

Net Conservation Benefit Plan – Revision 1

Agricola Wind Project

Towns of Venice and Scipio

Cayuga County, New York

Prepared for:



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ACRONYMS AND ABBREVIATIONS

EDR	Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C.
IPaC	Information for Planning and Consultation
MW	megawatt
NCBP	Net Conservation Benefit Plan
NYCRR	New York Codes, Rules and Regulations
NYNHP	New York Natural Heritage Program
NYSDEC	New York State Department of Environmental Conservation
ORES	New York State Office of Renewable Energy Siting and Electric Transmission
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

1.0 INTRODUCTION

On behalf of Agricola Wind LLC, a wholly owned subsidiary of Liberty Renewables Inc. (the Applicant), Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) has prepared this Net Conservation Benefit Plan (NCBP) for the Agricola Wind Project, a proposed wind energy generation facility and associated infrastructure (the Facility) located in Cayuga County, New York. This NCBP supports a siting permit application (Application) under Article VIII of the New York State Public Service Law (Article VIII; formerly known as Section 94-c of the New York State Executive Law).¹ This NCBP will also assist the New York State Office of Renewable Energy Siting and Electric Transmission (ORES) in their review of the proposed Facility in accordance with Title 16 New York Codes, Rules and Regulations (16 NYCRR) 1100-6.4(o).

Based on previous consultations with ORES and the New York State Department of Environmental Conservation (NYSDEC), and environmental review and analysis conducted to date, the construction and operation of the Facility may result in impacts to areas of occupied habitat used by **BEGIN CONFIDENTIAL INFORMATION**< [REDACTED]

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(2) avoidance and minimization measures that have been implemented, or will be implemented, to reduce potential Facility-related impacts; and (3) mitigation measures that will be implemented by the Applicant to ensure that a net conservation benefit is provided for the potentially affected species.

2.0 FACILITY LOCATION AND DESCRIPTION

The proposed Facility is a utility-scale wind energy generating project located in Cayuga County, New York with a generating capacity of up to 99 megawatts (MW) (Figure 1). The Facility will include up to 24 wind turbines. Associated support facilities will include an underground medium voltage collection system, gravel access roads, permanent meteorological towers, an aircraft detection lighting system tower, temporary construction laydown areas, a temporary concrete batch plant, an operations and maintenance facility, a medium voltage-to-transmission voltage collection substation, a point of interconnection switchyard, and a short 115-kilovolt transmission line that will connect the Facility to the high voltage electrical grid. The lands that were evaluated to host the Facility (i.e., the Facility Site) comprise approximately 4,000 acres (Figure 2).

¹ Chapter XI, Title 16 of the New York Codes, Rules and Regulations (NYCRR) Part 1100. Available at: <https://ores.ny.gov/regulations>.

3.0 OCCUPIED HABITAT AND ANTICIPATED IMPACTS

3.1 Existing Conditions

In developing the Application for the Facility, the Applicant has gathered a substantial amount of information on existing ecological conditions within the Facility Site. A Wildlife Site Characterization (WSC) Report was prepared and submitted to ORES in September 2023 as part of the Article VIII pre-application process. In addition, spring raptor migration surveys, breeding bird surveys, fall raptor surveys, and winter raptor surveys were completed for the Facility between 2021 and 2024. Based on these assessments, the Facility Site is primarily composed of agricultural fields (row and field cropland) and pastureland, along with mixed forest, evergreen forest, woody wetlands, early successional communities, and developed land (primarily rural single-family houses, farms, and associated yards).

3.2 Summary of Agency Database Review, Consultation, and Field Survey Results

In addition to data collected on existing conditions with the Facility Site, the Applicant and EDR have engaged in consultations with federal and state agencies regarding the potential presence of threatened and endangered species within the vicinity of the Facility Site. These consultations included database review via the U.S. Fish and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) system, as well as correspondence with the New York Natural Heritage Program (NYNHP), the NYSDEC, and ORES. EDR performed a review of the IPaC system for the Facility on March 4, 2021, and again on August 1, 2023. **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED]

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Following receipt of this NYNHP response letter, EDR consulted with ORES and the NYSDEC to obtain occurrence records for any additional state listed species that may have been documented in the vicinity of the Facility Site. ORES provided a pre-application consultation letter dated January 8, 2024, which indicated that the Facility is not sited within areas of previously mapped occupied habitat for any state listed species. However, ORES recommended conducting on-site avian field surveys to evaluate state listed species presence and use patterns at the Facility Site.

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Descriptions and habitat requirements for these species are provided in Section 3.3.

Following the completion of pre-application avian field studies, EDR estimated where occupied habitat areas may be located within the Facility Site based on state listed endangered or threatened species documented during the on-site field surveys. An occupied habitat evaluation memorandum containing EDR's analysis was provided to ORES on July 25, 2024. As noted previously, ORES has determined that BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION take may potentially result during the Facility's operation phase. Therefore, the occupied habitat evaluation memorandum also included an estimate of potential take for this species.

On August 22, 2024, the Applicant and EDR met with ORES to discuss the results of on-site avian field surveys that were conducted between 2021 and 2024, occupied habitat boundaries, estimated Facility-related impacts to occupied habitat and BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION, and requirements for the NCBP. ORES issued a Determination of Occupied Habitat, Incidental Take, and Net Conservation Benefit (Determination) for the Facility on October 17, 2024 (refer to Section 3.4 for additional details).

3.3 Covered Species Descriptions and Habitat Requirements

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3.4 Occupied Habitat Determination

Based on the habitat requirements of these species, the results of the avian studies completed for the proposed Facility, and consultation with ORES, portions of the Facility Site represent occupied habitat for BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION

Within ORES-identified occupied habitat, the Facility's ground disturbance during construction and aboveground footprint as part of operations is considered to represent 'take' of such habitat. Because of the anticipated habitat loss and displacement impacts, the Applicant is required to identify avoidance and minimization actions, as well as mitigation strategies for unavoidable impacts that will satisfy the requirements of Article VIII. ORES identified the extent of occupied habitat in a Determination that was provided on October 17, 2024. BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION

3.5 Adverse Modification of Occupied Habitat and Incidental Take

Based on the occupied habitat areas defined for BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION ORES quantified the anticipated effects of the Facility on these areas. Facility-related take is anticipated to result from adverse modification of occupied breeding and wintering habitat. Based on the current locations of Facility components with significant aboveground footprints within ORES-identified occupied habitat (e.g., wind turbines, access roads), ORES has determined that adverse modification of occupied habitat will occur, with BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION

3.6 Population Jeopardy Assessment

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Other areas of Cayuga County and in the broader central New York landscape comprise very similar ecological community and habitat types to those found at the Facility and, therefore, are expected to include large areas of suitable habitat for the species in question. **BEGIN CONFIDENTIAL INFORMATION**<

Therefore, population-level effects to listed species in question are not anticipated as a result of construction or operation of the proposed Facility, especially given that the Applicant will offset potential impacts by providing a net conservation benefit to the species in question.

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4.0 AVOIDANCE AND MINIMIZATION

4.1 Avoidance and Minimization Measures

The Applicant has refined the Facility design multiple times in order to avoid and minimize impacts to a variety of sensitive resources. The following efforts have been (or will be) implemented during the Facility planning and design, construction and restoration, and operations and maintenance phases to avoid and minimize impacts to the state listed bird and bat species covered by this NCBP to the extent practicable, given the many other siting constraints inherent in the development of a wind energy generation project:

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Facility Planning and Design

- The Applicant consulted with ORES, NYSDEC, and USFWS on multiple occasions during the pre-application process regarding potential impacts to endangered and threatened bird species and appropriate studies to evaluate potential impacts such species.
- Most Facility components were sited in regularly disturbed areas primarily used for agricultural row crop (e.g., corn) production, which typically represent lower-quality habitat than grass-dominated areas. This represents impact minimization for state listed grassland bird species including BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION
- Some Facility wind turbines were placed near the edges of open field areas to minimize impacts to grassland bird occupied habitat. This represents impact minimization for state listed grassland bird species including BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION
- Some Facility components were sited along the boundary of open fields near wooded areas to minimize impacts to grassland bird occupied habitat. This represents impact minimization for state listed grassland bird species including BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION
- Some access roads throughout the Facility Site were sited to follow existing farm roads to avoid or minimize impacts to grassland bird occupied habitat. This represents impact minimization for state listed grassland bird species including BEGIN CONFIDENTIAL INFORMATION < [REDACTED] >END CONFIDENTIAL INFORMATION
- Linear Facility components were co-located where possible to reduce impacts to grassland bird occupied habitat. This represents impact minimization for state listed grassland bird species

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- The majority of Facility electrical collection lines will be installed underground, thereby minimizing possible collision and electrocution risk to raptors. This represents impact minimization for BEGIN CONFIDENTIAL INFORMATION < [REDACTED]
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Construction and Restoration

- The Facility will avoid or minimize ground disturbance and construction-related activities within occupied habitat during certain periods as follows:
 - In areas of grassland bird occupied breeding habitat, work will be conducted between August 16 and April 22 to the extent practicable.
 - In areas of grassland bird occupied wintering habitat, work will be conducted between April 1 and November 14 to the extent practicable.
- When ground disturbance and construction-related activities must occur within grassland bird occupied breeding habitat between April 23 and August 15 and within grassland bird occupied wintering habitat between November 15 and March 31, an environmental monitor or biologist will conduct weekly surveys for state listed endangered and threatened grassland bird species.
- The Applicant will submit an Environmental Monitoring Plan with pre-construction compliance filings, and will hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting permit requirements.
- The environmental monitor will be present during all construction and restoration activities to record and report all observations of state listed threatened or endangered species consistent with the requirements of Article VIII.
- The Applicant will implement appropriate agency notification procedures and protection measures in the event that active nests of a federal or state listed threatened or endangered bird species, or any dead or injured federal or state listed threatened or endangered bird species, or eggs or nests thereof, are discovered within the Facility Site during facility construction or maintenance, consistent with the requirements of Article VIII.
- If an active nest is discovered within the Facility Site prior to or during construction and the Facility may result in adverse impacts to the nest, then the Facility will adjust the construction schedule to avoid work in that location until nesting has been completed.
- All temporarily disturbed grassland vegetation communities will be re-graded to pre-construction contours and reseeded with a native or naturalized grassland seed mix (unless returning to agricultural use or otherwise specified by the landowner).

Operations and Maintenance

- If, during the life of the Facility, an active nest of a federal or state listed endangered or threatened bird species is discovered incidentally within the Facility Site, the Facility will notify the New York State Department of Public Service (NYSDPS) and ORES within 48 hours of discovery and prior to any further disturbance around the nest, roost, or area where the species

were seen exhibiting any breeding or roosting behavior. An area at least 500 feet in radius around the active nest shall be posted and avoided until notice to continue maintenance activities is granted by ORES.

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Facility Planning and Design

- As indicated in the ORES Determination, the Facility will not be sited or located within **BEGIN CONFIDENTIAL INFORMATION<** [REDACTED] **>END CONFIDENTIAL INFORMATION** Because the Facility is not located within these distances relative to state listed bat species occurrences, the Applicant assumes that there will be no impact to occupied habitat for this species.
- Most Facility components were placed in open areas, which represents impact minimization for forest-associated bat species.
- Linear Facility components were co-located where possible to reduce impacts to forestland. This represents impact minimization for forest-associated bat species.
- Wherever possible, the Applicant sited Facility components to prioritize avoidance of wetlands and streams, which can represent higher-quality wildlife habitat. This represents impact minimization for bat species.

Construction and Restoration

- Erosion, sedimentation, and pollution controls will be developed and implemented during construction to protect water quality in wetlands and streams. This represents impact minimization for bat species.
- During the construction and restoration phase, if an active state listed endangered or threatened bat species maternity colony roost tree (or structure) is discovered within the Facility Site by construction staff, the NYSDPS and ORES will be notified within 48 hours of discovery and a 500-foot radius around the colony will be posted and avoided until notice to continue maintenance related activities is granted by the NYSDPS or ORES. Following an incidental discovery of a bat maternity colony by construction staff or their consultants, the Facility will submit a re-evaluation of the potential impacts of the Facility on listed bat species to the NYSDPS and ORES.

Operations and Maintenance

- Consistent with the Article VIII uniform standards and conditions, the Facility will implement curtailment from July 1 through October 1 when wind speeds are at or below 5.5 meters per

second (m/s) and temperatures are at or above 10° Celsius (50° Fahrenheit) from 30 minutes before sunset to 30 minutes after sunrise. Curtailment will be on an individual turbine basis and will be determined by weather conditions as measured by each individual weather station on the turbine nacelle. This represents impact minimization for **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED] > **END CONFIDENTIAL INFORMATION** Multiple studies show that strategic seasonal turbine curtailment can reduce all bat fatalities by between 50% and 80% and potentially higher, depending on the cut-in speed used and the bat species that typically occur at a given site (Arnett et al., 2011; Baerwald et al., 2009; Martin et al., 2017). **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED]

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- During the operations and maintenance phase, if an active state listed endangered or threatened bat species maternity colony roost tree (or structure) is discovered within the Facility Site by operations staff, the NYSDPS and ORES will be notified within 48 hours of discovery and a 500-foot radius around the colony will be posted and avoided until notice to continue maintenance related activities is granted by the NYSDPS or ORES. Following an incidental discovery of a bat maternity colony by operations staff or their consultants, the Facility will submit a re-evaluation of the potential impacts of the Facility on listed bat species to the NYSDPS and ORES.
- Ultrasonic acoustic bat deterrent systems and/or other similar technologies may be employed at wind turbines during Facility operation.

Although the Applicant has designed the Facility to avoid and minimize impacts to ORES-identified occupied habitat and state listed wildlife species, the remaining impacts will be unavoidable, largely due to the many other siting constraints associated with the development of a wind energy generation project. The parcels that comprise the Facility Site represent a community of landowners who are willing and interested in hosting the Facility, but only under very specific circumstances that are compatible with their preferences. Parcels outside the Facility Site were typically not available for development; therefore, it was not possible to shift Facility components to other areas, even if they would otherwise be suitable for hosting Facility components or allow for further avoidance or minimization of impacts. Landowners agreeing to host Facility components typically have detailed requirements regarding where infrastructure can and cannot be located on their land so that they can continue to utilize portions of their property for activities like farming. Similarly, some landowners may be willing to host certain Facility components, but not others. Additionally, even if landowners are amenable to a shift in Facility components, such a change is often not possible given the setbacks and zoning requirements of the local municipalities and/or other sensitive resource constraints,

which reduce flexibility for Facility design shifts. As discussed in other Exhibits of this Application, the Applicant has shifted Facility components to avoid other sensitive resources during Facility design, in addition to avoiding areas of occupied habitat, to the extent practicable. Therefore, the only Facility layout alternative available to the Applicant is often to not locate Facility components on a particular property at all, which would undermine both the economic viability of the Facility and New York State's ability to meet the renewable energy and greenhouse gas emission reduction goals of the Climate Leadership and Community Protection Act (CLCPA, 2020).

New York State policy and laws—most notably the CLCPA—require the development of renewable energy projects to significantly increase generating capacity from renewable sources, meet clean energy goals, and combat climate change (CLCPA, 2020). The Facility has been designed to avoid and minimize impacts to environmental resources to the extent practicable, while also making a meaningful contribution to renewable energy generation in NYS and furthering well-established policy goals. As many policymakers, scientists, and developers are aware, climate change represents one of the most significant threats to a variety of wildlife species, potentially threatening two-thirds of North American bird species with extinction (National Audubon Society, 2019). Thus, any unavoidable impacts to bird species and their habitats from development of renewable energy projects, such as the proposed Facility, must be balanced against the environmental threats to those species and their habitats posed by a failure to address and mitigate climate change.

Post-Construction Avian and Bat Monitoring

The Applicant is in the process of coordinating with ORES and the USFWS regarding post-construction avian and bat monitoring surveys for the Facility. Post-construction avian and bat monitoring requirements are not fully described in the Article VIII regulations; therefore, the Applicant will review the NYSDEC's *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects* (NYSDEC Guidelines; NYSDEC, 2016), the USFWS *Land-based Wind Energy Guidelines* (USFWS, 2012), and recommendations provided by the regulatory agencies to determine the scope for post-construction avian and bat monitoring. Based on discussions with ORES, the Applicant is planning to conduct two years of post-construction avian and bat monitoring surveys (i.e., ground searches) to document Facility-related avian and bat mortality, calculate fatality rates for the Facility during operation, and evaluate the effectiveness of bat minimization measures (e.g., curtailment). This level of post-construction monitoring is consistent with the standard minimum level described in the NYSDEC Guidelines (NYSDEC, 2016).

5.0 PROPOSED MITIGATION

5.1 Net Conservation Benefit

Because ORES has determined that adverse modification of occupied habitat and incidental take will result from the construction and operation of the proposed Facility, the Article VIII regulations require the Applicant to show that the proposed mitigation measures can achieve a net conservation benefit for the species concerned. BEGIN CONFIDENTIAL INFORMATION <

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ORES and the NYSDEC have indicated in other renewable energy facility proceedings that the most straightforward and most widely accepted method for providing a net conservation benefit for adverse modification of state listed grassland bird habitat is through the protection and management of suitable state listed grassland bird species habitat within a facility site. However, if suitable land is unavailable within a facility site, creation of suitable habitat within a facility site, or protection and management of suitable habitat within the vicinity of a facility site or within the broader region could also be undertaken to provide a net conservation benefit to the species. The Article VIII uniform standards and conditions allow for a permittee to pay a mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund commensurate with the actual acreage of occupied habitat taken. Alternatively, permittee-implemented grassland bird habitat conservation (i.e., physical mitigation) may be proposed, with 0.2 acres of mitigation for every 1.0 acre of occupied grassland bird wintering habitat determined to be taken and 0.4 acres of mitigation for every 1.0 acre of occupied grassland bird breeding habitat determined to be taken.

Based on these mitigation ratios and information provided by ORES, EDR calculated the total mitigation acreage needed for permittee-implemented grassland bird habitat conservation. These calculations are summarized in Table 1.

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5.2 Proposed Grassland Bird Mitigation Area

Mitigation of impacts to occupied habitat for listed grassland bird species can be accomplished by leasing or purchasing suitable land, preferably in close proximity to a facility, establishing protective land agreements (e.g., deed restriction, conservation easement), and implementing a management regime that maintains the mitigation area as suitable grassland habitat for use by the affected species. Considering the mitigation calculations presented in Table 1, the Applicant will work with a third-party mitigation provider (Mitigation Agent) to preserve and manage **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED]

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Based on NYSDEC recommendations, mitigation areas for permittee-implemented grassland bird habitat conservation need to open, contiguous, and at least 25 acres in size. The Applicant began with a search of the Facility Site and its vicinity to identify potential mitigation areas. This search included outreach to participating landowners, as well as outreach to landowners with properties adjacent to the Facility Site. Despite discussions with multiple landowners over the course of several months, these efforts were unsuccessful, indicating that it will not be practicable to find land or on-site mitigation within or near the Facility Site. Typically, landowners were uninterested in leasing or selling their land and/or were unwilling to restrict land uses to the degree required for mitigation. Therefore, the Applicant is working with a third-party mitigation provider to identify suitable land parcels for mitigation elsewhere in New York State in order to attain the required mitigation acreage. Additional information for the proposed mitigation parcel(s) and the proposed mitigation area(s) will be identified in a subsequent version of this NCBP. However, if the option becomes available prior to Facility construction, the Applicant may instead elect to pay a mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund.

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5.4 Grassland Habitat Mitigation Management, Monitoring, and Reporting

As noted in Section 5.2, the Applicant has elected to provide a net conservation benefit for impacts to grassland occupied habitat through an agreement with a Mitigation Agent. The Mitigation Agent, on behalf of the Applicant, will preserve and manage at least **BEGIN CONFIDENTIAL INFORMATION**<[REDACTED]>**>END CONFIDENTIAL INFORMATION** of open land for a mitigation term of 30 years. Vegetation management activities are anticipated to include conventional mowing and shrub removal in specific portions of the proposed mitigation area(s). The Mitigation Agent will implement a variety of practices to effectively promote and management grassland bird habitat within the mitigation area. These practices may include:

- Initial management activities to convert cropland and hedgerows to grassland habitat through the planting of grasses, brush hogging to control woody vegetation, shrub and tree removal, and application herbicides to control invasive species growth (if needed depending on existing conditions).
- Nesting restrictions to avoid disturbance by mowing, planting, harvesting, driving, or by any other mechanized equipment or vehicles from April 23 to August 15.
- Grazing restrictions to prohibit high-intensity rotational grazing of livestock from April 23 to August 15.
- Wintering restrictions to avoid excessive disturbance such as frequent high-speed snowmobile, ATV, or motorized vehicle operation or loud noises from November 1 to March 31.
- Rotational mowing between August 16 and October 31 to provide a variety of vegetation heights throughout the mitigation term.
- Mowing restrictions to cut vegetation to a height no shorter than 6 inches using a brush-hog or similar rotary-blade mower.
- Control of undesirable invasive species and woody vegetation.
- Other restrictions to prevent disturbance of nesting birds by other sources including livestock, household animals, and motorized vehicles.

The Mitigation Agent will also implement a mitigation area management regime that may include the following steps for the first 5-year successional cycle: (1) a baseline assessment of existing conditions at the mitigation area in 2025 and/or 2026; (2) preliminary site management activities in 2026 (to define the mitigation area boundaries, establish optimal vegetation characteristics, reduce fragmentation of the grassland, and enhance existing habitat suitability); (3) prohibition of mechanized disturbance, loud noise, and public access within these managed areas during the wintering and nesting seasons; and (4) rotational maintenance mowing of one third of each mitigation area each year after preliminary site management activities to maintain and enhance grassland habitat during the first 5-year successional cycle. It is

anticipated that the Mitigation Agent will divide the proposed mitigation area(s) into three rotational mowing zones with approximately equal areas.

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At the end of the first 5-year successional cycle, the Mitigation Agent will identify vegetation management activities needed to retain conditions suitable for ongoing use by grassland bird species. If necessary, portions of the mitigation area will be mowed and/or brush-hogged between August 16 and October 31 to control woody vegetation that may have become established during the first successional cycle and restore optimal vegetation conditions. Depending on the level of woody vegetation encroachment, these activities may occur within only certain portions of the mitigation area, or throughout the entire mitigation area. This will serve as the start of the second 5-year successional cycle. A similar management regime will be implemented for the remaining years within the 30-year mitigation term, consisting of rotational maintenance mowing for multiple years, followed by end of cycle maintenance to control woody vegetation (if necessary). Monitoring of vegetation/habitat conditions will occur during the first successional cycle. Based on ORES review and recommendations, the subsequent management regime will either follow the same regime for the rest of the mitigation term, or a new management regime will be developed in consultation with ORES.

In order to document that the mitigation area is being appropriately protected and managed, the Mitigation Agent will: (1) record information regarding the timing and type(s) of management activities conducted each year, including the area(s) in which management activities occurred; (2) collect representative photographs of vegetation and habitat conditions before and after management activities; (3) collect representative photographs indicating that mitigation area boundaries are marked with posted signs and that existing fence lines (if any) are maintained; (4) identify any threats and/or risks to the target species that existed prior to implementation of the mitigation measures, and how such threats and/or risks were reduced or eliminated; and (5) document any state listed species observed utilizing the mitigation area. The Mitigation Agent will collect this information annually during the 30-year mitigation term and provide this information to ORES in the format of a brief form, memorandum, or report by December 31 of each calendar year.

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Table 2. Anticipated Timeline for Mitigation Activities

Term Year	Year	Mitigation Activity Type	Description of Mitigation Activities
N/A	2025 and/or 2026	Baseline Assessment	Site visits to document existing conditions during the breeding and wintering seasons
N/A	2026	Preliminary Site Management	Mark mitigation area boundaries; remove woody vegetation in select areas; prepare fields; perform initial mowing
1	2027	Annual Maintenance; Monitoring and Reporting	Rotational mowing within the mitigation area(s) (first third); conduct monitoring and send report to ORES
2	2028	Annual Maintenance; Monitoring and Reporting	Rotational mowing within the mitigation area(s) (second third); conduct monitoring and send report to ORES
3	2029	Annual Maintenance; Monitoring and Reporting	Rotational mowing within the mitigation area(s) (last third); conduct monitoring and send report to ORES
4	2030	Annual Maintenance; Monitoring and Reporting	Rotational mowing within the mitigation area(s) (first third); conduct monitoring and send report to ORES
5	2031	End of Cycle Maintenance; Monitoring and Reporting	Mowing and/or woody vegetation control throughout all Zones as needed; conduct monitoring and send report to ORES
6	2032	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2031 based on consultation with ORES; conduct monitoring and send report to ORES
7	2033	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2031 based on consultation with ORES; conduct monitoring and send report to ORES
8	2034	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2031 based on consultation with ORES; conduct monitoring and send report to ORES
9	2035	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2031 based on consultation with ORES; conduct monitoring and send report to ORES
10	2036	End of Cycle Maintenance; Monitoring and Reporting	Mowing and/or woody vegetation control as needed – Zone(s) to be identified in consultation with ORES; conduct monitoring and send report to ORES
11	2037	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2036 based on consultation with ORES; conduct monitoring and send report to ORES
12	2038	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2036 based on consultation with ORES; conduct monitoring and send report to ORES
13	2039	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2036 based on consultation with ORES; conduct monitoring and send report to ORES
14	2040	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2036 based on consultation with ORES; conduct monitoring and send report to ORES

Term Year	Year	Mitigation Activity Type	Description of Mitigation Activities
15	2041	End of Cycle Maintenance; Monitoring and Reporting	Mowing and/or woody vegetation control as needed – Zone(s) to be identified in consultation with ORES; conduct monitoring and send report to ORES
16	2042	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2041 based on consultation with ORES; conduct monitoring and send report to ORES
17	2043	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2041 based on consultation with ORES; conduct monitoring and send report to ORES
18	2044	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2041 based on consultation with ORES; conduct monitoring and send report to ORES
19	2045	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2041 based on consultation with ORES; conduct monitoring and send report to ORES
20	2046	End of Cycle Maintenance; Monitoring and Reporting	Mowing and/or woody vegetation control as needed – Zone(s) to be identified in consultation with ORES
21	2047	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2046 based on consultation with ORES; conduct monitoring and send report to ORES
22	2048	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2046 based on consultation with ORES; conduct monitoring and send report to ORES
23	2049	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2046 based on consultation with ORES; conduct monitoring and send report to ORES
24	2050	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2046 based on consultation with ORES; conduct monitoring and send report to ORES
25	2051	End of Cycle Maintenance; Monitoring and Reporting	Mowing and/or woody vegetation control as needed – Zone(s) to be identified in consultation with ORES; conduct monitoring and send report to ORES
26	2052	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2051 based on consultation with ORES; conduct monitoring and send report to ORES
27	2053	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2051 based on consultation with ORES; conduct monitoring and send report to ORES
28	2054	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2051 based on consultation with ORES; conduct monitoring and send report to ORES
29	2055	Annual Maintenance; Monitoring and Reporting	Rotational mowing – Zone(s) to be identified in 2051 based on consultation with ORES; conduct monitoring and send report to ORES
30	2056	End of Cycle Maintenance; Monitoring and Reporting	Mowing and/or woody vegetation control – Zone(s) to be identified in consultation with ORES; final mitigation management event; conduct monitoring and send report to ORES

5.5 Site Protection Instrument and Financial Assurances

Contingent on issuance of required permits for the Facility, the Applicant and the Mitigation Agent will provide proof of entering an agreement for the proposed grassland habitat mitigation area(s) and associated site protection, management, monitoring, and reporting activities. As part of the agreement, the Applicant will make a payment to the Mitigation Agent to facilitate implementation of grassland habitat mitigation within the mitigation area(s). This payment will allow the Mitigation Agent to implement management, monitoring, and reporting activities. Documentation of the payment made to the Mitigation Agent will be provided to ORES. Similarly, the Applicant and/or the Mitigation Agent will provide documentation of the mitigation activities performed to provide a net conservation benefit to the **BEGIN CONFIDENTIAL INFORMATION** <[REDACTED]> **END CONFIDENTIAL INFORMATION** As an alternative to physical mitigation, the Applicant may elect to pay a mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund. The mitigation fee would be commensurate with the actual acreage of occupied habitat taken (for grassland birds) and/or the anticipated number of individuals taken (for **BEGIN CONFIDENTIAL INFORMATION** <[REDACTED]> **END CONFIDENTIAL INFORMATION**), and documentation of this payment would be provided to ORES, as required.

The Applicant, a subsidiary of Liberty Renewables Inc., is well positioned to finance the implementation of the NCBP. Liberty Renewables Inc. is held by Copenhagen Infrastructure Partners (CIP), a global fund management company that has successfully raised significant capital for investments in renewable energy and associated infrastructure. In addition, the Applicant possesses the project development experience, technical expertise, financial resources, and commitment to deliver the planned Facility and its associated mitigation requirements. This supports the finding that the implementation of the NCBP will be economically feasible and financially viable. Therefore, ORES should find that the Applicant has the financial wherewithal to carry out the mitigation obligations under Article VIII relating to endangered and threatened species, and as presented in this NCBP.

6.0 REFERENCES

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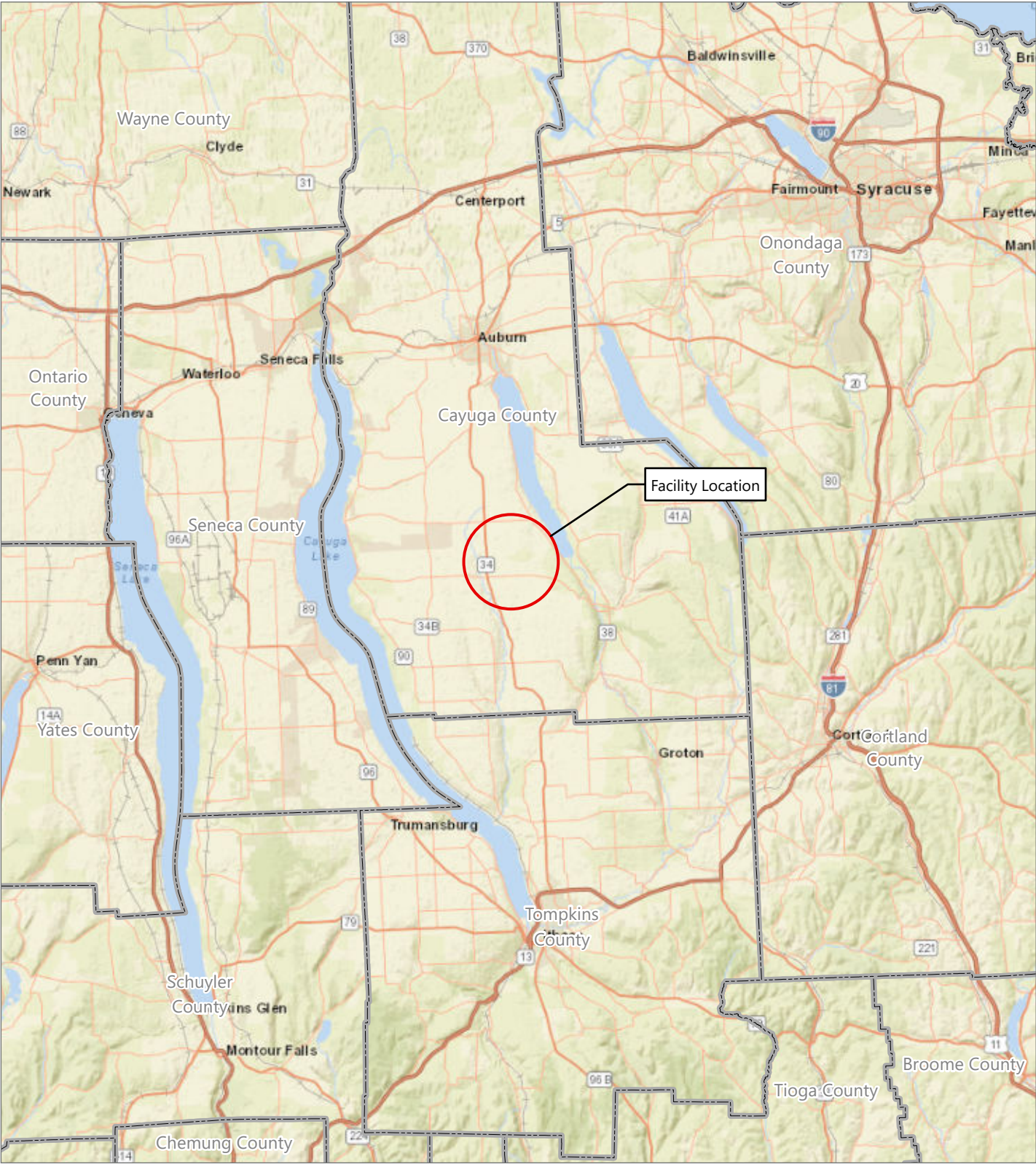
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FIGURES

Figure 1. Regional Facility Location



Agricola Wind Project

Towns of Venice and Scipio,
Cayuga County, New York

Net Conservation Benefit Plan

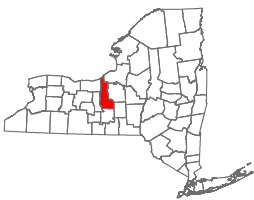
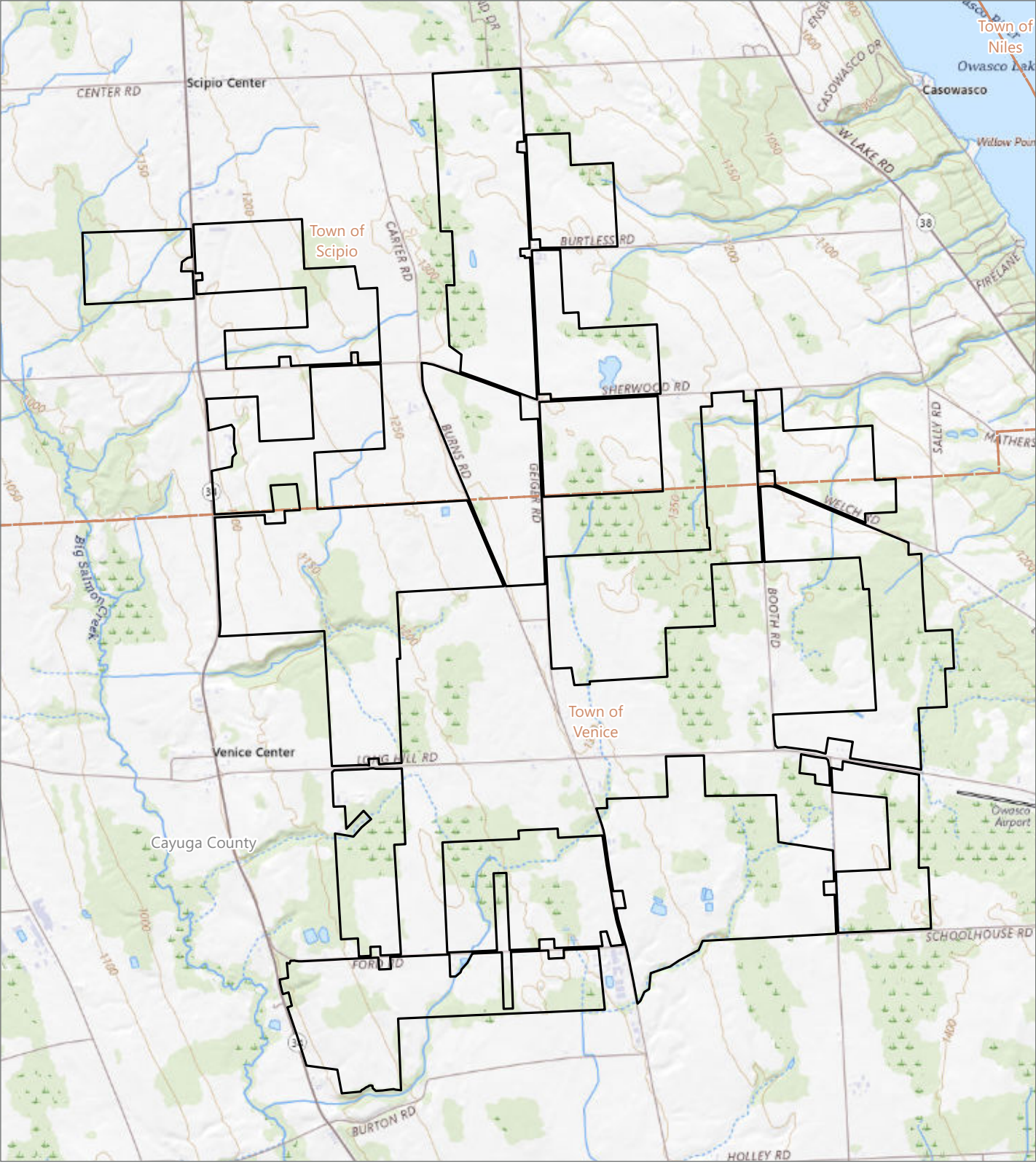


Figure 2. Facility Site

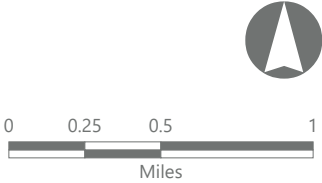


Agricola Wind Project

Towns of Venice and Scipio,
Cayuga County, New York

Net Conservation Benefit Plan

□ Facility Site



This figure has been redacted from this publicly available document because it contains protected/confidential information regarding species listed as endangered, threatened, or special concern in New York.