

# Wetland Restoration and Mitigation Plan

## Agricola Wind Project

Towns of Scipio and Venice

Cayuga County, New York

Prepared for:



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## 1.0 INTRODUCTION

Agricola Wind LLC (the Applicant), a wholly owned subsidiary of Liberty Renewables Inc., is seeking approval from the Office of Renewable Energy Siting and Electric Transmission (ORES) for a Siting Permit pursuant to Article VIII of the New York State Public Service Law for the Agricola Wind Project, a major renewable energy facility. As detailed further below, the construction of the Agricola Wind Project (the Project) will result in impacts to state-regulated wetlands.

This Wetland Restoration and Mitigation Plan (the Plan) was prepared to provide mitigation in accordance with the requirements of Title 16 New York Codes, Rules and Regulations (16 NYCRR) Section 1100-2.15(g) and 1100-10.2(f)(2). The information presented in this Plan will be developed in more detail and submitted as a pre-construction compliance filing as required by 16 NYCRR 1100-10.2(f)(2) prior to the start of construction.

### 1.1 Project Overview

The Applicant is anticipating to construct an up to 99-megawatt wind energy generation facility with up to 24 proposed turbine locations and associated necessary infrastructure (the Facility) in the Towns Scipio and Venice, in Cayuga County, New York. The proposed Facility is sited within a collection of privately owned parcels encompassing approximately 3,989 acres of land that is primarily rural in nature (the Facility Site). Associated support facilities will include a medium voltage collection system, gravel access roads, two permanent meteorological (MET) towers, an aircraft detection lighting system (ADLS) tower, temporary construction laydown areas, a temporary concrete batch plant, an operations and maintenance (O&M) facility, a medium voltage-to-transmission voltage collection substation, a point of interconnection (POI) switchyard, and a short 115kV overhead gen-tie line that will connect the Facility to the high voltage electrical grid.

### 1.2 Site Description

The Facility Site occurs entirely within the Seneca (04140201) hydrologic unit. Most of the surface hydrology within the Facility Site is generated by direct precipitation and surface water run-off from adjacent land. In areas associated with large wetland complexes and streams, surface hydrology is also influenced by periodic flooding during heavy precipitation or seasonal run-off events. The average annual precipitation from 2004 to 2024 was 48.45 inches at the nearby Auburn, New York weather station (NOAA, 2024).

Wetlands and streams within the Facility Site were delineated during the growing season between May 2023 and September 2024. Wetlands are common and dispersed throughout the Facility Site. Most wetlands within the Facility Site drain southwest to Cayuga Lake via the Big Salmon Creek. However, several wetlands in the eastern portion of the Facility Site drain northeast into Owasco Lake. For more information on wetlands and streams within the Facility Site, see the Wetland Delineation Report (Appendix 14-A).

## 2.0 ACTIVITIES REQUIRING MITIGATION

As discussed in detail in Exhibit 14, the Applicant has avoided and minimized impacts to NYS-jurisdictional wetlands and regulated adjacent areas within the Facility Site to the maximum extent practicable. However, construction and

operation of the Facility will result in impacts to state-regulated wetlands and adjacent areas that will require mitigation (see Table 14-1 and 14-2 in Exhibit 14).

### **3.0 PROPOSED MITIGATION**

As outlined in 16 NYCRR 1100-2.15(g) and in Tables 14-1 and 14-2 in Exhibit 14, the state-regulated wetland and adjacent area impacts proposed by the Applicant are allowed, but certain impacts will require mitigation. In total, 0.82 acres of wetland impacts, and 3.07 acres of adjacent area impacts will require mitigation. As outlined in the subsections below, these impacts will be mitigated in accordance with the regulations either through the purchase of wetland mitigation bank credits or the establishment of an on-site wetland and/or adjacent area mitigation site or sites that comply with the requirements outlined in 16 NYCRR 1100-2.15(g)(2).

#### **3.1 Wetland Mitigation Bank**

The Applicant has initiated consultation with The Wetland Trust, a not-for-profit New York-based organization that sells wetland mitigation credits for permitted wetland impacts throughout much of New York State. The Wetland Trust has sufficient wetland mitigation credits available in the Finger Lakes Service Area, which corresponds with the Seneca watershed, to mitigate the Facility's wetland impacts. The Applicant may utilize The Wetland Trust's mitigation banks to mitigate some or all the Facility's wetland impacts.

#### **3.2 Applicant-Responsible On-Site Wetland Mitigation Project**

The Applicant has also initiated conversations with landowners within the Facility Site and may elect to develop an Applicant-responsible on-site wetland mitigation project. This project would be developed in coordination with ORES and the U.S. Army Corps of Engineers (USACE).

##### **3.2.1 Proposed Mitigation Locations and Existing Conditions**

To identify potential mitigation sites, a field and desktop review will be conducted within the Facility Site based on the following criteria:

- The potential mitigation site must be located within the Seneca sub-basins.
- The site must be contiguous to or within 50 meters of an existing NYS-regulated wetland.
- The site must be accessible for mitigation activities and subsequent monitoring.

The Applicant is currently looking for opportunities to site an on-site wetland mitigation project in proximity to NYSDEC-mapped wetland MO-2, a Class II wetland crossed by the Project's collection lines. Successional old fields located in proximity to this wetland may be suitable. The Applicant will identify viable mitigation sites that meet the criteria outlined above and coordinate with ORES and USACE on the selection of a final site to ensure all applicable state and federal standards are met.

##### **3.2.2 Performance Standards**

The Applicant will attain 80% vegetative cover across all disturbed soil areas by the end of the first full growing season following construction. Vegetative cover in restored areas will be monitored for a minimum of five years. Post-construction monitoring shall continue until 80% survivorship of native/naturalized woody species or 85%

cover of native/naturalized herbaceous species wetland indicator status has been reestablished over all portions of the replanted area, unless the invasive species baseline survey indicates a smaller percentage of survivorship or cover of appropriate native species exists prior to construction in accordance with 16 NYCRR 1100-6.4(q)(2) of the Article VIII regulations, to the extent applicable.

### 3.2.3 Post-Construction Monitoring

The Applicant proposes to conduct annual monitoring to ensure successful wetland or wetland adjacent area creation, restoration, and enhancement, as applicable. The Applicant anticipates that annual monitoring will be performed for a minimum of 5 years, with the potential for additional monitoring to ensure the successful establishment of the mitigation site, particularly if problems occur. Annual monitoring is anticipated to consist of the following:

- An initial as-built or baseline report will be submitted to ORES and the USACE following construction of the mitigation area.
- Annual monitoring reports will be completed by a qualified professional and submitted to ORES and the USACE, to address the following:
  - Identification of invasive species and a comparison to pre-construction conditions set forth in the baseline survey.
  - On-site data collection associated with hydrophytic vegetation and wetland hydrology.
  - Identification of appropriate management measures, if necessary, to allow for success of the mitigation project.

## 4.0 REFERENCES

National Oceanic and Atmospheric Administration (NOAA). 2024. *Temperature and Precipitation Summary for Sherburne NY, 2003-2023*. NOAA Regional Climate Center. Available at: <http://agacis.rcc-acis.org/> (Accessed January 2024).

Office of Renewable Energy Siting. *Regulations Chapter XVIII, Title 16 of NYCRR Part 1100*. New York State Executive Law § 94-c. Available at: <https://ores.ny.gov/regulations> (Accessed January 2024).