

# **Agricola Wind Project**

**Permit Application No. 23-00064**

**1100-2.20 Exhibit 19**

**Environmental Justice**

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## EXHIBIT 19 ENVIRONMENTAL JUSTICE

### (a) Identification and Evaluation of Potential Impact

In accordance with Title 16 New York Codes, Rules, and Regulations (NYCRR) Section 1100-2.20, Agricola Wind LLC (the Applicant) conducted an assessment to identify potential environmental justice (EJ) areas<sup>1</sup> and evaluate the potential for Facility construction and operation to result in significant and adverse disproportionate environmental impacts.

To identify potential EJ areas that could be impacted by the construction and operation of the Facility, the Applicant defined an impact study area in accordance with 6 NYCRR § 487.4 and 16 NYCRR Section 1100-2.20(a)(1). Given the minimal nature, scope, and magnitude of anticipated public health and environmental impacts resulting from the construction and operation of the Facility, the minimum impact study area defined by the regulations (a 0.5-mile radius around the Facility Site) was defined as the EJ Study Area. This is appropriate given that the Facility will not have air quality impacts or other significant impacts on public health and safety. The EJ Study Area is approximately 11,803 acres (18.4 square miles) in size and includes portions of 3 U.S. census block groups (see Figure 19-1 [Potential Environmental Justice Areas]).

The Applicant utilized the 2020 Potential EJ Areas dataset<sup>2</sup> published by the New York State Department of Environmental Conservation (NYSDEC), which relies on the 2014-2018 5-year American Community Survey (ACS) conducted by the US Census Bureau, to evaluate all U.S. census block groups within the EJ Study Area. Based on this dataset and as shown in Table 19-1, there are no potential EJ areas within the EJ Study Area.

**Table 19-1. Demographic Data by Census Block Group within the EJ Study Area**

Block Group ID	Percent Minority	Percent Households Below Poverty Line	Urban/Rural	Potential EJ Area?
Block Group 1 Census Tract 410.01	4.18%	6.25%	Rural	No
Block Group 1 Census Tract 411.02	0.0%	3.42%	Rural	No
Block Group 2 Census Tract 411.02	3.22%	2.99%	Rural	No

Source: NYSDEC, 2020

The nearest potential EJ area is Block Group 2, Census Tract 408, Cayuga County, New York. This potential EJ area is located outside the EJ Study Area, approximately 1.3 miles east of the Facility Site in the Town of Moravia. Approximately 32.12% of the population in this block group reported themselves to be members

<sup>1</sup>Potential environmental justice areas are defined by 16 NYCRR Section 1100-1.2(u) as minority or low-income communities that may bear a disproportionate share of the negative environmental consequences resulting from the siting of a major renewable energy facility. As established in NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting, a minority or low-income community is defined by U.S. Census block groups that have populations that meet or exceed at least one of the following statistical thresholds:

1. At least 52.42% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 26.28% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 22.82% of the population in an urban or rural area had household incomes below the federal poverty levels.

<sup>2</sup> Available at: <https://www.dec.ny.gov/public/911.html>.

of minority groups, which exceeds the NYSDEC threshold (NYSDEC, 2020). Given the distance between the closest potential EJ area and the Facility, and the scope of the Facility's potential impacts, no significant and adverse disproportionate environmental or public health impacts to potential EJ areas are anticipated as a result of Facility construction or operation. Therefore, the EJ analysis outlined in 6 NYCRR § 487.10 is not required and will not be provided in this Application.

See Exhibit 17 for an identification of disadvantaged communities (DACs) in the vicinity of the Facility and an evaluation of the Facility's impacts on any identified disadvantaged communities. Exhibit 17 also includes information on how the Facility is consistent with the Climate Leadership and Community Protection Act's goals of prioritizing and maximizing reduction of greenhouse gases and co-pollutants in DACs and ensuring DACs receive the benefits of transitioning to a clean energy economy.

#### **(b) Proposed Impact Avoidance, Minimization, and Mitigation Measures**

As discussed in Exhibit 19(a), no potential EJ areas are located within the EJ Study Area. Construction and operation of the Facility would not result in any impacts to potential EJ areas that would need to be avoided, minimized, or mitigated.

#### **(c) Analysis of the Suitability of Proposed Impact Avoidance, Minimization and Mitigation Measures**

See Section 19(b).

#### **(d) Final EJ Analysis**

As discussed in Exhibit 19(a), the Applicant conducted an assessment to identify potential EJ areas and evaluate the potential for Facility construction and operation activities to result in significant and adverse disproportionate environmental impacts to any identified potential EJ areas. The assessment identified no potential EJ areas within the EJ Study Area. Construction and operation of the proposed Facility will not result in significant and adverse disproportionate impacts to any potential EJ area.

## REFERENCES

Climate Justice Working Group (CJWG). 2023. List of Disadvantaged Communities [PDF]. Available at: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/> (Accessed October 2024).

New York State Department of Environmental Conservation (NYSDEC). 2020. *Potential Environmental Justice Areas*. Available at: <https://www.dec.ny.gov/public/911.html> (Accessed October 2024).