abundant (Johnson et al. 2002; NRC 2007; Arnold and Zinc 2011; Erickson et al. 2014).

Based on the mean bird fatality rate for the eastern United States (2 birds/MW/year [AWWI 2020]) and a maximum generating capacity of 136 MW, the Repowered Facility could result in the loss of approximately 272 birds per year, approximately 20 birds per year more than the 126 MW Existing Facility. Although these turbines will be larger, current studies suggest that wildlife mortality rates are relatively constant per unit of energy produced when turbines are under similar environmental conditions, regardless of size. The study found that replacing older and smaller turbines with new larger turbines, generating the same amount of energy, will have little to no change in wildlife mortality rates (Huso et al. 2021). A similar study found that avian mortality increased with an increase in power rating, an increase in rotor diameter, and a decrease in ground clearance (Garvin et al. 2024). The Repowered Facility turbine blades will reach higher altitudes than the Existing Facility. With more rotor sweep at a higher altitude, more nocturnal migrating songbirds and long-distance bat migrants may be exposed to the rotor sweep. However,

repowering the facility with fewer turbines and greater spacing on the landscape is expected to reduce potential impacts on diurnal flying birds that do not typically fly as high as nocturnal migrants. Accordingly, these impacts are not expected to have population-level effects for any bird species. Exhibit 12 NYS Threatened and Endangered Species discusses potential impacts on federal or state-listed bird species.

Impacts on bats may also occur due to interactions with turbine blades and towers. Migratory tree-roosting bats, such as the hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), and eastern red bat (*Lasiurus borealis*), account for approximately 70 percent of bat fatalities at wind turbine sites across the United States (Choi et al. 2020; AWWI 2021). Cave-dwelling species, such as the little brown bat (*Myotis lucifugus*), northern long-eared bat (*Myotis septentrionalis*; federally and state-listed endangered), and Indiana bat (*Myotis sodalis*; federally and state-listed endangered) are also vulnerable to interactions with wind turbines. Significant *Myotis* bat population decline attributed to the spread of white-nose syndrome, a fungal disease, has impacted bats across 16 states and four Canadian provinces (USFWS 2012). Exhibit 12 NYS Threatened and Endangered Species discusses potential impacts on federal or state-listed bat species.

Collision risk for bats in the United States peaks in the late summer and early fall, which overlaps with the time of year when tree-roosting bat species migrate (AWWI 2021). However, the full scope of bat mortality due to collisions with wind turbines is not fully understood due to limited information on bat populations. Mortality rates in the United States for all bat species can vary, generally ranging from 4 to 7 bats/MW/year, with some individual projects reporting rates nearly 50 bats/MW/year and 75 percent of wind energy facilities reporting fatality estimates of fewer than 7.7 bats/MW/year and a median of 3 bats/MW/year (AWWI 2021). Mortality estimates vary significantly across USFWS regions, with the upper Midwest and eastern forest regions reporting higher and wider ranges of estimates than the Great Plains and western regions (AWWI 2021). A recent analysis of 59 post-construction monitoring studies conducted for wind energy facilities in the northeastern United States reported an overall median fatality rate of 3.99 bats/MW/year, and the overall mean fatality rate of 8.65 bats/MW/year (AWWI 2020). NYSDEC determined a mean bat fatality rate for all species combined was 6.7 bats per MW of generating capacity per year in New York State without curtailment (Denoncour and Herzog 2017).

Multiple studies show that strategic seasonal turbine curtailment can reduce all bat fatalities between 50 and 80 percent and could potentially result in a higher percentage of avoidance (Arnett et al. 2011; Baerwald et al. 2009; Martin et al. 2017). Based on the NYSDEC bat fatality rate of 6.7 bats/MW/year and a maximum generating capacity of 136 MW, the estimated annual bat fatality rate for the Repowered Facility with curtailment may range from 182 to 456 bats per year, a reduction from an estimated 844 bats per year, or 46 to 78 percent reduction compared to the Existing Facility. As previously stated, current studies suggest that wildlife mortality rates are relatively constant per unit of energy produced when turbines are under similar environmental conditions regardless of size (Huso et al. 2021). The taller turbines with greater maximum blade reach may also increase bat collisions due to the larger rotor sweep area. While the taller turbines

with greater maximum blade reach may increase bat collisions due to the larger rotor sweep area, compliance with curtailment requirements will reduce bat mortality during Repowered Facility operation.

Cumulative Impacts on Birds and Bats

Cumulative impacts analyses (i.e., potential avian mortality analysis, potential bat mortality analysis, and a potential wildlife habitat impact analysis) were completed for the Repowered Facility in relation to five nearby wind energy facilities:

- Existing Bliss Windpark (1.13 miles),
- Existing Orangeville Wind Farm (2.16 miles),
- Existing High Sheldon Wind (5.26 miles), and
- Proposed (under construction) Alle-Catt Wind (3.28 miles).

The planned repowering of the Bliss Windpark will result in a capacity of up to 110.5 MW and will utilize a curtailment regime to minimize impacts (Valcour Bliss NewCo, LLC., 2025). Based on public information, the Orangeville Wind Farm has a generating capacity of 94 MW and was commissioned in 2013 (Invenergy 2025a). The High Sheldon Wind Farm has a generating capacity of 112.5 MW and was commissioned in 2009 (Invenergy 2011). Given the dates these projects were permitted, it is not anticipated that they utilize curtailment regimes. In addition, the Alle-Catt Wind facility will have a generating capacity of 340 MW and is anticipated to use curtailment to minimize impacts (Invenergy 2018).

Using the mean bird fatality rate for the eastern United States of 2 birds/MW/year and a maximum generating capacity of each project results in an estimated annual cumulative bird fatality of 1,586 birds per year. The Repowered Facility could contribute to approximately 272 birds per year, or approximately 17 percent of the estimated annual mortality. These impacts from the Repowered Facility are not expected to have population-level effects for any one bird species.

Using the NYSDEC bat fatality rate of 6.7 bats/MW/year and the maximum generating capacity of each project results in an estimated annual cumulative bat fatality from 2,169 to 3,348 bats per year. This estimate assumes that the Existing Facility and other existing facilities do not use curtailment to reduce bat fatalities and reflects curtailment for the proposed Bliss Repowering Project and the Alle-Catt Wind Project currently under construction. The Repowered Facility with curtailment could contribute approximately 182 to 456 bats per year, or approximately 8 to 14 percent per year of the estimated annual mortality. However, these impacts are not expected to have population-level effects for any one species.

Furthermore, the Repowered Facility's impacts must be balanced against the environmental threats to wildlife species and their habitats posed by a failure to address and mitigate climate change. Climate change represents one of the most significant threats to a wide variety of wildlife

species, potentially threatening two-thirds of North American bird species with extinction (National Audubon Society 2019). Science-based organizations dedicated to the conservation of birds and their habitats, such as the National Audubon Society, strongly support the development of wind energy facilities (National Audubon Society 2020). Wind energy facilities can reduce carbon emissions and, therefore, represent one means of ameliorating the effects of climate change.

The Repowered Facility will permanently affect less than five percent of forested lands within the Facility Site and, therefore, will not contribute materially to cumulative impacts on wildlife movement and travel corridors. The fragmentation of interior forests by the placement of new access roads and collection line corridors will likely affect some interior forest wildlife species, while the creation of additional open areas and forest edges may benefit others. However, the ecological function of forested areas within the Facility Site will remain largely unaffected on a landscape scale as most of the surrounding forest will remain intact and available to wildlife, including birds and bats, and the majority of access road and collection line corridors will be reused from the Existing Facility.

11.6 MEASURES TO AVOID OR MINIMIZE IMPACTS ON WILDLIFE AND WILDLIFE HABITATS (16 NYCRR § 1100-2.12(f))

The Applicant will avoid and minimize impacts on wildlife and wildlife habitat to the maximum extent practicable through careful siting of Repowered Facility components and repurposing of the Existing Facility and components. Whenever possible, the Applicant sited Repowered Facility components in areas of the Existing Facility, including reusing certain components, as discussed in Section 11.3. As shown on Figure 11-1, Repowered Facility access roads will be sited on existing roads and farm lanes wherever possible, resulting in a minor amount of new access road construction, and areas of disturbance will be confined to the smallest practicable area. Further, the Applicant will require all contractors to adhere to designated construction limits and implement the approved Erosion and Sediment Control Plan and Stormwater Pollution Prevention Plan (see Exhibit 13 Water Resources and Aquatic Ecology, Appendix 13-C).

Cleared forestland at the periphery of some wind turbines and access roads will be allowed to regenerate in areas not required for maintenance of the Repowered Facility, which will provide habitat for early successional species over the short term and will eventually support forest species in the long term. In areas of natural regeneration, grubbing and grading will be limited to the minimum required to properly install Repowered Facility components. In addition, before construction, the Applicant will conduct baseline mapping of all invasive species within 100 feet of areas to be disturbed and will implement an approved Invasive Species Control and Management Plan, which will be submitted as a preconstruction compliance filing in accordance with 16 NYCRR § 1100-10.2(f)(4).

Because the Existing Facility has been operating in the location of the Facility Site with 84 wind turbines, it is expected that a reduction in the number of turbines to a maximum of 35 for the Repowered Facility would benefit avian populations that may utilize this area, even though forest disturbance will occur during construction. To significantly reduce the potential for bat collision

fatalities, the Applicant will implement a curtailment regime consistent with 16 NYCCR § 1100-6.4(o)(4)(v). See Table 12.7-1 of Exhibit 12 NYS Threatened or Endangered Species for details regarding curtailment implementation. Curtailment reduces bat fatalities by preventing turbine blades from spinning, including changing the cut-in wind speed and restricting turbine operation at low wind speeds. It is anticipated that adherence to a curtailment regime will significantly reduce bat mortality during Repowered Facility operation.

The Applicant will adhere to the Uniform Standards and Conditions set forth in 16 NYCRR Subpart 1100-6 and outlined in Table 11.7-1 to further avoid and minimize impacts on wildlife and wildlife habitat during construction. Exhibit 12 NYS Threatened or Endangered Species addresses additional measures the Applicant will take to avoid, minimize, and mitigate potential impacts on NYS threatened or endangered species.

11.7 UNIFORM STANDARDS AND CONDITIONS

Table 11.7-1 identifies the applicable Uniform Standards and Conditions to this exhibit.

Table 11.7-1 Applicable Uniform Standards and Conditions for Terrestrial Ecology

Citation in 16 NCRR	Uniform Standards and Conditions
§ 1100-6.4 (b)	Environmental and Agricultural Monitoring. (1) The permittee shall hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting permit requirements. The environmental monitor shall perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits. (2) The environmental monitor shall have stop work authority over all aspects of the facility. Any stop work orders shall be limited to affected areas of the facility. Copies of the reporting and compliance audits shall be provided to the host town(s) upon request. (3) The permittee shall identify and provide qualifications and contact information for the independent, third-party environmental monitor to the NYSDPS, with a copy to the Office. (4) If the environmental monitor is not qualified, the permittee shall also retain an independent, third-party agriculture-specific environmental monitor as required in section 1100-6.4(s) of this Part. (5) The permittee shall ensure that its environmental monitor and agricultural monitor are equipped with sufficient access to documentation, transportation, and communication equipment to effectively monitor the permittee's contractor's compliance with the provisions of the siting permit with respect to such permittee's facility components and to applicable sections of the Public Service Law, Executive Law, Environmental Conservation Law (ECL), and Clean Water Act Section 401 Water Quality Certification.

Citation in 16 NCRR	Uniform Standards and Conditions
§ 1100-6.4 (e)	Flagging. At least two (2) weeks before tree clearing or ground disturbing activities, the permittee shall stake or flag the planned limits of disturbance (LOD), the boundaries of any delineated NYS-regulated wetlands, waterbodies or streams in the LOD (as identified in the delineations prepared pursuant to sections 1100-1.3(e) and (f) of this Part), and any known archeological sites identified in the approved Cultural Resources Avoidance, Minimization and Mitigation Plan required in section 1100-10.2(g) of this Part, all on or off ROW access roads, limits of clearing and other areas needed for construction, including, but not limited to, turbine or solar array work areas, proposed infiltration areas for post-construction stormwater management, and laydown and storage areas. In addition, archeological sites shall be surrounded with construction fencing and a sign stating restricted access.
§ 1100-6.4 (m)	General Environmental Requirements. (1) Limits of Disturbance (LOD). Construction shall not directly disturb areas outside the construction limits shown on the design drawings. (4) E&S Materials. Permanent erosion control fabric or netting used to stabilize soils prior to establishment of vegetative cover or other permanent measures shall be one hundred (100) percent biodegradable natural product, excluding silt fence. Use of hay for erosion control or other construction-related purposes is prohibited to minimize the risk of introduction of invasive plant species. (5) Spill Kits. All construction vehicles and equipment shall be equipped with a spill kit. All equipment shall be inspected daily for leaks of petroleum, other fluids, or contaminants; equipment may only enter a stream channel if found to be free of any leakage. Any leaks shall be stopped and cleaned up immediately. Spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the NYSDEC's Spill Hotline within two (2) hours, in accordance with the NYSDEC Spill Reporting and Initial Notification Requirements Technical Field Guidance (see section 1100-15.1(i)(1)(iii) of this Part). The Office and the NYSDPS shall also be notified of all reported spills in a timely manner. (6) Construction Debris. Any debris or excess construction materials shall be removed to a facility duly authorized to receive such material. No burying of construction debris or excess construction materials is allowed.

Citation in 16 NCRR	Uniform Standards and Conditions
	(7) Clearing Areas. Tree and vegetation clearing shall be limited to the minimum necessary for facility construction and operation, and as detailed on final construction plans. (8) Clearing Methods. When conducting clearing, the permittee shall: (i) Comply with the provisions of 6 NYCRR Part 192, Forest Insect and Disease Control, and ECL Section 9-1303 and any quarantine orders issued thereunder; (ii) Not create a maximum wood chip depth greater than three (3) inches, except for chip roads (if applicable), nor store or dispose wood chips in wetlands, within stream banks, delineated floodways, or active agricultural fields; (iii) Not dispose of vegetation or slash by burning anywhere or burying within a wetland or adjacent area; and (iv) Coordinate with landowners to salvage merchantable logs and fuel wood. Where merchantable logs and fuel wood will not be removed from the Facility Site during clearing activities, final construction plans shall indicate locations of stockpiles to be established for removal from site or future landowner resource recovery. (9) Invasive Insects. To control the spread of invasive insects, the permittee shall provide training for clearing and construction crews to identify the Asian Longhorn Beetle and the Emerald Ash Borer and other invasive insects of concern as a potential problem at the Facility Site. If these insects are found, they shall be reported to the NYSDEC as soon as practicable.

11.8 REFERENCES

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