

Agricola Wind Project

Permit Application No. 23-00064

1100-2.26 Exhibit 25

Other Permits and Approvals

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EXHIBIT 25 OTHER PERMITS AND APPROVALS

(a) List of any Federal or Federally Delegated Permit, Consent, Approval or License Required for Facility Construction and Operation

Table 25-1 lists anticipated federal permits, consents, approvals, or licenses needed to construct and operate the proposed Facility based on the Applicant's current understanding of the project.

Table 25-1. Anticipated Pre-construction Review from Federal Departments and Agencies

Permit/Consultation	Trigger	Comments	Timeline
United States Army Corps of Engineers (USACE)			
Review under Section 404 of the Clean Water Act (CWA) ¹	Discharges of dredged or fill materials affecting federal waters and wetlands.	Requires approval prior to discharging dredged or fill material into the "Waters of the United States (WOTUS)."	Application review will occur during the Article VIII process. Anticipated to be filed with the USACE by Q4 2025.
United States Fish and Wildlife Service (USFWS)			
General Permit for Wind Energy Incidental Take pursuant to the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and its associated permitting regulations at 50 Code of Federal Regulation (CFR) Part 22	Possible incidental take of eagles during Facility operation.	The Facility is expected to meet general permit eligibility requirements based on consultations with the USFWS in early 2024 and review of the 2024 eagle rule that became effective on April 12, 2024.	Application anticipated to be submitted to the USFWS in 2025.
Office of Renewable Energy Siting (ORES)			
Water Quality Certification pursuant to Section 401 of the CWA	Placement of fill in federally jurisdictional WOTUS.	Requires approval prior to placement of fill material into the WOTUS.	Application review will occur during the Article VIII process. Anticipated to be filed with the USACE by Q4 2025.
Federal Aviation Administration (FAA)			
Notice of Proposed Construction or Alteration (7460-1)	Requirement to file under 14 CFR Part 77		Filed with FAA on May 10, 2024.
Notice of Actual Construction (7460-2), Part 1	Requirement to file under 14 CFR Part 77		Notice of Actual Construction will be filed with the FAA in the manner as may be requested on the anticipated Determinations of No Hazard received from the FAA.

Permit/Consultation	Trigger	Comments	Timeline
National Historic Preservation Act			
Section 106 Consultation	A license or permit from a federal agency	Consultation with federal and state historic preservation authorities under Section 106 of the National Historic Preservation Act is required for actions requiring a federal permit. The federal agency issuing the permit may be obligated to consult with Native American Tribes to identify Traditional Cultural Properties within Facility	<p>A <i>Phase I Archaeological Survey</i> was submitted to the New York State Office of Parks, Recreation, and Historic Places (OPRHP) on August 30, 2021. A <i>Phase IA Historic Resources Survey Methodology</i> Report was submitted to the OPRHP on April 25, 2024.</p> <p>A <i>Phase IB Archaeological Survey</i> was prepared and submitted to OPRHP on June 28, 2024 and an addendum memorandum detailing supplemental <i>Phase IB Archeological Survey</i> was submitted on September 19, 2024. The OPRHP responded on October 8, 2024 concurring with the report recommendations and emphasizing avoidance of archaeological sites.</p> <p>A <i>Historic Resources Survey</i> was prepared and submitted to the OPRHP on August 8, 2024. The OPRHP responded on September 10, 2024 determining that the Facility will have an adverse impact to above ground historic resources and requested that a Cultural Resources Mitigation and Offset Plan be prepared for the Facility.</p> <p>An <i>Archaeological Site Avoidance Plan</i> was submitted to the OPRHP on September 19, 2024. The OPRHP responded on October 8, 2024 recommending one additional protective measure, and otherwise concurring with the avoidance and minimization measures outlined in the plan, and the preparation of a CRAMMP prior to construction.</p> <p>Further information on archaeological and historic resources is provided in Exhibit 9.</p>

Permit/Consultation	Trigger	Comments	Timeline
State Pollutant Discharge Elimination System (SPDES)			
Article 17 of the Environmental Conservation Law (ECL)	Potential discharges of pollutants in the violation of water quality standard.	Performance criteria outlined in the January 2022 New York State Stormwater Management Design Manual.	Prior to commencement of construction (approximately 60 days) a Notice of Intent for Stormwater Discharges from Construction Activity will be submitted to NYSDEC, along with an updated version of the SWPPP, to seek coverage under the most recent State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges. Further information is provided in Exhibit 13.

¹ Inclusive of coordination with the United States Fish and Wildlife Service (USFWS) under the National Environmental Policy Act.

(b) Other Applications or Filings

The Applicant does not have, nor are they aware of others having, any other pending applications or filings for any federal or federal-delegated, federal or state recognized Indian Nation, state or local permit, consent, approval or license that concern the subject matter of this Application before ORES other than those noted in Exhibit 25(a).

For a discussion on road permits and approvals associated with oversize/overweight vehicles and deliveries, highway work permits, and associated use and occupancy approvals as needed to construct and operate the Facility see Exhibits 16 and 24. The Applicant is requesting that the New York State Department of Transportation (NYSDOT) retain the authority for NYSDOT to administer permits associated with oversize/overweight vehicles and deliveries, highway work permits, and associated use and occupancy approvals as needed to construct and operate the facility in accordance with 16 NYCRR Section 1100-6.1(d)(2) and Section 1100-10.2(e)(8). The NYSDOT permits that are anticipated to be needed include the following:

- Special Use Permit for Oversize/Overweight Vehicles, (New York State Vehicle and Traffic Law § 385) with respect to loading along the horizontal width and vertical height restrictions for hauling routes.
- Highway Work Permit (New York State Highway Law, Article 3, §52) for temporary road improvements in New York State highway right-of-ways (ROWs); and
- Highway Use and Occupancy Permit (17 NYCRR Part 131) for the installation of utility facilities, including collection lines, in New York State highway ROWs.