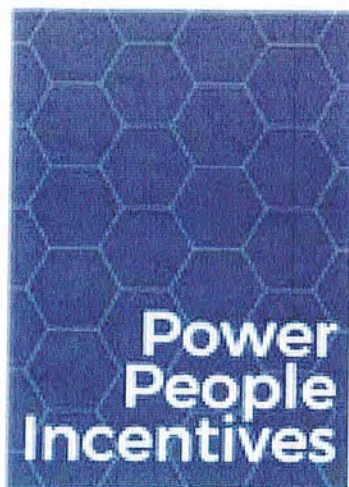


*Mans  
6/23/2021*



**Genesee  
County  
Economic  
Development  
Center**

# **Application for Financial Assistance**

## Table of Contents

	<u>Page</u>
I. Applicant Information	3
II. Project Information	4
III. Project Employment Information	5
IV. Representation by the Applicant	6-7
V. Signatory Page	8
VI. Hold Harmless Agreement	9

Note: All of the above forms must be completed in their entirety to be considered an acceptable application.

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## Attachments

Exhibit A – Insurance Requirements (Required)	10
Exhibit B – Estimated Incentives and Fees	11-12
Exhibit C – Environmental Assessment Form (Required)	13-16
Exhibit D – Pricing Policy	17-18
Exhibit E – Local Labor Policy (Required if over \$5million in capital investment of facility construction)	19-20

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JUL 02 2021

CK # 0940

\$250

### I. Applicant Information

<b>Company Name:</b> Trousdale Solar, LLC		
<b>Address:</b> 3402 Pico Blvd, Suite 215		
<b>City / Town:</b> Santa Monica	<b>State:</b> CA	<b>Zip:</b> 90405
<b>Phone No.:</b> 301-461-2858	<b>Fax No.:</b>	
<b>Email Address:</b> Bridget.Cuddihy@ccrenew.com	<b>Fed. Id. No.:</b> 86-3661563	

SIC Code (<https://www.osha.gov/pls/imis/sicsearch.html>): \_\_\_\_\_

NAICS Code (<http://www.naics.com>): 221114

Contact Person: Bridget Cuddihy, Project Developer

Principal Owners / Officers / Directors: (list owners with 15% or more in equity holdings with percentage of ownership)

NYGB-CCRD Borrower, LLC 100%

Name & Title \_\_\_\_\_

Name & Title \_\_\_\_\_

Name & Title \_\_\_\_\_

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:  C Corp  S Corp  Partnership  LLC  
 LLP  Sole Proprietorship  Not for Profit

If a corporation, partnership, limited liability company/partnership or Not for Profit:

Date of establishment February 5, 2016, place of organization Delaware,  
and, if a foreign organization, is the Applicant authorized to do business in the State of New York?

<b>Applicant's Counsel:</b> Mark Sweeney		
<b>Address:</b> 16 Keith Road		
<b>City / Town:</b> Delmar	<b>State:</b> NY	<b>Zip:</b> 12054
<b>Phone No.:</b> 518-461-6838	<b>Fax No.:</b>	

Effective February 4, 2016

## II. Project Information

A) Detailed Description of Project (Including type, location and purpose of project:

This is a 5 MWac Community Distributed Generator ground mounted solar installation located at 5103 Ellicott Street Rd in Batavia, NY.

Is any of the information contained herein considered trade secrets?  Yes  No

Note: AGENCY will protect said trade secret information herein but reserves the right to disclose certain summary information from this application (i.e. total facility s/f, total capital investment, total job creation, top level wage information et. Al.) As a part of its project summary disclosure related to the AGENCY board's public vote required and resulting from said application.

B) Location of Project / Project Address: Ellicott Street Road Batavia 14020  
Address Town Zip

C) Current Assessed Value of Property \$ 151,600 Tax Map # 20.-1-10.112  
(not required if project is for equipment purchases only)

D) Square footage of existing building N/A S/F Square footage of new / renovated build N/A S/F  
 Total Square Footage N/A S/F

<u>Estimated Project Costs / Project Capital Investment</u>	
<b>Building Cost</b>	
\$ <u>          </u>	(new building construction cost or existing building expansion construction cost)
<b>Land and Building</b>	
\$ <u>          </u>	(purchase value of land and/or building including engineering, architect and blue print fees)
<b>Production Equipment</b>	
\$ <u>          </u>	(\$ value of production equipment that is not sales taxable)
<b>Other Equipment</b>	
\$ <u>          </u>	(\$ value of production equipment that is sales taxable, like furniture/fixtures, computers, lockers, etc.)
<b>Other</b>	
\$ <u>          </u>	describe: development, insurance, interconnection, permitting
<b>Total Capital Investment:</b>	
\$ <u>7,802,556</u>	(sum all lines above)

<u>Estimated Public and Private Sources of Funds for Project Costs:</u>	
Grants: \$	Bonds: \$
GCEDC/GGLDC Loan Fund: \$	Bank Financing: \$
Other: \$	Equity: \$
<b>Total of all sources of funds: \$</b>	
<b>Mortgage Amount on this Project: \$</b>	
<b>Total Amount Financed: \$</b>	
Describe:	
Estimated % of costs financed from public sector (grants, bonds, and GCEDC/GGLDC loan fund divided by total of all sources of funds: <u>N/A</u> )	

## A) Project Employment Information

**\*\*Note:** Please use full-time equivalents, approximately **Two** part-time is equivalent to **One** full-time. (Attach additional sheets as necessary)

E1) Current number of full time equivalent employees (prior to project): 0

E2) Estimate how many full time/ part-time jobs will be **retained** as a result of this Project over the next three years:

Full-Time (FT) 0 Part-Time (PT) 0 \*\* Total Full Time Equivalents (FTE) 0

\*Please note retained jobs should be based upon the most recent NYS MN-45 quarterly report, a copy of which should be attached to this application.

E3) What is the average estimated (annual) salary range of jobs to be retained 0.00 to 0.00  
(at current market rates)

Job Title	Number of Jobs	Estimated salary/range	Hours per week

E4) Estimate how many full time/ part-time jobs will be **created** as a result of this Project over the next three years:

Full Time (FT) 0 Part-Time (PT) 0 \*\* Total Full Time Equivalents (FTE) 0

E5) What is the planned average hourly wage for the FTE jobs to be created \$ 0.00

E6) What is the average estimated annual salary range of FTE jobs to be created \$ 0.00 to \$ 0.00

E7) What is the planned average annual benefits paid in \$\$ per FTE job to be created \$ 0.00

E8) Is the Project Commercial in nature (Sales Tax Generating for Community)? YES or NO No

E9) If yes, what is the estimated annual total Sales Tax to be generated from this project at full build-out?

\$                     

E10) If Any, expected commencement date for Project (month/year) 10/2021

E11) Expected timeframe for Project to achieve completion (in months) 9 months

E12) Estimate of the number of residents of the Labor Market Area (as defined in N.Y. GML Sec. 859-a(4)(f)) to fill created jobs 0

## B) Representations by the Applicant

- Is the company delinquent in the payment of any state or municipal property taxes?  Yes  No
- Is the company delinquent in the payment of any income tax obligation?  Yes  No
- Is the company delinquent in the payment of any loans?  Yes  No
- Is the company currently in default on any of its loans?  Yes  No
- Are there currently any unsatisfied judgments against the company?  Yes  No
- Are there currently any unsatisfied judgments against any of the company's principals?  Yes  No
- Has the company ever filed for bankruptcy?  Yes  No
- Have any of the company's principals ever personally filed for bankruptcy, or in any way sought protection from creditors?  Yes  No

If the answer to any of the questions above is "Yes," please provide additional comments in the space below and on additional pages if necessary.

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### ***Please initial each item where indicated***

**Job Listings** - In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the AGENCY, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the Project is located.

J I **Applicant's Initials**

**First Consideration for Employment** - In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the AGENCY, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the Project.

J I **Applicant's Initials**

**Annual Sales Tax Fillings** - In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the AGENCY, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, an Annual Report of Sales and Use Tax Exemptions (Form ST-340) by the last day of February following applicable calendar year (with a copy to the AGENCY), describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.

J I **Applicant's Initials**

**Employment Reports** - The Applicant understands and agrees that, if the Project receives any Financial Assistance from the AGENCY, the Applicant agrees to file, or cause to be filed, with the AGENCY, on quarterly basis, copies of form NYS-45-MN Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Returns filed with the Department of Labor applicable to the project site.

J I **Applicant's Initials**

**AGENCY Reports** - The Applicant understands and agrees that, if the Project receives any Financial Assistance from the AGENCY, the Applicant agrees to file, or cause to be filed with the AGENCY, a certified Annual Project Report (to be mailed to the Applicant) due by the last day of February following applicable calendar year, for a period of time not to exceed 4 years post financial assistance.

J I **Applicant's Initials**

Effective February 4, 2016

**Absence of Conflicts of Interest** - The Applicant has received from the AGENCY a list of the members, officers, and employees of the AGENCY. No member, officers or employee of the AGENCY has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

SI **Applicant's Initials**

**Recapture Provision/Uniform Tax Exemption Policy ("UTEP")** – Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. Recapture provisions would be invoked under Section 875(3) of the New York General Municipal Law if it is determined that: (i) the Company is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized by the Agency to be taken by the Company; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete, to the best of the Applicant's knowledge. Applicant hereby further represents and warrants that it has reviewed the Agency's UTEP and understands and agrees that under such UTEP, the Agency has the right to recapture all or a portion of any financial assistance provided by the Agency to the Company, including, but not limited to, sales and mortgage tax exemptions and real property tax abatements upon the occurrence of certain events as set forth in the UTEP.

SI **Applicant's Initials**

**No Violation of Section 862(1) of the General Municipal Law** – In accordance with Section 862(1) of the General Municipal Law, the applicant understands and agrees that the Project will not (a) result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state, or (b) result in the abandonment of one or more plant facilities of the Project occupant located within the state. If the Project will result in (a) or (b), the applicant agrees that the requested financial assistance is necessary to prevent the Project from relocating out of the state, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.

SI **Applicant's Initials**

**Financial Assistance Necessary** – The applicant represents that the project would not likely occur without the financial assistance provided by the AGENCY.

SI **Applicant's Initials**

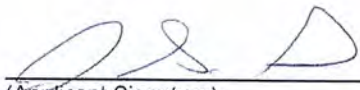
**Compliance** – The applicant receiving financial assistance is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

SI **Applicant's Initials**

## C) Signatory Page

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that:

- A) The AGENCY will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.
- B) Failure of the Applicant to file appropriate Sales Tax and Employment reports will result in the revocation of tax benefits and require repayment of benefits previously claimed.
- C) If the Applicant submits knowingly false or knowingly misleading information this may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of the AGENCY's involvement in the Project and may also lead to potential criminal penalties and/or civil liabilities for perjury.

  
\_\_\_\_\_  
(Applicant Signature)  
Jessica S. Ingram  
\_\_\_\_\_  
(Print Name)  
Sr. Director  
\_\_\_\_\_  
Title  
Cypress Creek Renewables  
\_\_\_\_\_  
Company Name

**This Application should be submitted along with the items listed in Exhibit A to:**

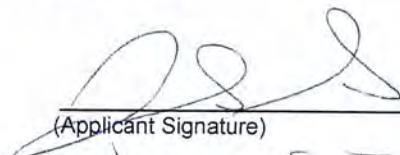
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, New York 14020  
(Attn: President & Chief Executive Officer)



## D) Hold Harmless Agreement

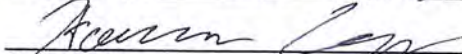
Applicant hereby releases Genesee County Economic Development Center and the members, officers, servants, agents and employees thereof (the "AGENCY") from, agrees that the AGENCY shall not be liable for and agrees to indemnify, defend and hold the AGENCY harmless from and against any and all liability arising from or expense incurred by (A) the AGENCY's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the AGENCY, (B) the AGENCY's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the AGENCY with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the AGENCY or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the AGENCY, its agents or assigns, all costs incurred by the AGENCY in the processing of the Application, including attorneys' fees, if any.

Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the agreements to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

  
\_\_\_\_\_  
(Applicant Signature)  
Jessica S. Ingram  
\_\_\_\_\_  
(Print Name)  
Sr. Director  
\_\_\_\_\_  
Title  
Cypress Creek Renewables  
\_\_\_\_\_  
Company Name

Sworn to before me this

22 day of June, 2021

  
\_\_\_\_\_  
Notary Public



### EXHIBIT A

Effective February 4, 2016

## INSURANCE COVERAGE

1. Requirements. The Company shall maintain or cause to be maintained insurance against such risks and for such amounts as are customarily insured against by businesses of like size and type paying, as the same become due and payable, all premiums in respect thereto, including, but not necessarily limited to:

(a) (i) Insurance against loss or damage by fire, lightning and other casualties, with a uniform standard extended coverage endorsement, such insurance to be in an amount not less than the full replacement value of the Project, exclusive of excavations and foundations, as determined by a recognized appraiser or insurer selected by the Company or (ii) as an alternative to the above requirements (including the requirement of periodic appraisal), the Company may insure the Project under a blanket insurance policy or policies covering not only the Project but other properties as well.

(b) Workers' compensation insurance, disability benefits insurance, and each other form of insurance which the Agency or the Company is required by law to provide, covering loss resulting from injury, sickness, disability or death of employees of the Company who are located at or assigned to the Project.

(c) Insurance against loss or losses from liabilities imposed by law or assumed in any written contract and arising from personal injury and death or damage to the property of others caused by any accident or occurrence, with limits of not less than **\$1,000,000** per accident or occurrence on account of personal injury, including death resulting there from, and **\$1,000,000** per accident or occurrence on account of damage to the property of others, excluding liability imposed upon the Company by any applicable workers' compensation law; and a blanket excess liability policy in the amount not less than **\$3,000,000**, protecting the Company against any loss or liability or damage for personal injury or property damage.

2. Additional Provisions Respecting Insurance. (a) **All insurance required shall name the Agency as a named insured and all other insurance required by Section 4 hereof shall name the Agency as an additional insured.** All insurance shall be procured and maintained in financially sound and generally recognized responsible insurance companies selected by the Company and authorized to write such insurance in the State. Such insurance may be written with deductible amounts comparable to those on similar policies carried by other companies engaged in businesses similar in size, character and other respects to those in which the Company is engaged. All policies evidencing such insurance shall provide for (i) payment of the losses of the Company and the Agency as their respective interest may appear, and (ii) at least thirty (30) days' prior written notice of the cancellation thereof to the Company and the Agency.

(b) All such policies of insurance, or a certificate or certificates of the insurers that such insurance is in force and effect, shall be deposited with the Agency on the date hereof. Prior to expiration of any such policy, the Company shall furnish the Agency evidence that the policy has been renewed or replaced or is no longer required by this Agent Agreement.

## Exhibit B

### To be completed / calculated by AGENCY

Type of Project:     Attraction                       Expansion                       Retention  
                                   Infrastructure                       Workforce  
 Offerings:     SLB                       Bond                       Grant                       Consulting

### Estimated Financial Assistance to be provided via AGENCY participation – subject to AGENCY Board Approval

*1) Estimated Sales Tax Exemption (8%)	\$	<u>624,204</u>
2) Estimated Mortgage Tax Exemption (1%)	\$	-
3) Estimated Property Tax Abatement	\$	<del>634,435</del> 538,247 (CS)
4) Estimated Total Tax Savings (1+2+3):	\$	<del>1,258,639</del> 1,162,451 (CS)
5) Estimated Tax-Exempt Interest Cost Savings (via Tax-Exempt Bond)	\$	_____
6) Grant Type or name of grant (_____)	\$	_____
7) Estimated total Company Savings (4+5+6):	\$	<u>1,258,639</u> 1,162,451
8) Benefited Project Amount (the capital investment directly related to the benefits received)	\$	<u>7,802,556</u> (CS) 4/23/12
9) Bond Amount	\$	_____
10) Mortgage Amount	\$	_____
11) GCEDC/GGLDC Revolving Loan Fund	\$	_____
12) Loan Secured Source of loan (_____)	\$	_____
13) Total Amount Financed / Loan Funds Secured	\$	_____
		(Sum of lines 9-12)

**Proposed PILOT structure:**

15 year fixed PILOT @ \$6,000/mw with 2% escalator

\* Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions (see "Recapture Provision" on page 7).

\$ 7,802,556 (to be used on the NYS ST-60)

**Fees to be Paid by the Applicant:**

Effective February 4, 2016

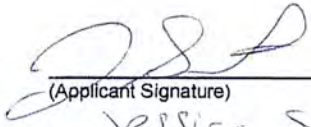
→ Genesee County Economic Development Center \$ 97,532 (Per the attached Pricing & Fee Policy) the AGENCY will collect a 1.25 % fee. The AGENCY will collect its participation fee at the time of closing, based upon the company provided realistic capital investment costs of this project stated in this application. (Should the actual costs exceed those estimated, an additional fee will apply.) In addition, the Applicant will reimburse the Agency for any direct expenses incurred in connection with this Project, including costs related to holding a public hearing.

The AGENCY will collect an annual administration fee. Projects with a capital investment of less than \$5 million will be charged a \$500 annual fee for each year of benefits provided. For projects with a capital investment of \$5 million or greater, there will be a \$1,000 annual fee charged.

\* Harris Beach, LLP \$ 12,500 (Estimated fee for legal services required in connection with the financial assistance provided by the Genesee County Economic Development Center). **Applicant may be required to pay additional out-of-pocket expenses and applicable filing or recording fees.**

**\*\*Financial incentives are public information and will be released to the media upon board approval\*\***

\* GCEOC - \$97,532  
Workforce/  
Economic Develop \$25,000  
Harris Beach 912,500  
TOTAL - \$1,351,032

  
\_\_\_\_\_  
(Applicant Signature)  
Jessica S Ingram  
\_\_\_\_\_  
(Print Name)  
Sr. Director  
\_\_\_\_\_  
Title  
Cypress Creek Renewables  
\_\_\_\_\_  
Company Name

### Exhibit C

See Attached

Effective February 4, 2016

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

### Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

#### A. Project and Applicant/Sponsor Information.

Name of Action or Project: Trousdale Solar, LLC		
Project Location (describe, and attach a general location map): 5103 Ellicott Street Rd , Batavia, NY 14020 (20.-1-9.111)		
Brief Description of Proposed Action (include purpose or need): Cypress Creek Renewables, LLC is proposing to construct an approximately 5,000 kW (AC) solar photovoltaic array system on a portion of the site described above and illustrated on the attached map.  The project will consist of ground-mounted solar photovoltaic panels. The construction of the system will involve driving posts approximately 6-10' into the ground, or at depths appropriate for frost conditions, every 12-16' and mounting panels racks to the posts.  The solar farm will operate as a Community Distributed Generation (CDG) facility as prescribed by the New York State Public Service Commission under the electric tariffs of National Grid Electric. As a CDG facility, the project will provide clean energy to the existing electric grid operated by National Grid Electric and offer local customers the opportunity to contract for this energy at or below current market rates.		
Name of Applicant/Sponsor: Trousdale Solar, LLC	Telephone: 607-435-9996	E-Mail: jerry.leone@ccrenew.com
Address: 3402 Pico Blvd.		
City/PO: Santa Monica	State: CA	Zip Code: 90405
Project Contact (if not same as sponsor; give name and title/role): Jerry Leone, Project Developer	Telephone: 607-435-9996	E-Mail: jerry.leone@ccrenew.com
Address: 3402 Pico Blvd.		
City/PO: Santa Monica	State: CA	Zip Code: 90405
Property Owner (if not same as sponsor): Donald Partridge	Telephone: 585 343 7264	E-Mail: tfswiss@msn.com
Address: 4957 Ellicott St Rd		
City/PO: Batavia	State: NY	Zip Code: 104020

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Planning Board- Special Use Permit and Site Plan Review	November 2020
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PILOT/IDA Negotiation (TBD)	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSERDA- Funding; SHPO	August 2019; May 2019
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s):	
Town of Batavia Agricultural & Farmland Protection Plan; Genesee County Agricultural and Farmland Protection Plan	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
Agricultural-Residential (A-R)

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Batavia City School District

b. What police or other public protection forces serve the project site?  
Batavia Police Department; Genesee County Sheriff; NY State Police

c. Which fire protection and emergency medical services serve the project site?  
Town of Batavia Fire Department

d. What parks serve the project site?  
Kiwanis Park, Batavia Town Park, Batavia Soccer Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Solar electric generation (commercial)

b. a. Total acreage of the site of the proposed action? 64.4 acres  
 b. Total acreage to be physically disturbed? +/- 35.89 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/- 135 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 12-16 weeks  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures N/A  
 ii. Dimensions (in feet) of largest proposed structure: N/A height; N/A width; and N/A length  
 iii. Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
  - Will a line extension within an existing district be necessary to serve the project?  Yes  No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

\_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

\_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 0.17 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 136.1 acres (parcel size)
- ii. Describe types of new point sources. No new point source discharges; sheet flow only

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater will flow off panels to ground and drain as normal to surface water around the site. Appropriate stormwater management controls will be implemented during construction.

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
See attached Wetland Delineation Report for Trousdale Solar, LLC

- Will stormwater runoff flow to adjacent properties? Off-site drainage patterns will remain the same.  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment during construction only

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

N/A

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

- ii. In addition to emissions as calculated in the application, the project will generate:
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	_____ 7 am - 7 pm _____	• Monday - Friday:	_____ 24/7 _____
• Saturday:	_____ N/A _____	• Saturday:	_____ 24/7 _____
• Sunday:	_____ N/A _____	• Sunday:	_____ 24/7 _____
• Holidays:	_____ N/A _____	• Holidays:	_____ 24/7 _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
 Noise levels will only exceed ambient levels during construction (12-16 weeks) from use of heavy equipment, including hydraulic pile drivers, excavators, telescopic forklifts, and skid steer loaders. During operation, inverters produce low level noise that will not exceed ambient levels outside the fence line.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: Approximately 3.31 acres of tree removal will occur within the array location to prevent shading; however, the majority of forested barriers on the Project Site will remain.

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
During construction, as a pre-requisite to pollinator establishment, herbicides will be applied prior to pollinator habitat prep. This will occur while storm water measures are in place controlling offsite sediment exposure. During facility operation, herbicides may be utilized for vegetation management. Under circumstances where herbicides are deemed necessary, an effort is made to minimize use and to only apply highly bio-degradable, EPA registered and approved solutions that are nontoxic to pets and wildlife.

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.03	0.17	+ 0.14
• Forested	10.5	10.5	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	34.70	+ 34.70
• Agricultural (includes active orchards, field, greenhouse etc.)	64.4	31.9	- 32.50
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Permeable Haul Road	0	0.99	+ 0.99

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

---

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_  
 \_\_\_\_\_

---

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
 \_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
 \_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
 \_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ Approx 5.75 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Ontario loam	_____	80.7 %
Benson soils	_____	8.7 %
Aurora silt loam	_____	4.6 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 6.2 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 93.4 % of site  
 Moderately Well Drained: \_\_\_\_\_ 4.8 % of site  
 Poorly Drained \_\_\_\_\_ 1.7 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 92 % of site  
 10-15%: \_\_\_\_\_ 6.3 % of site  
 15% or greater: \_\_\_\_\_ 1.7 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: Principal Aquifer, Primary Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:		
White-tailed deer ( <i>Odocoileus virginianus</i> )	American Black Bear ( <i>Ursus americana</i> )	Red fox ( <i>Vulpes vulpes</i> )
Raccoon ( <i>Procyon lotor</i> )	Striped Skunk ( <i>Memphitis mephitis</i> )	Gray squirrel ( <i>Sciurus carolinensis</i> )
Eastern coyote ( <i>Canis latrans</i> )	American robin ( <i>Turdus migratorius</i> )	Red-tailed hawk ( <i>Buteo jamaicensis</i> )
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>		
If Yes:		
i. Species and listing (endangered or threatened): _____		
See attached Section F Letter.		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
If Yes:		
i. Species and listing: _____		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
If yes, give a brief description of how the proposed action may affect that use: _____		
Hunting and trapping will not be allowed within the fenced area of the projects due to safety and operation concerns.		
<b>E.3. Designated Public Resources On or Near Project Site</b>		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>		
If Yes, provide county plus district name/number: <u>GENE001</u>		
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>		
i. If Yes: acreage(s) on project site? <u>Approximately 55 acres</u>		
ii. Source(s) of soil rating(s): <u>USDA NRCS Web Soil Survey</u>		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>		
If Yes:		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

*See attached Section F Letter.*

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Matthew Bowers Date 11/3/2020

Signature  Title Director, Development

## **Trousdale Solar, LLC Section F Full Environmental Assessment**

### **Section F.1**

*Changes made to FEAF based on errors with the EAF mapper*

- Section E.2.o indicated No to federally listed species in the vicinity of the project; However, based on the preliminary results discussed below, the answer has been revised to Yes.

### **Section F.2**

*Status of agency consultations*

#### **Federally Listed Threatened and Endangered Species**

- Cypress Creek Renewables (CCR) completed the U.S. Fish and Wildlife Service (USFWS) New York's Field Office's online project review process on April 9, 2018. Northern Long-eared bat (NLEB) does have the potential to utilize the site for foraging and roosting; however, project activities (including tree removal) that could result in incidental take of NLEB are not prohibited under the Endangered Species Act per the final 4(d) rule for the species as the project is not located within 150 feet of a known roost tree and/or ¼ mile of a known hibernacula. These findings will be submitted to USFWS in pursuit of a "no effect" concurrence for federally protected species.

#### **State-Listed Threatened and Endangered Species**

- The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper dated April 9, 2018 shows the absence of state listed species in the vicinity of the project.

#### **Cultural Resources**

- New York State Office of Parks, Recreation, and Historic Preservation (SHPO) consultation will be initiated in pursuit of a "no effect" concurrence for impact to archaeological and/or historic structures.

#### **Wetland and Water Resources**

- Kleinfelder performed a wetland and waterbody delineation on May 31, 2018 at the Project Site. Based on the current project design, impacts to jurisdictional features are not anticipated, and no permits will be required.

### **Section F.3**

*Attachments and supporting documents included with this application.*

- Full Environmental Assessment Form
- USFWS IPaC
- NYSDEC Environmental Resource Mapper
- Wetland Delineation Report

# EAF Mapper Summary Report

Thursday, April 04, 2019 5:57 PM

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, OpenStreetMap contributors, and the GIS User Community

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer
E.2.n. [Natural Communities]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	GENE001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:  
Consultation Code: 05E1NY00-2018-SLI-1703  
Event Code: 05E1NY00-2018-E-05209  
Project Name: Trousdale Solar, LLC

April 09, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle\\_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

## Project Summary

Consultation Code: 05E1NY00-2018-SLI-1703

Event Code: 05E1NY00-2018-E-05209

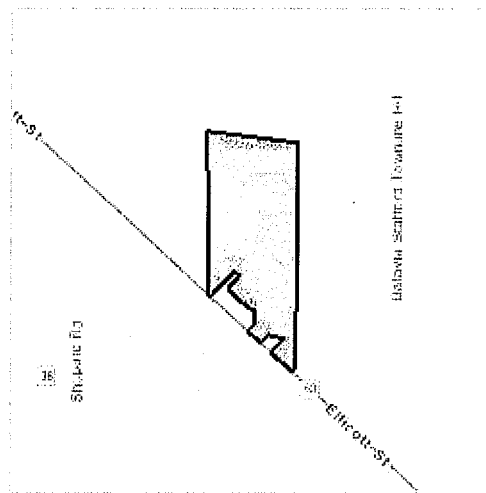
Project Name: Trousdale Solar, LLC

Project Type: POWER GENERATION

Project Description: Cypress Creek Renewables, LLC, CCR, proposes the installation of a ground-mounted solar system, the Project, on a portion of the Trousdale Solar, LLC Site, the Project Site. The Project is located at 5117 Ellicott Street Road, Town of Batavia, Genesee County, NY.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.9711459687292N78.14228814548868W>



Counties: Genesee, NY



## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



Services News Government Local

Location Translate

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

# Environmental Resource Mapper

Base Map: Topographical Using this map

Search

Tools

Layers and Legend

All Layers

Unique Geological Features

Waterbody Classifications for Rivers/Streams

Waterbody Classifications for Lakes

State Regulated Freshwater Wetlands

State Regulated Wetland Checkzone

Significant Natural Communities

Natural Communities Near This Location

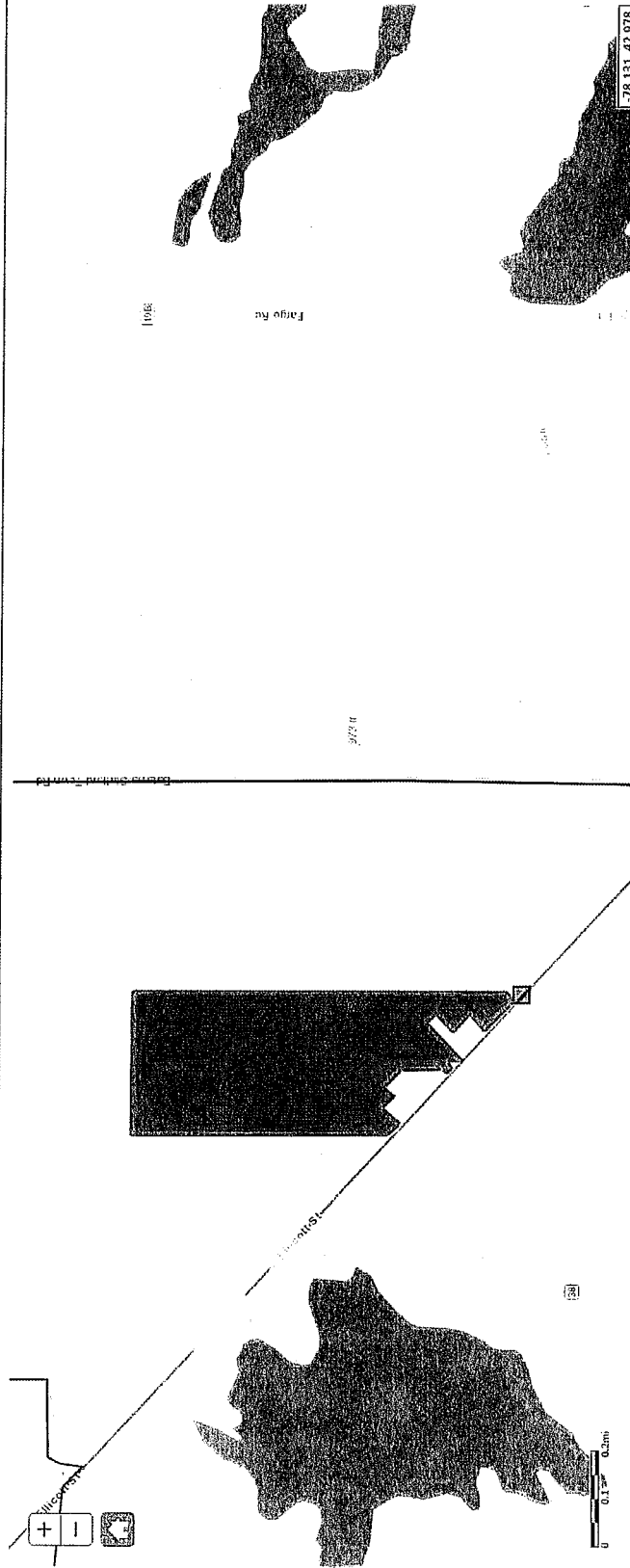
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts



Agencies Services

App Directory

Counties

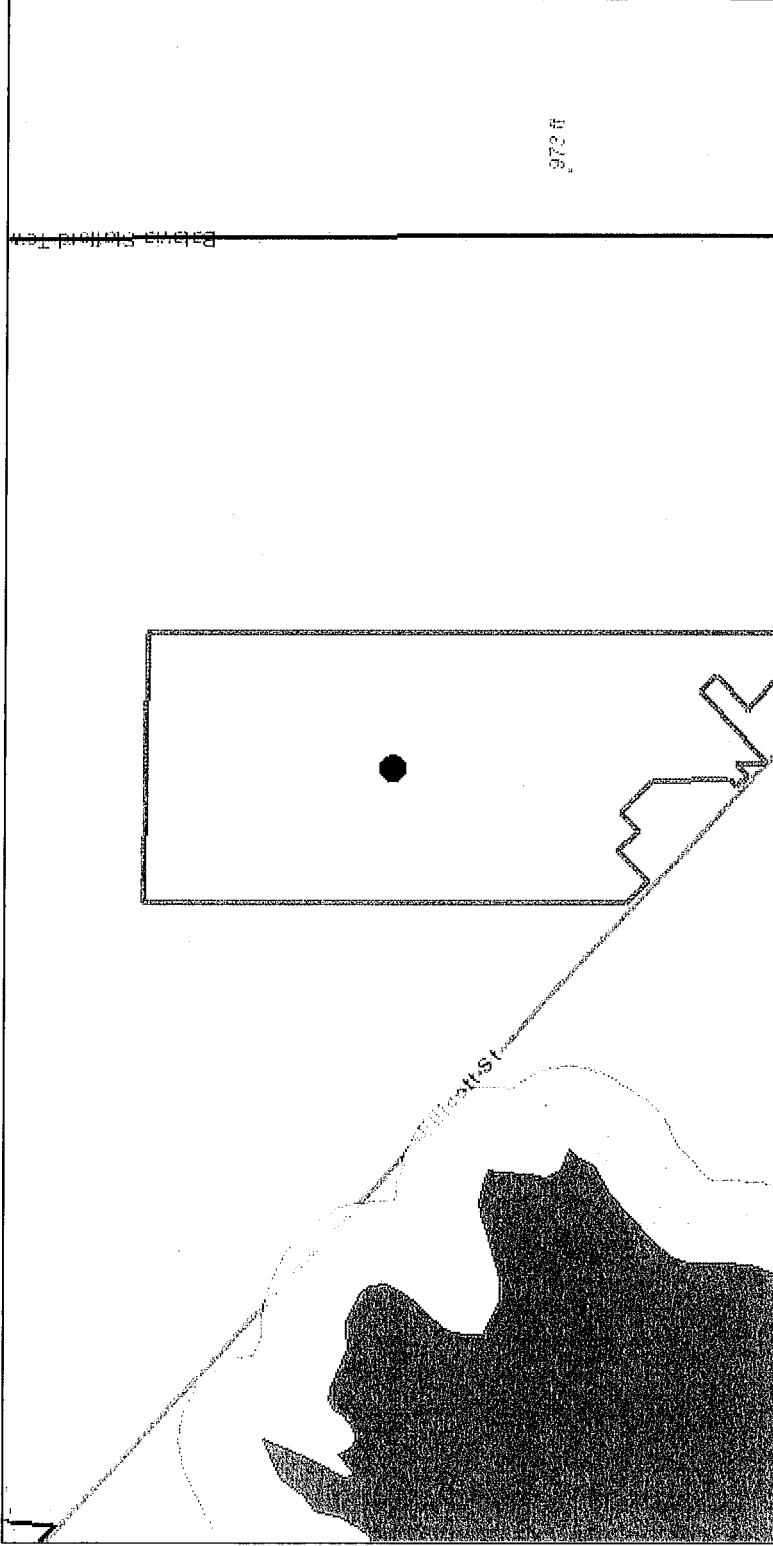
Events

Programs

Trousdale Solar, LLC Environmental Resource Mapper Output

April 9, 2018

# Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	Eastings:	243535.924	Northings:	4762860.694
Longitude/Latitude	Longitude:	-78.145	Latitude:	42.975

The approximate address of the point you clicked on is:  
Batavia, Town of, New York

County: Genesee  
Town: Batavia

**USGS Quad: BATAVIA SOUTH**

**DEC Region**

**Region 8:**

(Western Finger Lakes) Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties. For more information visit <http://www.dec.ny.gov/about/617.html>.

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

**Disclaimer:** If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



**WETLAND AND STREAM DELINEATION REPORT  
TROUSDALE SOLAR, LLC  
TOWN OF BATAVIA  
GENESEE COUNTY, NEW YORK**

**CYPRESS CREEK RENEWABLES, LLC  
3250 OCEAN PARK BLVD,  
SANTA MONICA, CA 90405**

**July 10, 2018**

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**ONLY THE CLIENT OR ITS DESIGNATED REPRESENTATIVES MAY USE THIS DOCUMENT AND ONLY FOR THE SPECIFIC PROJECT FOR WHICH THIS REPORT WAS PREPARED.**



A Report Prepared for:

Cypress Creek Renewables, LLC  
3250 Ocean Park Blvd,  
Santa Monica, CA 90405

**WETLAND AND STREAM DELINEATION REPORT  
TROUSDALE SOLAR, LLC  
TOWN OF BATAVIA  
GENESEE COUNTY, NEW YORK**

Prepared by:

A handwritten signature in black ink, appearing to read "Michael Newhouse".

---

Michael Newhouse  
Wetland Scientist

Reviewed by:

A handwritten signature in black ink, appearing to read "David B. Tompkins".

---

David B. Tompkins  
Senior Principal Professional, PWS, CWB®

**KLEINFELDER**

300 Westage Business Center, Suite 407  
Fishkill, New York 12524  
Phone: 845.231.2500  
Fax: 845.897.2636

July 10, 2018  
Kleinfelder Project No. 20190294.001A



**TABLE OF CONTENTS**

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<u>Section</u>	<u>Page</u>
<b>1 INTRODUCTION.....</b>	<b>1</b>
<b>2 SITE DESCRIPTION.....</b>	<b>2</b>
2.1 SITE DESCRIPTION .....	2
2.2 GENERAL VEGETATIVE COMMUNITIES .....	2
2.3 SOILS .....	3
2.4 HYDROLOGY.....	3
2.5 FLOODPLAINS.....	4
<b>3 FIELD DELINEATION METHODOLOGY.....</b>	<b>5</b>
3.1 FIELD DELINEATION.....	5
3.2 REGULATORY AUTHORITIES .....	6
<b>4 RESULTS AND DISCUSSION.....</b>	<b>7</b>
4.1 WETLANDS.....	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>5 CONCLUSION .....</b>	<b>8</b>
<b>6 LIMITATIONS .....</b>	<b>9</b>
<b>7 REFERENCES.....</b>	<b>10</b>

**TABLES**

- 1 Town of Batavia, Genesee County, NY Climate Information
- 2 Soils List

**FIGURES**

- 1 Site Location Map
- 2 Soils Map
- 3 NYSDEC Map
- 4 NWI Map
- 5 Floodplain Map
- 6 Delineation Map
- 7 Photograph Reference Map

**APPENDICES**

- A Delineation Data Forms
- B Photographs



**WETLAND AND STREAM DELINEATION REPORT  
TROUSDALE SOLAR, LLC  
TOWN OF BATAVIA, GENESEE COUNTY, NEW YORK**

**1 INTRODUCTION**

---

Kleinfelder was retained by Cypress Creek Renewables, LLC. (CCR) to perform a wetland and stream delineation (including report) for a 104-acre parcel located north of Ellicott Street, Batavia, New York with center coordinates of 42°58'18.41"N, -78° 8'31.70"W (Site). The Site is separated into two parcels (eastern and western). The eastern block and lot number is 18240020.-1-10.1 and the western block and lot number is 18240020.-1-9.111.

To identify potential environmental constraints for the design of the solar arrays, Kleinfelder personnel (Michael Newhouse) conducted the delineation on May 31, 2018. The delineation was conducted to identify all wetlands and streams, regardless of jurisdictional status.

Kleinfelder conducted the stream and wetland delineation within the Site boundaries in accordance with the procedures outlined in the 1987 United States Army Corps of Engineers (USACE) Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0 (USACE, 2012). The following sections of this report describe the existing conditions of the Site, field methodology, and results of the delineation work.





## 2 SITE DESCRIPTION

### 2.1 SITE DESCRIPTION

The Trousdale property (Site) is a 104-acre parcel located at north of Ellicott Street, Batavia, New York. Kleinfelder conducted a Site visit on May 31, 2018 to assess the Site for wetlands, streams, and other natural resources. The property is currently used for agricultural crops and contains undeveloped woodlots. The Site location is depicted in **Figure 1**. Climate data for Town of Batavia, Genesee County NY can be found in **Table 1**.

**Table 1. Town of Batavia, Genesee County NY Climate Information**

Climate	Amount
Annual Rainfall	35.4 inches
Annual Snowfall	74 inches
Precipitation Days	112 days
Sunny Days	163 days
Annual Average High Temperature	58.1°F
Annual Average Low	39.6°F

SOURCE: www.usclimatedata.com via Syracuse Hancock International Airport, Oneida County Airport, Ithaca Tompkins Regional Airport, and Binghamton Regional Airport-Edwin A Link Field, and the National Aeronautics and Space Administration (NASA) (MERRA-2 Modern-Era Retrospective Analysis).

### 2.2 GENERAL VEGETATIVE COMMUNITIES

The property is currently used for agriculture (recently planted with corn) and also contains undeveloped woodlots. Plant communities are predominantly Cropland (85%) with small patches of Successional Northern Hardwoods. The tree stratum of the Successional Northern Hardwoods is comprised of gray birch (*Betula populifolia*), sweet cherry (*Prunus avium*), pignut hickory (*Carya glabra*), and sugar maple (*Acer saccharum*). The shrub layer consisted of gray birch, sweet cherry, pignut hickory and buckthorn (*Rhamnus cathartica*). The herbaceous layer consisted of common dandelion (*Taraxacum officinale*), common wormwood (*Artemisia vulgaris*), great plantain (*Plantago major*), common red-raspberry (*Rubus idaeus*) and sweet cherry.

The Cropland vegetative community is mostly bare dirt planted with corn (*Zea mays*). There are hedgerows that separate the large agricultural fields. The tree stratum in the hedgerows consist of staghorn sumac (*Rhus typhina*), and sweet cherry. The shrub stratum was dominated by common raspberry. The herbaceous layer consisted of Virginia creeper (*Parthenocissus*



*quinquefolia*), common dandelion, Queen Anne's lace (*Daucus carota*), white clover (*Trifolium repens*), and orchard grass (*Dactylis glomerata*).

## 2.3 SOILS

According to the National Resource Conservation Service (NRCS) Web Soil Survey, a total of two mapped soils are located within the Site (NRCS, 2016). The percentage of each soil type on the Site and their respective hydric rating are presented in **Table 1**. A soil map is presented as **Figure 2**.

**Table 2. Soils List**

Map Unit Symbol	Map Unit Name	Percent of AOI	Classified as a Hydric or Partially Hydric Soil
AnA	Angola silt loam, 0 to 3 percent slopes	1.0	Yes
ApA	Appleton silt loam, 0 to 3 percent slopes	0.3	Yes
AuA	Aurora silt loam, 0 to 3 percent slopes	3.7	No
BeB	Benson soils, 0 to 8 percent slopes	5.8	No
OnD	Ontario loam, 15 to 25 percent slopes	1.9	No
OsB	Ontario loam, 3 to 8 percent slopes, stony	76.5	No
OsC	Ontario loam, 8 to 15 percent slopes, stony	6.7	No
PhB	Palmyra gravelly loam, 3 to 8 percent slopes	0.1	No
WsB	Wassaic silt loam, 2 to 8 percent slopes	3.7	No

## 2.4 HYDROLOGY

The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper was used to assess the presence or absence of NYSDEC mapped wetlands within the Site (NYSDEC, 2018). No NYSDEC wetlands are located on the Site, however, NYSDEC regulated wetland BS-11 is located within 0.25 miles to the west of the Site (**Figure 3**). No NYSDEC mapped streams were observed onsite.



The United States Fish and Wildlife (USFWS) NWI mapper was used to assess the presence or absence of NWI wetlands within the Site. No NWI wetlands were mapped on the Site. An NWI map is presented as **Figure 4**.

The Trousdale Site is located within the HUC 041201040107 watershed, which has a total drainage area of 12,487.8 acres. This watershed is in the eastern reach of the Tonawanda Creek Watershed. No National Hydrography Dataset (NHD) streams are located onsite.

## 2.5 FLOODPLAINS

A review of the FEMA flood map for the Site indicated there are no flood hazard zones within the Site boundaries (**Figure 5**) and the Site is not located within any 100-year floodplains.



### 3 FIELD DELINEATION METHODOLOGY

---

#### 3.1 FIELD DELINEATION

On May 31, 2018, a Kleinfelder biologist conducted a stream and wetland delineation on the Site. During the field work, the approximate top-of-bank of streams and upland edge of wetland edges were flagged using a site-specific identification system. Following the establishment of each feature boundary in the field, coordinates of the flagged locations were recorded using a Trimble GeoXH (GeoExplorer 2008 Series). At representative points along the wetland boundary, data were collected to document the existing vegetation, soils and hydrology characteristics of the features.

To document the presence or absence of hydric soils in potential wetland areas, a Dutch auger or spade was used to obtain soil samples to a depth of approximately 20 inches at representative points. Soils were classified and documented using a Munsell Soil Color Chart (Munsell, 2009). Hydrology was assessed by evaluating each area for inundation, saturation, water marks, drainage channels, or other field indicators of wetland hydrology.

Vegetation identified at each of the sampling locations was described in terms of the dominant species in the overstory, understory/shrub, vine, and herbaceous layers. Overstory vegetation includes all vegetation in which the diameter at breast height (DBH) is greater than three inches. Understory/shrub vegetation is comprised of all woody species less than three inches DBH, and greater than 3.3 (1 meter) feet tall. The herbaceous layer consists of all non-woody vegetation and any woody vegetation less than 3.3 feet in height. The vine layer includes all woody vines greater than 3.3 feet in height. The indicator status and scientific name of each identified plant species was determined using the Northcentral and Northeast 2016 Regional Wetland Plant List (Lichvar et. al., 2016). USDA (2018) was used as an aid in the species identification. Wetland, stream, and pond features were classified according to (Cowardin, 1979), and USACE (2012) guidelines.

Streams were identified based on the presence of defined bed and banks and an observable ordinary high water mark. Stream bank is defined as that land area immediately adjacent to and which slopes toward the bed of a watercourse and which is necessary to maintain the integrity of a watercourse. Geomorphic traits such as flow regime, bank height, width and depth, sinuosity,



stream bed substrate, relative erosion, dominant riparian vegetation and percent riparian canopy cover were recorded. In addition to geomorphic features, streams were assessed to determine if macroinvertebrates were present.

All identified streams were characterized as perennial, intermittent, or ephemeral. The USACE defines perennial, intermittent, and ephemeral streams as follows:

- Perennial streams having running water throughout the majority of the year with groundwater contributing to stream flow.
- Intermittent streams are defined as having running water during certain times of the year when groundwater contributes to stream flow.
- Ephemeral streams are defined as having running water primarily after storm events and are dry the majority of the year because the water table is generally well below the stream bed (Environmental Laboratory, 1987).

### 3.2 REGULATORY AUTHORITIES

Various federal and state regulations govern impacts to waters of the United States (WOTUS). At the federal level, the Clean Water Act (CWA) Section 404 authorizes the discharge of dredged and fill material into WOTUS and Section 10 of the Rivers and Harbors Appropriation Act of 1899 authorizes excavation or fill within navigable WOTUS. Under Section 401 of the CWA, States have a right to review permit applications and issue a Water Quality Certification to confer concurrence for federal applications. New York State regulates wetland impacts under Article 24 (Freshwater Wetlands). A Joint Permit Application (including a jurisdictional determination) with the USACE and NYSDEC is required to permit impacts to wetlands and streams.



## 4 RESULTS AND DISCUSSION

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This section discusses the wetlands and streams identified within the boundaries of the Site, their field location, the soil, hydrological, and vegetative characteristics of the wetlands. As a result of the field investigation, no wetlands or streams were identified on the Site. A Site Map showing that no aquatic features were observed, and locations of sample point collections are presented on **Figure 6**. Sample point data forms from the field study are provided in **Appendix A**. Photographs documenting Site conditions are located in **Appendix B** and a photograph reference map is presented as **Figure 7**.

### 4.1 AQUATIC FEATURE SUMMARY

No wetlands or streams were identified onsite.



## 5 CONCLUSION

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The purpose of the wetland and stream delineation was to assess wetlands and watercourses within the project boundary regardless of jurisdictional status. No wetlands or streams were delineated during the field exercise. Any activities that disturb or encroach on any wetland or stream will require obtainment of a jurisdictional determination and a permit approval from the USACE. At that time USACE will decide if any wetlands are isolated and will make a decision on their jurisdictional status, as all wetlands delineated are subject to their potential jurisdiction. There are no wetlands onsite that have been mapped by the NYSDEC or fall within their jurisdiction.

If construction of the project will impact wetlands or other waterbodies/sources, a Joint Permit Application must be submitted to USACE and NYSDEC for jurisdictional determination and review of permit requirements. Authorization under the Nationwide Permit Program is possible for small wetland encroachments. Providing that this project proceeds with development in only the upland areas of the Site, it is anticipated that no wetland permitting will be required.



## 6 LIMITATIONS

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This work was performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions and recommendations are based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no other representation, guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

Kleinfelder offers various levels of investigative and engineering services to suit the varying needs of different clients. It should be recognized that definition and evaluation of geologic and environmental conditions are a difficult and inexact science. Judgments leading to conclusions and recommendations are generally made with incomplete knowledge of the subsurface conditions present due to the limitations of data from field studies. Although risk can never be eliminated, more-detailed and extensive studies yield more information, which may help understand and manage the level of risk.





## 7 REFERENCES

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Cowardin, L.M., V. Carter V., F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service Report No. FWS/OBS/-79/31. Washington, D.C.

Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X

Munsell Color. 2009. Munsell Soil-Color Charts, 2009 Edition. Grand Rapids, MI.

Natural Resources Conservation Service, United States Department of Agriculture. 2018. Official Soil Series Descriptions: USDA-NRCS, Lincoln, NE. Accessed at: <https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>

New York State Department of Environmental Conservation. Environmental Resource Mapper. Accessed at: <http://www.dec.ny.gov/imsmaps/ERM/> on June 14, 2018.

United States Army Corps of Engineers. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, C. V. Noble, and J. F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

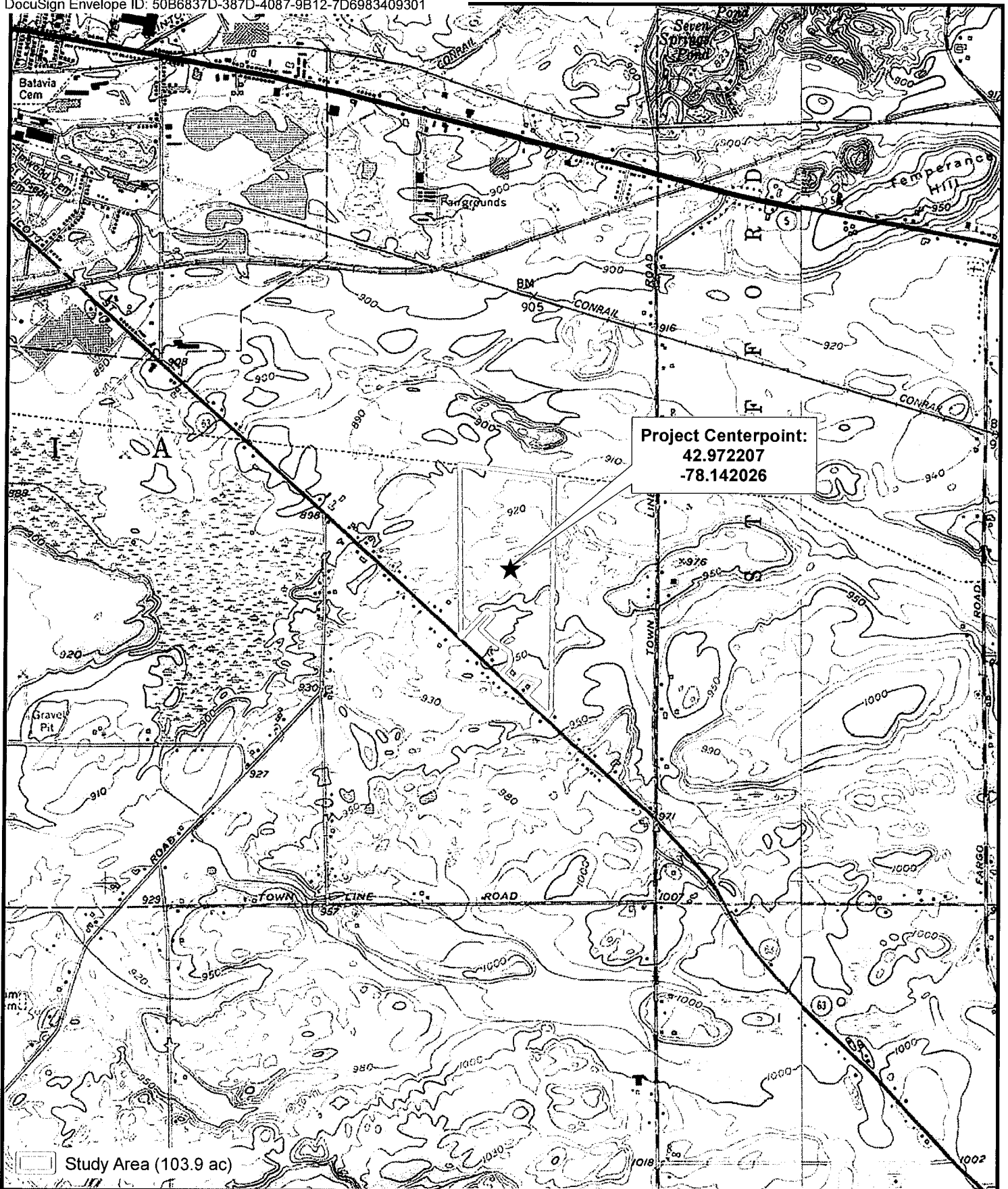
United States Fish and Wildlife Service. National Wetlands Inventory Maps. Accessed at: <http://www.fws.gov/wetlands/Data/Mapportion.html> .

USDA, 2018. United States Department of Agriculture. Natural Resource Conservation Service; Plants Database. <http://plants.usda.gov/>.



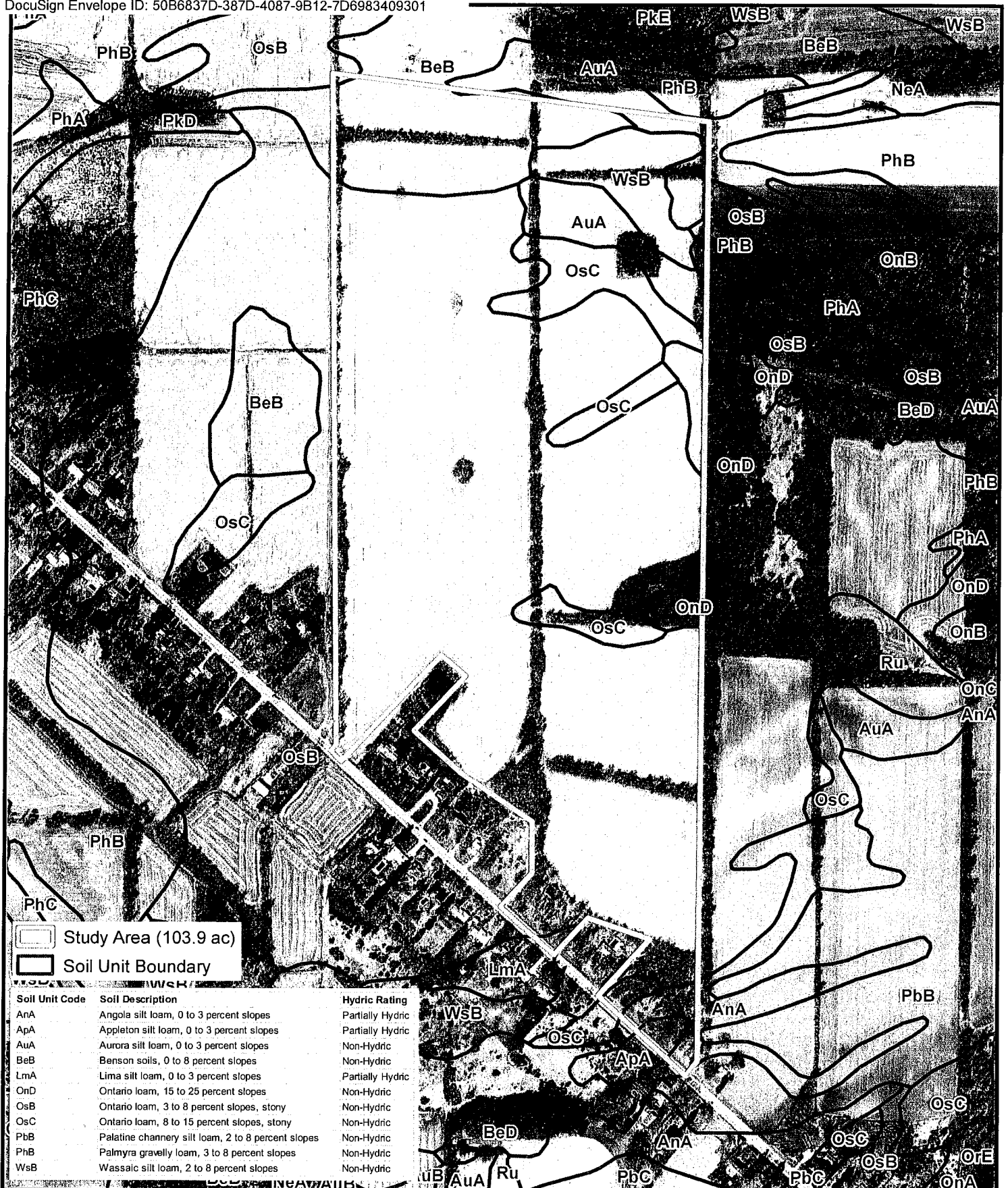
## FIGURES

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	PROJECT NO. 20190294			<b>Genesee County, New York</b> Batavia South, NY 7.5 USGS Quadrangle	<b>Cypress Creek Renewables</b>	
	DRAWN BY: SMW				FILE NAME: Trousdale_Fig1_SiteLocation	Figure 1 Site Location Map Trousdale Solar, LLC

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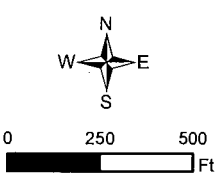


Study Area (103.9 ac)  
 Soil Unit Boundary

Soil Unit Code	Soil Description	Hydric Rating
AnA	Angola silt loam, 0 to 3 percent slopes	Partially Hydric
ApA	Appleton silt loam, 0 to 3 percent slopes	Partially Hydric
AuA	Aurora silt loam, 0 to 3 percent slopes	Non-Hydric
BeB	Benson soils, 0 to 8 percent slopes	Non-Hydric
LmA	Lima silt loam, 0 to 3 percent slopes	Partially Hydric
OnD	Ontario loam, 15 to 25 percent slopes	Non-Hydric
OsB	Ontario loam, 3 to 8 percent slopes, stony	Non-Hydric
OsC	Ontario loam, 8 to 15 percent slopes, stony	Non-Hydric
PbB	Palatine channery silt loam, 2 to 8 percent slopes	Non-Hydric
PhB	Palmyra gravelly loam, 3 to 8 percent slopes	Non-Hydric
WsB	Wassaic silt loam, 2 to 8 percent slopes	Non-Hydric



PROJECT NO. 20190294  
 DRAWN BY: SMW  
 CHECKED BY: MN  
 FILE NAME: Trousdale\_Fig3\_NRCSSoils






Genesee County, New York  
 Aerial imagery: ESRI

**Cypress Creek Renewables**


Figure 2  
 Soils Map  
 Trousdale Solar, LLC

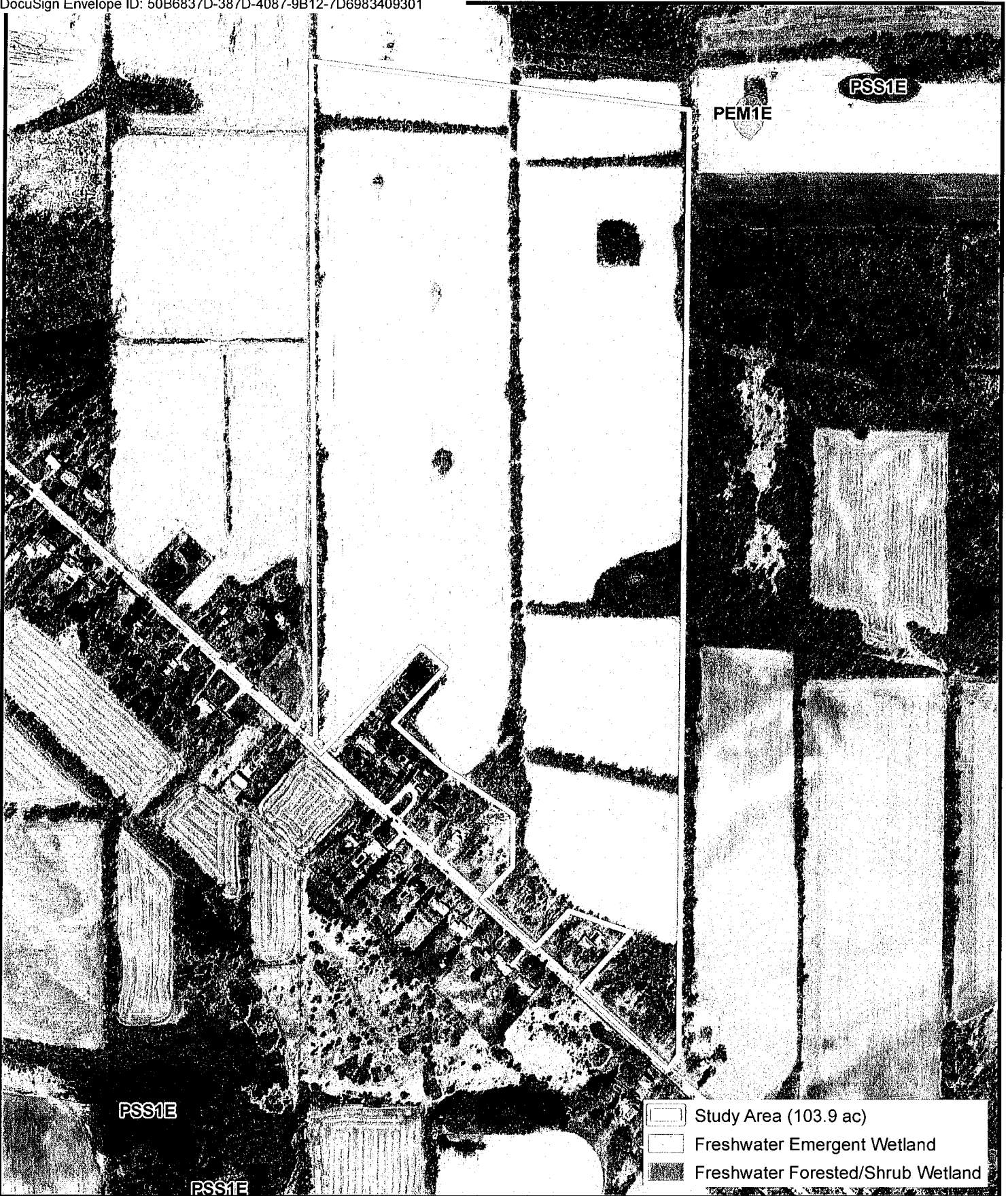
Date: 7/10/2018      Version: 1






-  Study Area (103.9 ac)
-  NYSDEC Wetland Buffer
-  HUC12 Watershed Boundary

City of Batavia-Tonawanda Creek  
 041201040107  
 12,487.8 acres

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-  Study Area (103.9 ac)
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland

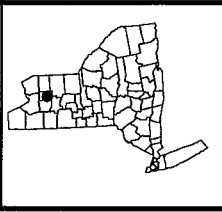
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 FILE NAME: Trousdale\_Fig8\_USFWS

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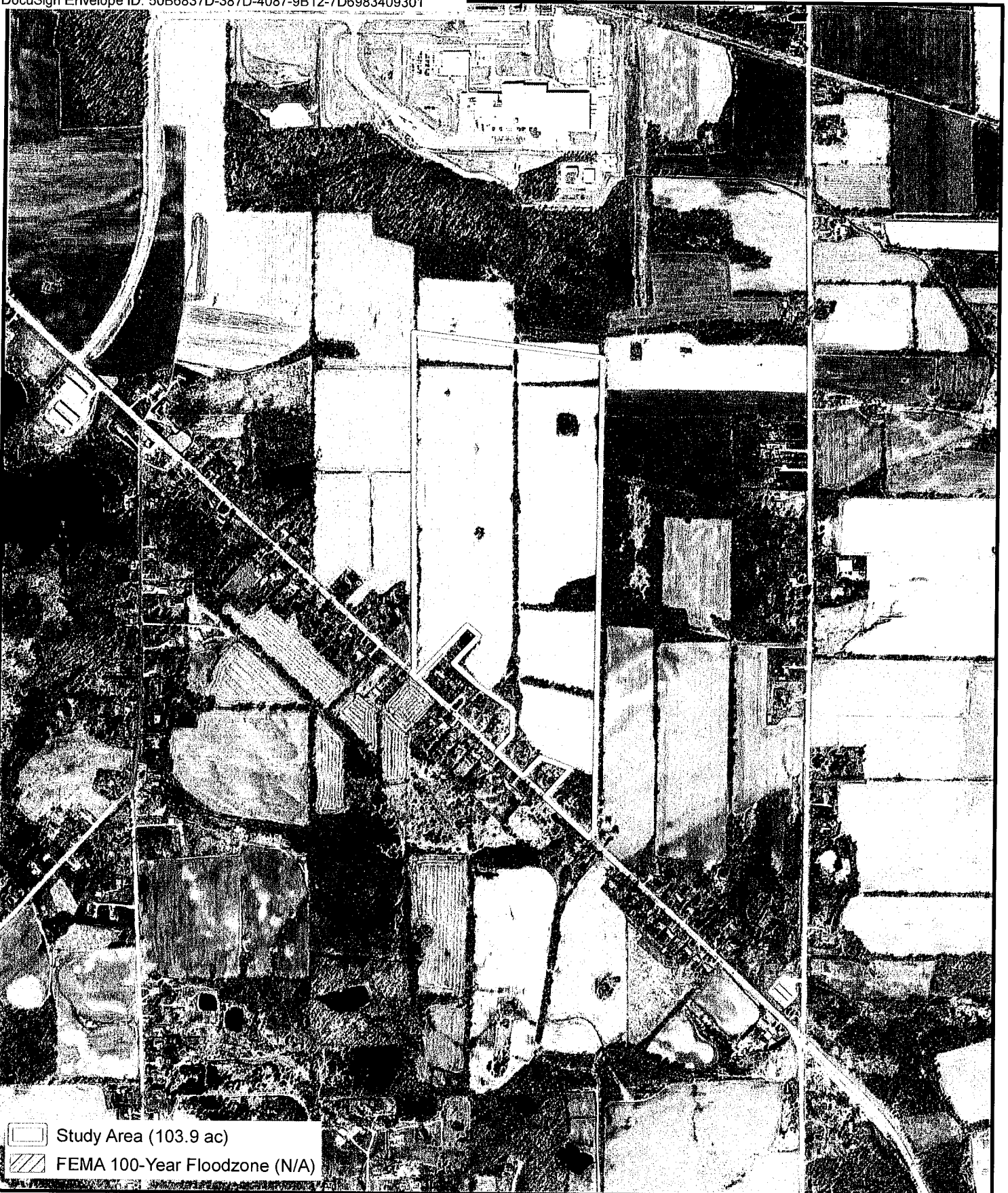


**Genesee County, New York**  
 Aerial Imagery: ESRI

**Cypress Creek Renewables**

Figure 4  
 NWI Map  
 Trousdale Solar, LLC

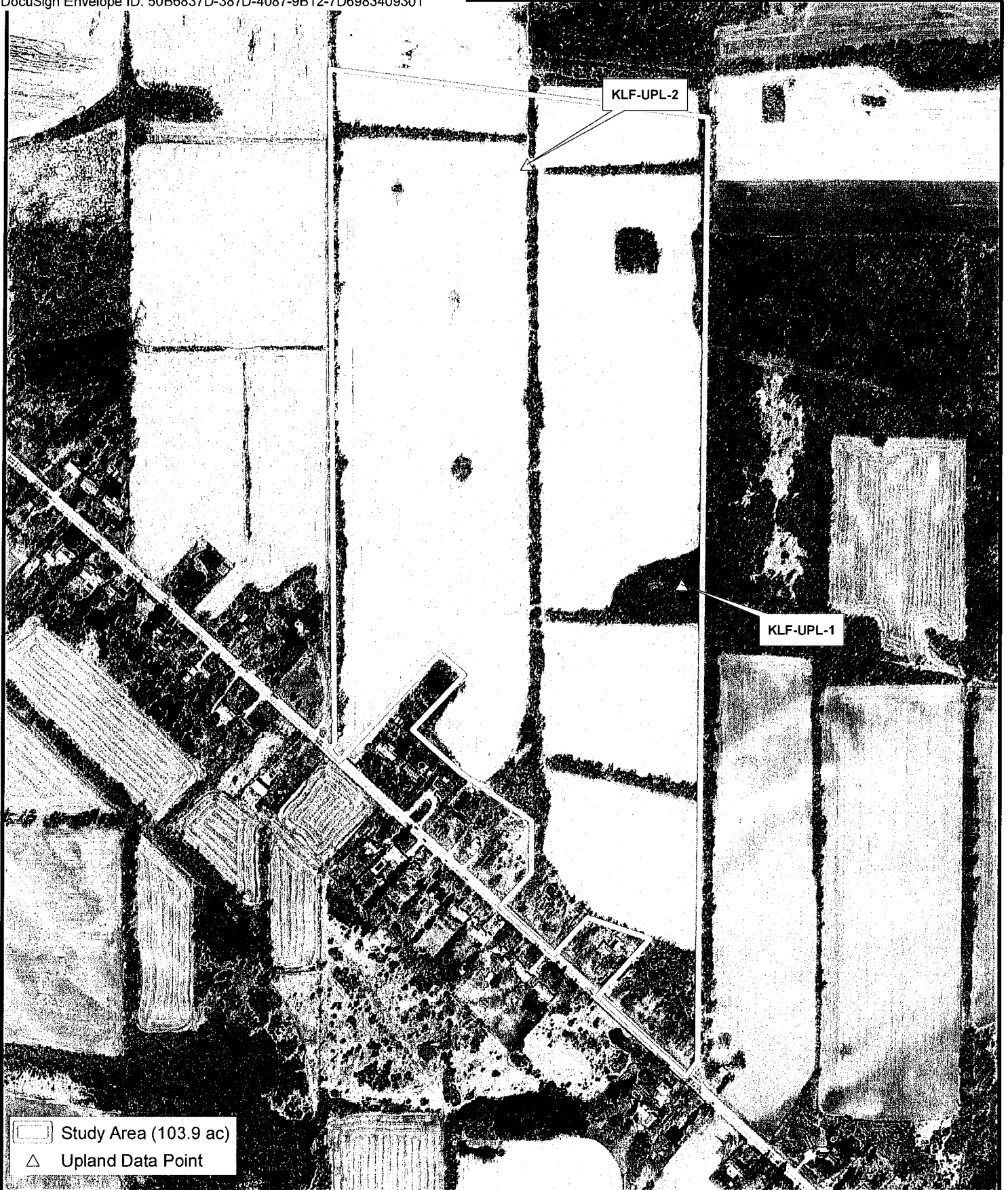
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Study Area (103.9 ac)  
 FEMA 100-Year Floodzone (N/A)

	PROJECT NO. 20190294			<b>Genesee County, New York</b> Aerial Imagery: ESRI	<b>Cypress Creek Renewables</b>	
	DRAWN BY: SMW				Figure 5 Floodplain Map Trousdale Solar, LLC	
	CHECKED BY: MN				Date: 7/10/2018	
	FILE NAME: Trousdale_Fig4_FEMA				Version: 1	

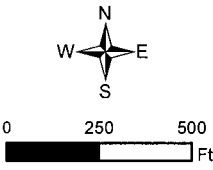
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Study Area (103.9 ac)  
△ Upland Data Point



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 CHECKED BY: MN  
 FILE NAME:  
 Trousdale\_Fig2\_SiteMap



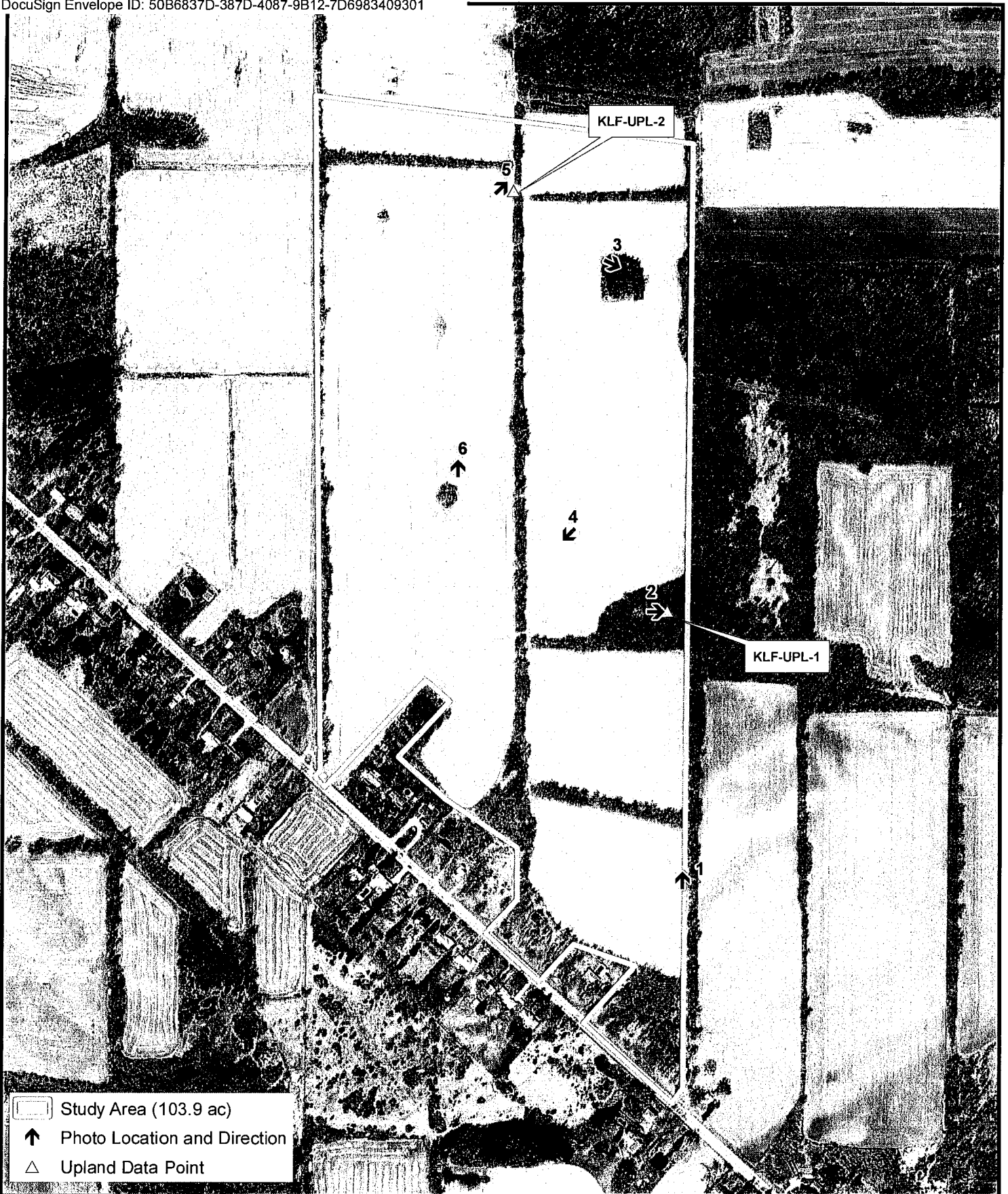
**Genesee  
 County,  
 New York**  
 Aerial Imagery:  
 ESRI




**Cypress Creek Renewables**


Figure 6  
 Delineation Map  
 Trousdale Solar, LLC

Date: 7/10/2018      Version: 1






 Study Area (103.9 ac)  
 Photo Location and Direction  
 Upland Data Point

  
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**Genesee County, New York**  
 Aerial Imagery:  
 ESRI

**Cypress Creek Renewables**  
 Figure 7  
 Photograph Reference Map  
 Trousdale Solar, LLC

Date: 7/10/2018	Version: 1
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**APPENDIX A**  
**DELINEATION DATA FORMS**

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**WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region**

Project/Site: Trousdale City/County: Genesee Sampling Date: 5/31/18  
 Applicant/Owner: Cypress Creek Renewables State: NY Sampling Point UPL-1  
 Investigator(s): MN Section, Township, Range: N/A  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): None  
 Slope (%): 0 Lat.: 42°58'15.65" N Long.: 78°08'23.47" Datum: NAD 83  
 Soil Map Unit Name: OsB-Ontario Loam (3 to 8 percent slopes, stony) NWI Classification: N/A  
 Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)  
 Are vegetation \_\_\_\_\_, soil \_\_\_\_\_, or hydrology \_\_\_\_\_ significantly disturbed? Are "normal  
 Are vegetation \_\_\_\_\_, soil \_\_\_\_\_, or hydrology \_\_\_\_\_ naturally problematic? circumstances" present? Yes  
 (If needed, explain any answers in remarks)

**SUMMARY OF FINDINGS**

Hydrophytic vegetation present? <u>  N  </u> Hydric soil present? <u>  N  </u> Wetland hydrology present? <u>  N  </u>	Is the sampled area within a wetland? <u>  No  </u>  If yes, optional wetland site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)  Data point taken in a small woodlot located between two agricultural fields.	

**HYDROLOGY**

<b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Living Roots (C3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Recent Iron Reduction in Tilled <input type="checkbox"/> Inundation Visible on Aerial <input type="checkbox"/> Soils (C6) Imagery (B7) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Sparsely Vegetated Concave <input type="checkbox"/> Other (Explain in Remarks) Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Microtopographic Relief (D4)
Field Observations: Surface water present? Yes _____ No _____ Depth (inches): _____ Water table present? Yes _____ No _____ Depth (inches): _____ Saturation present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	<b>Wetland hydrology present?</b> <u>  N  </u>
Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:  _____ _____	
Remarks:  _____ _____	

**VEGETATION - Use scientific names of plants**

**Sampling Point:** UPL-1

Tree Stratum					Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Staus
1	<i>Betula populifolia</i>		10	Y	FAC				
2	<i>Prunus avium</i>		30	Y	FACU				
3	<i>Carya glabra</i>		10	N	FACU				
4	<i>Rhamnus cathartica</i>		5	N	FAC				
5									
6									
7									
8									
9									
10									
			55	= Total Cover					
Sapling/Shrub Stratum					Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Staus
1	<i>Betula populifolia</i>		20	Y	FAC				
2	<i>Prunus avium</i>		10	Y	FACU				
3	<i>Carya glabra</i>		10	Y	FACU				
4	<i>Rhamnus cathartica</i>		20	Y	FAC				
5									
6									
7									
8									
9									
10									
			60	= Total Cover					
Herb Stratum					Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Staus
1	<i>Taraxacum officinale</i>		20	Y	FACU				
2	<i>Artemisia vulgaris</i>		20	Y	UPL				
3	<i>Prunus avium</i>		20	Y	FACU				
4	<i>Rubus idaeus</i>		5	N	FACU				
5	<i>Plantago major</i>		10	N	FACU				
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
			75	= Total Cover					
Woody Vine Stratum					Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Staus
1									
2									
3									
4									
5									
			0	= Total Cover					

**50/20 Thresholds**

Tree Stratum	20%	50%
Sapling/Shrub Stratum	11	28
Herb Stratum	12	30
Woody Vine Stratum	15	38
	0	0

**Dominance Test Worksheet**

Number of Dominant Species that are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across all Strata: 9 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 33.33% (A/B)

**Prevalence Index Worksheet**

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	55	x 3 =	165
FACU species	115	x 4 =	460
UPL species	20	x 5 =	100
Column totals	190 (A)		725 (B)

Prevalence Index = B/A = 3.82

**Hydrophytic Vegetation Indicators:**

Rapid test for hydrophytic vegetation

Dominance test is >50%

Prevalence index is ≤3.0\*

Morphological adaptations\* (provide supporting data in Remarks or on a separate sheet)

Problematic hydrophytic vegetation\* (explain)

\*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

**Definitions of Vegetation Strata:**

**Tree** - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** - All woody vines greater than 3.28 ft in height.

**Hydrophytic vegetation present?** N

Remarks: (Include photo numbers here or on a separate sheet)



**WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region**

Project/Site: Trousdale City/County: Genesee Sampling Date: 5/31/18  
 Applicant/Owner: Cypress Creek Renewables State: NY Sampling Point UPL-2  
 Investigator(s): MN Section, Township, Range: N/A  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): None  
 Slope (%): 0 Lat.: 42°58'32.16" N Long.: 78°08'31.73" Datum: NAD 83  
 Soil Map Unit Name: BeB-Benson soils (0 to 8 percent slopes) NWI Classification: N/A  
 Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)  
 Are vegetation \_\_\_\_\_, soil \_\_\_\_\_, or hydrology \_\_\_\_\_ significantly disturbed? Are "normal  
 Are vegetation \_\_\_\_\_, soil \_\_\_\_\_, or hydrology \_\_\_\_\_ naturally problematic? circumstances" present? Yes  
 (If needed, explain any answers in remarks)

**SUMMARY OF FINDINGS**

Hydrophytic vegetation present? <u>  N  </u> Hydric soil present? <u>  N  </u> Wetland hydrology present? <u>  N  </u>	Is the sampled area within a wetland? <u>  No  </u> If yes, optional wetland site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)  Data point taken on edge of hedgerow between two agricultural fields.	

**HYDROLOGY**

Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Living Roots (C3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Recent Iron Reduction in Tilled <input type="checkbox"/> Inundation Visible on Aerial <input type="checkbox"/> Soils (C6) Imagery (B7) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Sparsely Vegetated Concave <input type="checkbox"/> Other (Explain in Remarks) Surface (B8)	Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Microtopographic Relief (D4)
Field Observations: Surface water present? Yes <input type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____ Water table present? Yes <input type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____ Saturation present? Yes <input type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	<b>Wetland hydrology present?</b> <u>  N  </u>
Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:  _____ _____	
Remarks:  _____ _____	

**VEGETATION - Use scientific names of plants**

**Sampling Point:** UPL-2

Tree Stratum					50/20 Thresholds	
Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Staus		20%	50%
1 <i>Rhus typhina</i>	20	Y	UPL	Tree Stratum	8	20
2 <i>Prunus avium</i>	20	Y	FACU	Sapling/Shrub Stratum	3	8
3				Herb Stratum	18	45
4				Woody Vine Stratum	2	5
5						
6						
7						
8						
9						
10						
	40	= Total Cover				
Sapling/Shrub Stratum					Dominance Test Worksheet	
Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Staus			
1 <i>Rubus idaeus</i>	15	Y	FACU	Number of Dominant Species that are OBL, FACW, or FAC:	0	(A)
2				Total Number of Dominant Species Across all Strata:	9	(B)
3				Percent of Dominant Species that are OBL, FACW, or FAC:	0.00%	(A/B)
4						
5						
6						
7						
8						
9						
10						
	15	= Total Cover				
Herb Stratum					Prevalence Index Worksheet	
Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Staus			
1 <i>Taraxacum officinale</i>	20	Y	FACU	Total % Cover of:		
2 <i>Parthenocissus quinquefolia</i>	15	Y	FACU	OBL species	0 x 1 =	0
3 <i>Daucus carota</i>	5	Y	UPL	FACW species	0 x 2 =	0
4 <i>Zea mays</i>	20	Y		FAC species	0 x 3 =	0
5 <i>Trifolium repens</i>	15	Y	FACU	FACU species	110 x 4 =	440
6 <i>Dactylis glomerata</i>	10	N	FACU	UPL species	25 x 5 =	125
7 <i>Galium aparine</i>	5	N	FACU	Column totals	135 (A)	565 (B)
8				Prevalence Index = B/A =		4.19
9						
10						
11						
12						
13						
14						
15						
	90	= Total Cover				
Woody Vine Stratum					Hydrophytic Vegetation Indicators:	
Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Staus			
1 <i>Vitis aestivalis</i>	10	Y	FACU	<input type="checkbox"/> Rapid test for hydrophytic vegetation		
2				<input type="checkbox"/> Dominance test is >50%		
3				<input type="checkbox"/> Prevalence index is ≤3.0*		
4				<input type="checkbox"/> Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)		
5				<input type="checkbox"/> Problematic hydrophytic vegetation* (explain)		
	10	= Total Cover		*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic		
				<b>Definitions of Vegetation Strata:</b>		
				<b>Tree</b> - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.		
				<b>Sapling/shrub</b> - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.		
				<b>Herb</b> - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.		
				<b>Woody vines</b> - All woody vines greater than 3.28 ft in height.		
				<b>Hydrophytic vegetation present?</b> <u>  N  </u>		
Remarks: (Include photo numbers here or on a separate sheet)						







**APPENDIX B**  
**PHOTOGRAPHS**

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Photograph 1: Photo shows agricultural field that was recently planted with corn.



Photograph 2: Photo shows the small woodlot at the data point location showing sweet cherry saplings and buckthorn.



Photograph 3: This photo was taken at the small wooded island in the northeastern section of the property.



Photograph 4: This photo shows the area of the second upland data point location.



Photograph 5: Another photo showing the recently planted field with corn.



Photograph 6: This photo shows upland vegetation in the small woodlot located in the center of the western agricultural field.

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project : Trousdale Solar Projects  
 Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**  
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.  NO  YES  
 (See Part I. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
 If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**  
 The proposed action may result in development on lands subject to flooding.  NO  YES  
 (See Part I. E.2)  
 If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**6. Impacts on Air**  
 The proposed action may include a state regulated air emission source.  NO  YES  
 (See Part I. D.2.f., D.2.h, D.2.g)  
 If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**  
 The proposed action may result in a loss of flora or fauna. (See Part I. E.2. m.-q.)  NO  YES  
 If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>



e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part I. E.1.a, E.1.b, E.3.h.)  
 If "Yes", answer questions a - g. If "No", go to Section 10.  NO  YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part I. E.3.e, f. and g.)  
 If "Yes", answer questions a - e. If "No", go to Section 11.  NO  YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**  
 The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  NO  YES  
 (See Part 1. C.2.c, E.1.c., E.2.q.)  
*If "Yes", answer questions a - e. If "No", go to Section 12.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**  
 The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  NO  YES  
*If "Yes", answer questions a - c. If "No", go to Section 13.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part I. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part I. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part I. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  
 (See Part I. C.1, C.2, and C.3.)  NO  YES  
*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  
 (See Part I. C.2, C.3, D.2, E.3)  NO  YES  
*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape. Viewsheds shall be mitigated with proposed landscape buffers, poles will be minimized.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The SEQR for the Trousdale Solar Project was reviewed on March 2nd and completed on March 16, 2021 by the Town of Batavia Planning board. Much time and effort was spent in order to address the many concerns of the residents who spoke at the Public Hearing. After much discussion and review of information, the viewsheds were mitigated by use of landscape buffers. The number of poles entering the project will be minimized.

A Special Use Permit was issued clearly addressing these issues.

Based on the mitigation, it was determined that the proposed action will have no adverse impacts on the environment.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1               Part 2               Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Batavia Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

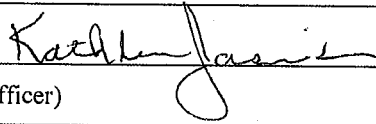
Name of Action: Trousdale Solar Projects

Name of Lead Agency: Town of Batavia Planning Board

Name of Responsible Officer in Lead Agency: Kathleen Jasinski

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency:



Date: 03/23/2021

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Steve Mountain, Town Engineer

Address: 3822 West Main St. Rd., Batavia, NY 14020

Telephone Number: 585-343-1729 Ext. 220

E-mail: smountain@townofbatavia.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**



## Exhibit D



### Genesee County Economic Development Center Pricing & Fee Policy

Effective Date: October 1, 2015

### Financial Assistance - Tax Savings\*\*\*

Offering / Activity	Fees	Comments
<p><b>Lease - Lease Back (SLB) or similar</b></p> <p>Including any / all of the following:</p> <ol style="list-style-type: none"> <li>1. PILOT</li> <li>2. Sales Tax Exemption</li> <li>3. Mortgage Tax Exemption</li> </ol> <p><b>Minimum fee of \$2,000</b></p>	<p><b>\$250 Non-Refundable Application Fee</b></p> <p><b>Direct Sales Project:</b> 1.25% of total capital investment/benefited project amount</p> <p><b>Administration fee:</b> For projects with a capital investment of less than \$5 million, there will be a \$500 annual fee charged for each year of benefits provided. For projects with a capital investment of \$5 million or greater, there will be a \$1,000 annual fee charged.</p> <p><b>Legal Fees:</b> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>
<p><b>Sales Tax Exemption Only</b></p> <p><b>Minimum fee of \$1,000</b></p>	<p><b>\$250 Non-Refundable Application Fee</b></p> <p><b>Direct Sales Project:</b> 1.25% of total capital investment/benefited project amount</p> <p><b>Administration fee:</b> There will be a \$500 annual fee charged.</p> <p><b>Legal Fees:</b> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>
<p><b>Mortgage Tax Exemption Only</b></p> <p><b>Minimum fee of \$2,000</b></p>	<p><b>\$250 Non-Refundable Application Fee</b></p> <p><b>GCEDC Fees:</b> 0.4% of amount financed</p> <p><b>Legal Fees:</b> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.</p>	<p>Eligible to businesses with Capital Investments of \$50,000 or greater which meet the criteria as set forth in the GCEDC's Uniform Tax Exemption Policy.</p>



## Financing\*\*\*

Offering / Activity	Fees	Comments
<b>Bond: Taxable or Tax Exempt</b>  1. Financing transaction only 2. Financing included with SLB	<b>\$250 Non-Refundable Application Fee</b>  <b>Financing Transaction Only</b> <b>Direct Sales Project:</b> 1.25% of total bond amount  Applicant must pay NYS Bond Issuance cost plus legal fees.  <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	Range varies based on GCEDC involvement, term of bond (equip only vs. real property) and spread between taxable and tax exempt yield curves. The shorter the term and / or lower the spread between yield curves requires lower fees to remain competitive vs. commercial lending sources.

\*\*\* NOTE – If a company wants to have a lease-leaseback transaction with a tax exempt financing component the total fee charged would be 1.75% of Capital investment.

Any deviation from the above listed fee schedule must be explained in writing to the Board by the CEO prior to (or simultaneously with) the approval of the Company's application and must be approved by the Board.

## Financing/ Grants/ Consulting

Offering / Activity	Fees	Comments
<b>Grants</b>	<b>\$250 Non-Refundable Application Fee</b>  <u>Program Administration Fees:</u> Allowable program administration and delivery fees associated with the grant will be collected by the GCEDC.  <u>Legal Fees:</u> Legal transaction fees associated with a project will be estimated to each client on a case by case basis.	Generally established and parameters set by Grantor. Negotiations, based on EDC involvement, occur on occasion.  Project fee negotiated between grantee and GCEDC will be agreed to in a memorandum of understanding.

## ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

### Local Labor Workforce Certification

Project applicants (the "Company"), with projected / committed capital investment for facility construction of greater than or equal to \$5,000,000, as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement, and/or bond proceeds) from the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), will be required to utilize qualified Local Labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

#### Local Labor Defined

Local Labor is defined as individuals residing in the following Counties: Genesee, Orleans, Monroe, Wyoming, Livingston, Wayne, Ontario, Seneca, Yates, Niagara, Erie, Chautauqua, Cattaraugus and Allegany (collectively, the "Local Labor Area").

#### Local Labor Requirement

At least 90% of the total number of Project employees, excluding construction project management, of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the "Workers") working on the Project Site must reside within the Local Labor Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) documented lack of Workers meeting the Local Labor Area requirement; or (iv) cost differentials in bids whereby use of local labor significantly increases the construction cost of the project. Prior to the granting of said waiver, the lowest bidding contractor which bid said construction project using local labor would have the right of first refusal to bid and match the lowest bid as a remedy to ensure compliance with this policy. Comprehensive documentation and justification will be required including documented evidence and verification by GCEDC staff or agents that the "right of first refusal" remedy has been affected unsuccessfully.

The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

#### Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the "Report") on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker, the city, town, or village and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency or its designated agents as follows: (i) immediately prior to commencement of construction activities; and (ii) on or by the next following quarterly dates of January 1, April 1, July 1, and October 1 and each quarterly date thereafter through the construction completion date.

The Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period.

#### Enforcement

If Agency staff determines that: (i) the Local Labor Requirement is not being met; or (ii) upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Labor Requirement, then written notice delivered by Certified Mail of said Local Labor Requirement violation (the "Notice of Violation") shall be provided to the Company.

The Company shall have 10 business days thereafter to either:

- (i) provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement;
- (ii) submit the Local Labor Waiver Request as described above; or
- (iii) confirm in writing its inability to meet the Local Labor Requirement.

If the Company does not respond to the Agency's Notice of Violation, or if the Company confirms its inability to meet the Local Labor Requirement then the Agency shall immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project. If a Local Labor Waiver Request is submitted and the Agency declines to issue the requester waiver, then the Company shall have 10 business days after receipt of the notice of the waiver request denial to provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement. If the Agency does not receive such confirmation, the Agency shall then immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realized and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

**COMPANY CERTIFICATION**

By: [Signature]  
Name: Erica S. Ingram

Title: Sr. Director

Sworn to before me this 22 day  
of June, 2021

[Signature]  
Notary Public

