

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: Genesee 5 Solar and Genesee 6 Solar		
Project Location (describe, and attach a general location map): 8244 Batavia-Stafford Townline Road, Batavia, NY 14020 (Tax IDs: 1.-2-117.1 and 1.-2-115). See attached map.		
Brief Description of Proposed Action (include purpose or need): NY CDG Genesee 5 LLC and NY CDG Genesee 6 LLC is developing plans for two estimated 5 MW solar arrays to be installed on approximately 62.3 acres of agricultural land on two tax parcels totaling approximately 127.0 acres, located at 8244 Batavia-Stafford Townline Road within the Town of Stafford, Genesee County. Activities include the installation of two ground-mounted solar energy systems consisting of solar modules/panels, new electrical equipment, and accessories including electrical line, access roads, and concrete pads containing transformers. As currently proposed, the projects will encompass approximately 62.3 acres, including all on-site alterations both within and outside of the fenced solar array area. The ground disturbance is estimated to be approximately 10 acres, including approximately 2.6 acres of tree and stump removal. Maximum depth of ground disturbance is estimated at approximately 10-12 feet. Impervious surface created as a result of these projects is limited to approximately 0.2 acres. The projects will bolster the resiliency of the existing utility grid, and create clean, renewable energy for the greater Genesee County region.		
Name of Applicant/Sponsor: NY CDG Genesee 5 LLC and NY CDG Genesee 6 LLC (c/o Sophia Mazurek, Catalyze)		Telephone: 276-358-0971
		E-Mail: sophia.mazurek@catalyze.com
Address: 800 Gessner Rd, Suite 700		
City/PO: Houston	State: TX	Zip Code: 77024
Project Contact (if not same as sponsor; give name and title/role): LaBella Associates DPC (Timothy Botting, Environmental Analyst)		Telephone: 585-454-6110
		E-Mail: tbotting@labellapc.com
Address: 300 State Street, Suite 201		
City/PO: Rochester	State: NY	Zip Code: 14614
Property Owner (if not same as sponsor): Robert and Michelle Wood		Telephone: 585-343-7533
		E-Mail:
Address: 8244 Batavia-Stafford Townline Road		
City/PO: Batavia	State: NY	Zip Code: 14020

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Stafford Town Board Approval (PILOT)	Fall 2023
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Stafford Planning Board (Site Plan and Special Use Approval)	Fall 2023
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Stafford Zoning Board of Appeals (Variance); Waiver	Approval dated 4/18/22; Fall 2023
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	County IDA (PILOT); County Planning (239 Review); County Highway (ROW Permit)	Fall 2023; Fall 2023; Fall 2023
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Byron-Bergen Central School District (PILOT)	Fall 2023
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC (SPDES/JD); SHPO (Sign-off); NYSERDA (Funding)	Fall 2023; SHPO No Effect 5/30/23; Fall 2023
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USFWS (Section 7); USACE (Wetland JD/permit); FAA (No Hazard to Air Navigation)	October 2023; October 2023 submittal; No Hazard Determination received 6/14/2023
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

C.1. Planning and zoning actions.

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? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

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? Yes No **Note:** Town of Stafford Comprehensive Plan (revised 2009)

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes 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?) Yes 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? Yes No

If Yes, identify the plan(s):

Genesee 2050, Green Genesee/ Smart Genesee, Genesee County Farmland and 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?
Industrial Park _____
- 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? Byron-Bergen Central School District _____
- b. What police or other public protection forces serve the project site?
Genesee County Sheriffs Department _____
- c. Which fire protection and emergency medical services serve the project site?
Stafford Volunteer Fire Department _____
- d. What parks serve the project site?
Batavia Soccer Park, GCC Nature Trail _____

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)? Commercial Solar Energy Development _____
- b. a. Total acreage of the site of the proposed action? _____ +/-62.3 acres
b. Total acreage to be physically disturbed? _____ +/-10 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ +/-127.0 acres
Note: Permanent: +/-2.8 acres
Temporary: +/-7.2 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: _____ +/-6 months *NOTE:* depending on construction timeline, construction may need to be suspended during winter.
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, **Note:** we defined solar panels (modules) as structures.

i. Total number of structures +/-30,140 (modules/panels) and 5 transformers on concrete pads.

ii. Dimensions (in feet) of largest proposed structure: +/- 12 height; +/- 3.3 width; and +/- 7.2 length **NOTE:** Applies to modules/ panels only

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? Yes No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

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): _____

The NYSDEC EAF mapper flagged surface water features at the project site. Two federally regulated wetlands were identified on the project site during a wetland delineation performed in August 2021 by LaBella Associates (map attached). The identified wetlands included one +/- 0.27-acre wetland on the northern parcel and one +/- 0.04-acre wetland on the southern parcel. A +/- 0.19 farm pond was also identified on site. JD determinations are pending from NYSDEC. A PJD was granted by USACE.

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:
 The proposed project involves crossing a federally regulated emergent wetland with one of the access roads along the southern portion of the site. Additionally, the project will involve driving foundation posts into the federally regulated emergent wetland on the northern portion of the site. Overall, the amount of disturbance within the wetlands will be +/-0.3 acres. The project development will be completed in accordance with all applicable NYSDEC and USACE regulations. Three culverts will be installed and necessary permits obtained.

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: +/-0.3 acre _____
- expected acreage of aquatic vegetation remaining after project completion: <0.1 acre _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- Placement of culverts _____
- proposed method of plant removal: TBD _____
- if chemical/herbicide treatment will be used, specify product(s): N/A _____

v. Describe any proposed reclamation/mitigation following disturbance: _____
 The project design will minimize disturbance to any waterbody/wetland. All applicable NYSDEC and USACE regulations will be adhered to. Three culverts

c. Will the proposed action use, or create a new demand for water? will be installed and necessary permits obtained. 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 ± 0.2 acres (impervious surface)
 _____ Square feet or ± 127.0 acres (parcel size)
 ii. Describe types of new point sources. A portion of the access road and all equipment pads. Most of the access road will be pervious.

 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)?
On-site stormwater management structures (vegetative filter strips and water bars). Stormwater Pollution Prevention Plan (SWPPP) has been prepared and will be submitted to the Town in parallel with this form.
 • If to surface waters, identify receiving water bodies or wetlands: _____
Runoff will be directed towards filter strips and water bars. The site drains into on-site wetlands rather than adjacent properties.

 • Will stormwater runoff flow to adjacent properties? 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)
Mobile sources during Project operations will include light vehicles for regular work. Specialized repair may require heavier duty vehicles.
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
Contractor may elect to provide an on-site generator during construction activities.
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
None

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 (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ 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.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Potentially 7 am - 7 pm • Saturday: _____ Minimal if any • Sunday: _____ Minimal if any • Holidays: _____ Minimal if any 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours per day • Saturday: _____ 24 hours per day • Sunday: _____ 24 hours per day • Holidays: _____ 24 hours per day
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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:
 Intermittent construction noise could exceed existing ambient noise levels for short periods of time during the daytime construction activities. Once operational, noise levels exceeding the existing ambient noise levels are not anticipated.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

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: _____

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: _____

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):

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: _____ TBD tons per _____ (unit of time)
 • Operation : _____ N/A 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: Construction debris of disposable wrapping and containers will be recycled when appropriate.

 • Operation: Not applicable

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: TBD - The exact disposal method will be determined by the contractor and will follow all applicable NYSDEC guidelines and standards.

 • Operation: Not applicable

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): Genesee Community College

ii. If mix of uses, generally describe:

The site is predominantly farmland. Surrounding land use includes agricultural land, undeveloped forest, Genesee Community College, residential homes, and commercial development.

b. Land uses and covertypes 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	+/- 0.2	+0.2
• Forested	+/- 3.3	+/-0.7	-2.6
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	+/- 1.0	0	-1.0
• Agricultural (includes active orchards, field, greenhouse etc.)	+/- 57.6	0	-57.6
• Surface water features (lakes, ponds, streams, rivers, etc.)	+/-0.1	+/-0.1	0
• Wetlands (freshwater or tidal)	+/-0.3	0	-0.3
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Solar arrays w/ grass underneath</u>	0	+/- 61.3	+61.3

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:
Genesee Community College _____

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:

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? _____ +/-6.6 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:

Cazenovia silt loams	_____	+/-55 %
Ovid silt loams	_____	+/-38 %
Schoharie silt loams	_____	+/-5% %

Note: Appleton/Lima/Wayland silt loams +/-2%

d. What is the average depth to the water table on the project site? Average: _____ +/-1.5 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: +/-60 % of site
 Poorly Drained +/-40 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: +/-90 % of site
 10-15%: +/-6 % of site
 15% or greater: +/-4 % 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 821-55 Classification C(T)
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Wetlands Approximate Size +/-0.3 acres
- 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: _____
 Name: Bigelow Creek and Tributaries; Pollutants: Nutrients; Uses: Aquatic Life

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

m. Identify the predominant wildlife species that occupy or use the project site: _____
The project site will be fenced off but some typical suburban/rural species, such as squirrels, rabbits, raccoons, woodchucks, chipmunks, rodents, deer, foxes, coyote, songbirds, crows, raptors, frogs, snakes may pass through.

n. Does the project site contain a designated significant natural community? Yes No
 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:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

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? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Northern long-eared bat ([NLEB], Federally Endangered) was flagged by USFWS IPaC tool. However, the projects were determined to have no effect on the NLEB based on an IPaC determination key evaluation and letter generated by USFWS. Additionally, no confirmed state NLEB occurrences were identified in the NYSDEC EAF mapper nor the NYSDEC NLEB occurrences by town map for the projects (see attached IPaC results, letter, and maps).

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? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

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? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? +/-31.5 acres (see attached map)
 ii. Source(s) of soil rating(s): USDA Web Soil Survey/ NYS Land Classification System (Mineral Soil Group Ratings 1-4)

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community 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? Yes No
 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: **Note:** A SHPO/OPRHP No Effect determination was received on February 4, 2022 for the site. The latest site design also received a SHPO/OPRHP No Effect determination on May 30, 2023 (see attachments).

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: GCC Nature Trail, Centennial Park, Batavia Soccer Park, MacArthur Park, Lambert Park, Williams Park, Spring Creek, Tonawanda Creek,

i. Identify resource: Bigelow Creek, Woodchuck Hole, and Horseshoe Lake, Dewitt Recreation Area, Lions Park, Pheasants on the Flats

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Creeks/Lakes, local parks, hunting preserve

iii. Distance between project and resource: _____ +/- 0.5 miles to +/- 3.9 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.

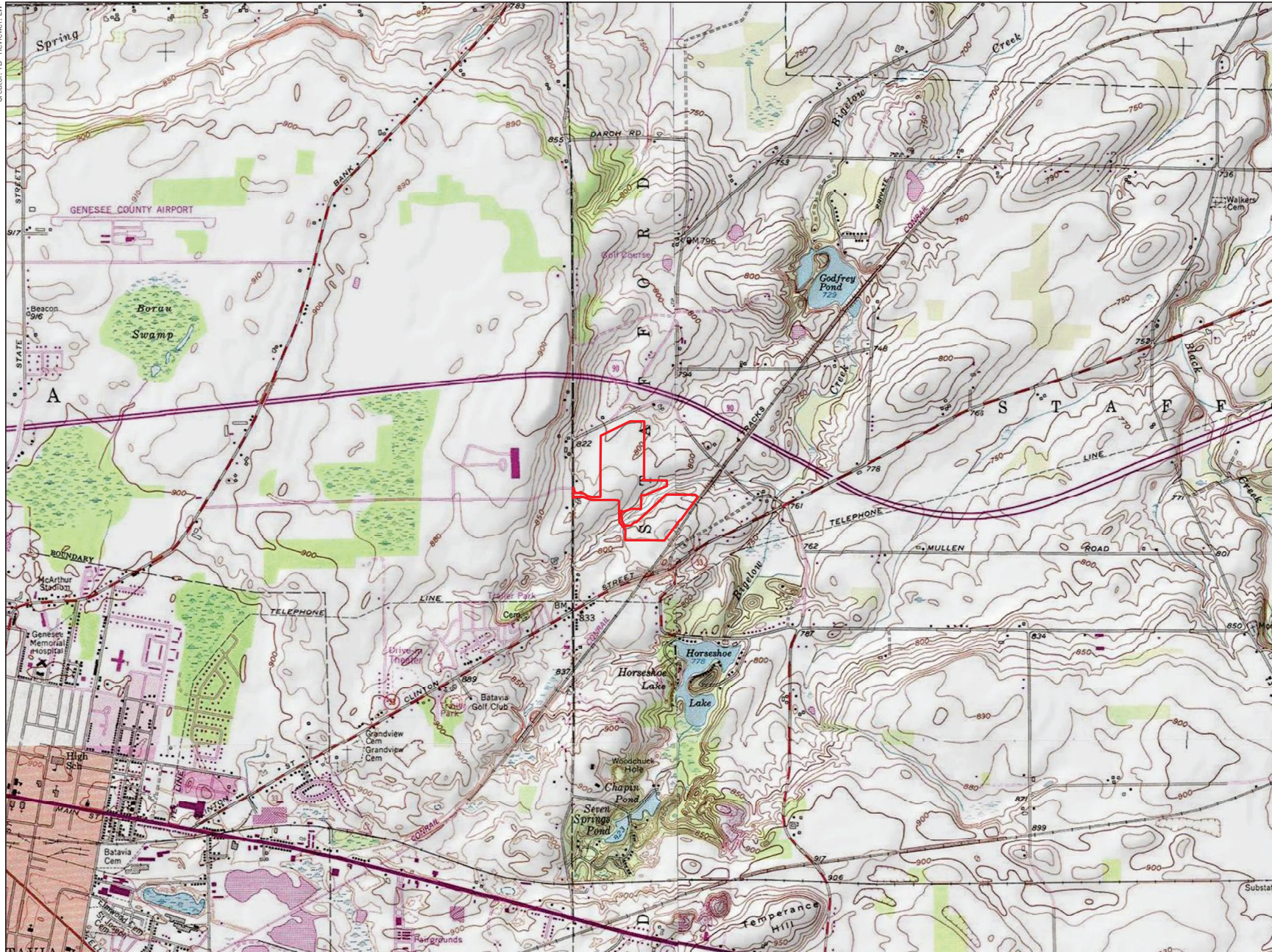
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Sophia Mazurek Date 10/18/2023

Signature *Sophia Mazurek* Title Project Developer



**NY CDG Genesee
5 and 6 LLCs**

FEAF Part I

**Genesee 5 & 6
8244 Batavia-Stafford
Townline Road
Stafford, NY**



0 1,000 2,000 Feet
1 inch = 2,000 feet

Legend

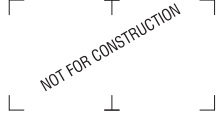
Study Area

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: ESRI, USA Topo Map (Updated: 2020) in reference to USGS Topographic Batavia North and Byron Quadrangles (1978).

USGS Site Location

FIGURE

LaBella Project No: 2231877
Date: October 2023



It is a violation of New York Education Law Article 145 Sec. 7209, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter in any way, or in any way bearing the seal of an architect, engineer, or land surveyor is altered, the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

© 2020 LaBella Associates

NY CDG GENESEE 5, LLC
800 GESSNER ROAD, SUITE 700
HOUSTON, TX 77024



GENESEE 5 SOLAR ARRAY
8244 BATAMA-STAFFORD TOWNLIN ROAD
BATAVIA, NY 14020

NO.	DATE	DESCRIPTION

PROJECT NUMBER:	22318777
DRAWN BY:	MSB
REVIEWED BY:	JJP
ISSUED FOR:	PLANNING BOARD REVIEW
DATE:	NOVEMBER 2023
DRAWING NAME:	

SITE AND UTILITY PLAN

DRAWING NUMBER:

C201

PROJECT DATA	
PARCEL INFORMATION	
APPLICANT	NY CDG GENESEE 5, LLC
PARCEL ADDRESS	8244 BAT-STAF TOWN RD BATAVIA, NY 14020
TAX NUMBER	07-02-117.1
NUMBER OF TABLES	001
SYSTEM SIZE (DC)	16,820
SYSTEM SIZE (AC)	7.48 MW (DC)
SYSTEM SIZE (AC)	5 MW (AC)
GPS COORDINATES	N: 43.01704 W: -78.35535
AVERAGE SITE ELEVATION	+80P
PARCEL AREA	+54.57 ACRES
EQUIPMENT PAD AREA	+900 SF
FENCED AREA	+29.50 ACRES
DEVELOPED AREA	+35.75 ACRES
LEASE AREA	+35.83 ACRES
ROAD LENGTH	+2,018 FT
CHAIN LINK FENCE	+4,099 FT
DOUBLE SWING GATE COUNT	1
MAN GATE COUNT	3

ZONING INFORMATION	
CODE APPLIED	TOWN OF STAFFORD
WEBSITE	HTTP://WWW.TOWNOFSTAFFORD.ORG/DEPARTMENTS/CDG/CDG-002
CLASSIFICATION	(P) INDUSTRIAL PARK
FRONT SETBACK	200 FT
SIDE SETBACK	200 FT
REAR SETBACK	200 FT
ENTRANCE WIDTH	70 FT
MAX FENCE HEIGHT	7 FT

*AREA VARIANCE APPROVED VIA CHL 182, ART 16, §180-48.4(2)



1 SITE AND UTILITY PLAN
SCALE: 1" = 100'

VISION: 11/15/23
DATE: 11/15/23



PROJECT DATA

PARCEL INFORMATION

APPLICANT	NYCO GENESSEE 6, LLC
PARCEL ADDRESS	8244 BATAVA STAFF TOWN RD BATAVIA, NY 14020
TAX NUMBER	05-02415
NUMBER OF PAGES	676
NUMBER OF PANELS	13,530
SYSTEM SIZE (DC)	6.08 MW (DC)
SYSTEM SIZE (AC)	5 MW (AC)
GPS COORDINATES	N: 43.055209 W: -78.127383
AVERAGE SITE ELEVATION	= 790'
PARCEL AREA	= 128 ACRES
EQUIPMENT PAD AREA	= 800 SF
DISTURBED AREA	= 34.49 ACRES
LEASE AREA	= 32.66 ACRES
FENCED AREA	= 28.32 ACRES
ROAD LENGTH	= 1,058 FT
CHAIN LINK FENCE	= 6,737 FT
DOUBLE SWING GATE COUNT	2
MAN GATE COUNT	4

ZONING INFORMATION

REQUIRED **PROPOSED**

CODE APPLIED	TOWN OF STAFFORD
WEBSITE	HTTPS://WWW.TOWNOFSTAFFORDNY.GOV/PAGES/2018-03-08
CLASSIFICATION	(P) INDUSTRIAL PARK
FRONT SETBACK	200 FT 200 FT
SIDE SETBACK	200 FT 200 FT, 100 FT*
REAR SETBACK	200 FT 200 FT, 50 FT*
ENTRANCE WIDTH	- 40 FT
MAX FENCE HEIGHT	- 7 FT

*AREA VARIANCE APPROVED MA CH. 152, ART. VII §102-49.0(2)



300 State Street, Suite 201
Rochester, NY 14614
585-454-6110
labelapc.com

NOT FOR CONSTRUCTION

It is a violation of New York Education Law Article 145 Sec. 7209, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter in any way, if an item bearing the seal of an architect, engineer, or land surveyor is altered, the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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NY CDG GENESSEE 6, LLC
6325 GUNPARK DRIVE, SUITE C-2,
BOULDER, CO 80301



GENESSEE 6 SOLAR ARRAY
8244 BATAVA-STAFFORD TOWNSHIP ROAD
BATAVIA, NY 14020

NO.	DATE	DESCRIPTION

PROJECT NUMBER:	2231877
DRAWN BY:	MSB
REVIEWED BY:	JJP
ISSUED FOR:	PLANNING BOARD REVIEW
DATE:	APRIL 2023
DRAWING NAME:	

SITE AND UTILITY PLAN

DRAWING NUMBER:

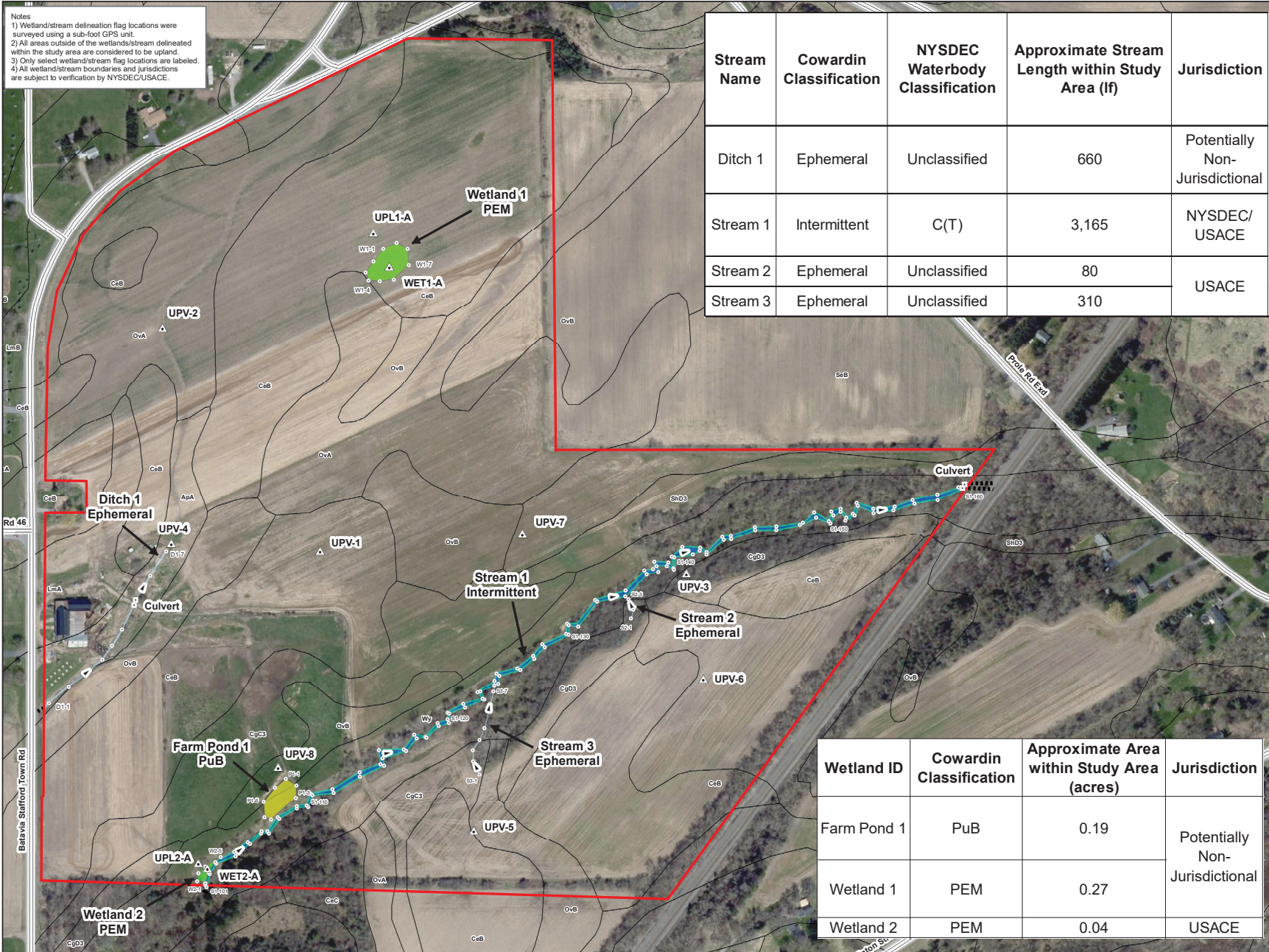
C201

1 SITE AND UTILITY PLAN
SCALE: 1" = 100'



VISION: 11/15/2022 10:00 AM

- Notes**
- 1) Wetland/stream delineation flag locations were surveyed using a sub-foot GPS unit.
 - 2) All areas outside of the wetlands/stream delineated within the study area are considered to be upland.
 - 3) Only select wetland/stream flag locations are labeled.
 - 4) All wetland/stream boundaries and jurisdictions are subject to verification by NYSDEC/USACE.



Stream Name	Cowardin Classification	NYSDEC Waterbody Classification	Approximate Stream Length within Study Area (lf)	Jurisdiction
Ditch 1	Ephemeral	Unclassified	660	Potentially Non-Jurisdictional
Stream 1	Intermittent	C(T)	3,165	NYSDEC/USACE
Stream 2	Ephemeral	Unclassified	80	USACE
Stream 3	Ephemeral	Unclassified	310	

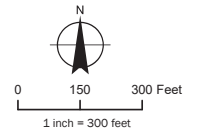
Wetland ID	Cowardin Classification	Approximate Area within Study Area (acres)	Jurisdiction
Farm Pond 1	PuB	0.19	Potentially Non-Jurisdictional
Wetland 1	PEM	0.27	
Wetland 2	PEM	0.04	USACE



Catalyze Holdings LLC

Wetland and Stream Delineation Report

**Genesee 5 & 6
8244 Batavia-Stafford
Townline Road
Stafford, NY**



- Legend**
- Study Area
 - Data Point Location
 - Wetland/Stream Flag Location
 - Culvert
 - Emergent Wetland (PEM)
 - Open Water (PuB)
 - Intermittent Stream
 - Intermittent Stream (Top of Bank)
 - Ephemeral Stream
 - Culvert Area
 - Approximate Offsite Wetland/Stream Boundary
 - Stream Flow Direction
 - Road
 - Soil

- Sources:**
1. Study Area: Created by LaBella using information provided by the client.
 2. Basemap: Esri, DigitalGlobe, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and GIS User Community 2020.
 3. Mapped soil data were obtained from the NRCS online Soil Data (soildatamart.nrcs.usda.gov).

Wetland and Stream Delineation Survey

FIGURE



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NY 14202-3278

November 2, 2023

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army No. LRB-2023-00548

Catalyze Holdings, LLC
Attn: Sophia Mazurek
800 Gessner, Suite 700
Houston, Texas 77024
Email: Sophia.mazurek@catalyze.com

Dear Ms. Mazurek:

I have reviewed the aquatic resource delineation map you submitted for your request for a preliminary jurisdictional determination (JD) of a 128-acre review area located at 8244 Batavia-Stafford Townline Road, Town of Stafford, Genesee County, New York; (Latitude: 43.015553° N, Longitude: -78.129075° W) (Sheet 1 of 2).

I have evaluated your submitted aquatic resource delineation map (Sheet 2 of 2) and have determined that the aquatic resource boundaries shown on the map accurately represent on-site conditions. Please note that this is a preliminary JD. Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this preliminary JD will be evaluated as though all aquatic resources on the site are regulated by the Corps. Further, all aquatic resources will be used for purposes of assessing the extent of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the aquatic resources identified on the submitted drawings, you may request an approved JD from this office. If an approved JD is requested, please be aware that this is often a lengthy process, and we may require the submittal of additional information.

I have enclosed the preliminary JD Form with this letter. The form and attached table identify the extent of aquatic resources on the site and specific terms and conditions of the preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my evaluation of your file. If you do not respond within 15 days, I will presume concurrence and no additional follow-up is necessary prior to finalizing this action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army No. LRB-2023-00548

not have expirations dates.” However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

A copy of this letter is being sent to Labella Associates, D.P.C.

Questions pertaining to this matter should be directed to me at (716) 879-4240, by writing to the following address: U.S. Army Corps of Engineers, 478 Main Street, Buffalo, New York 14202, or by e-mail at: Shaina.R.Souder@usace.army.mil

Sincerely,



Shaina Souder
Biologist

Enclosures

BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR PJD:** 02-NOV-2023

B. **NAME AND ADDRESS OF PERSON REQUESTING PJD:**

LaBella Associates, D.P.C
 300 State Street, Suite 201
 Rochester, New York 14614

On behalf of:

Catalyze Holdings, LLC
 800 Gessner, Suite 700
 Houston, Texas 77024

C. **DISTRICT OFFICE, FILE NAME, AND NUMBER:**

Buffalo District (LRB), Catalyze Holdings, LLC. (Genesee 5 & 6), LRB-2023-00548

D. **PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

State: NY County/parish/borough: Genesee County City: Batavia
 Center coordinates of site (lat/long in degree decimal format):
 Lat.: 43.015553° N Long.: -78.129075° W
 Universal Transverse Mercator: 17
 Name of nearest waterbody: Bigelow Creek

E. **REVIEW PERFORMED FOR SITE EVALUATION:**

- Office (Desk) Determination. Date: 2-NOV-2023
 Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
LRB-2023-00548 Ditch 1	43.014455	-78.135537	660 feet	Non-wetland waters	Section 404
LRB-2023-00548 Pond 1	43.012978	-78.137703	0.19 acres	Non-wetland waters	Section 404
LRB-2023-00548 Stream 1	43.014399	-78.131422	3165 feet	Non-wetland waters	Section 404
LRB-2023-00548 Stream 2	43.014685	-78.131518	80 feet	Non-wetland waters	Section 404
LRB-2023-00548 Stream 3	43.014399	-78.130881	310 feet	Non-wetland waters	Section 404
LRB-2023-00548 Wetland 1	43.017787	-78.309244	0.27 acres	Wetland	Section 404
LRB-2023-00548 Wetland 2	43.012321	-78.139927	0.04 acres	Wetland	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 1 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

the various types of JDs and their characteristics and circumstances when they may be appropriate.

- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: "Wetland and Stream Delineation Report: Genesee 5 & 6 Solar: 8244 Batavia-Stafford Townline Road, Town of Stafford, New York," dated April 2023: prepared for Catalyze Holdings, LLC.; prepared by LaBella Associates, D.P.C.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 Office concurs with data sheets/delineation report. Rationale: .
 Office does not concur with data sheets/delineation report. Rationale: .
 Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: _____.
- U.S. Geological Survey Hydrologic Atlas: HA-730.
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: NY-Attica, 2019: Scale = 1:24,000.
- Natural Resources Conservation Service Soil Survey. Citation: https://weboilsurvey.sc.gov.usda.gov/App/WebSoilSurvey.aspx - Genesee County, New

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

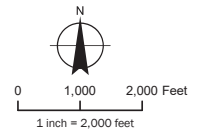
Creator: MF Reviewer: LD




Catalyze Holdings LLC

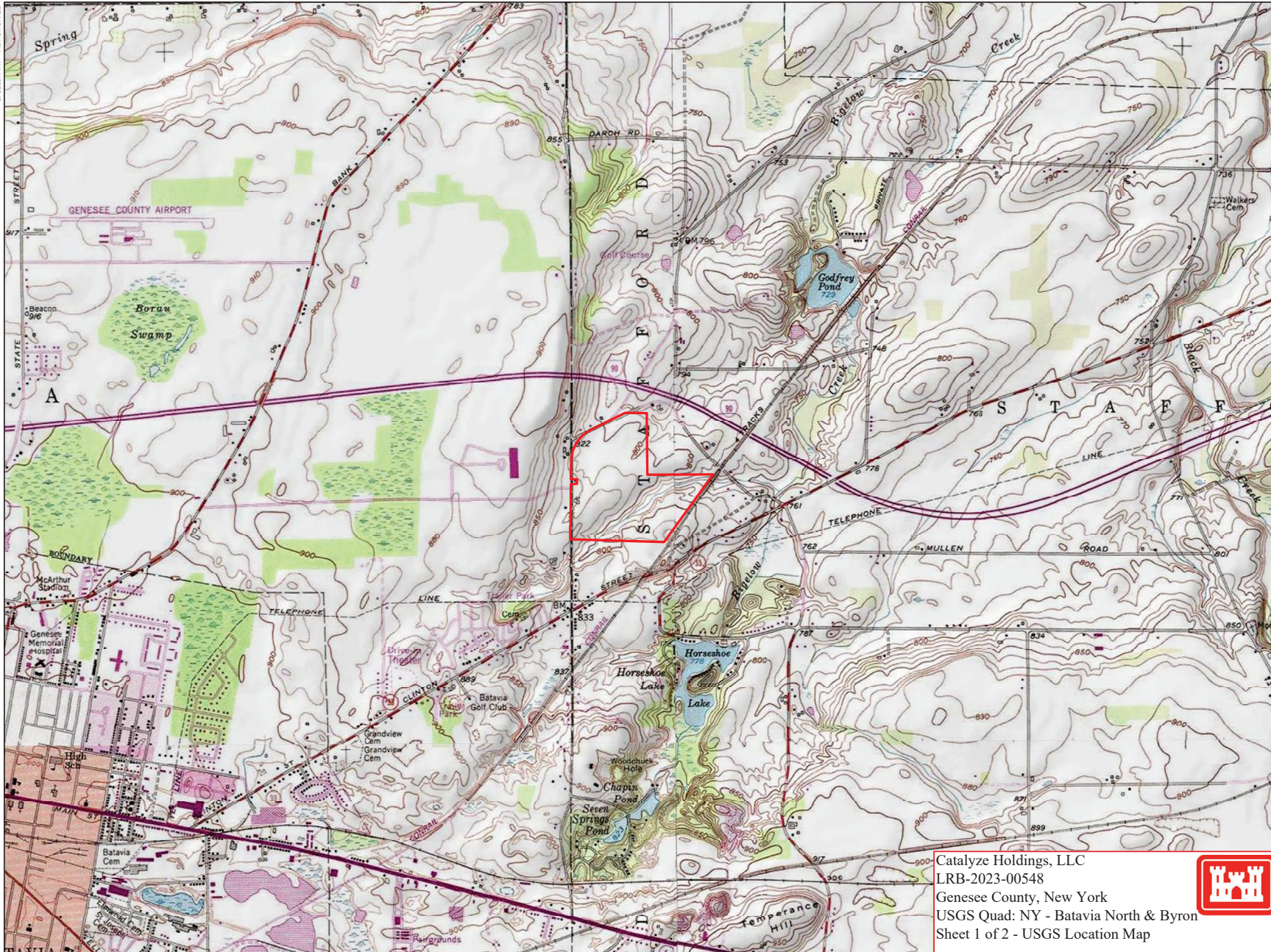
Wetland and Stream Delineation Report

Genesee 5 & 6
8244 Batavia-Stafford
Townline Road
Stafford, NY



Legend

 Study Area



Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: ESRI, USA Topo Map (Updated: 2020) in reference to USGS Topographic Batavia North and Byron Quadrangles (1978).

USGS Site Location



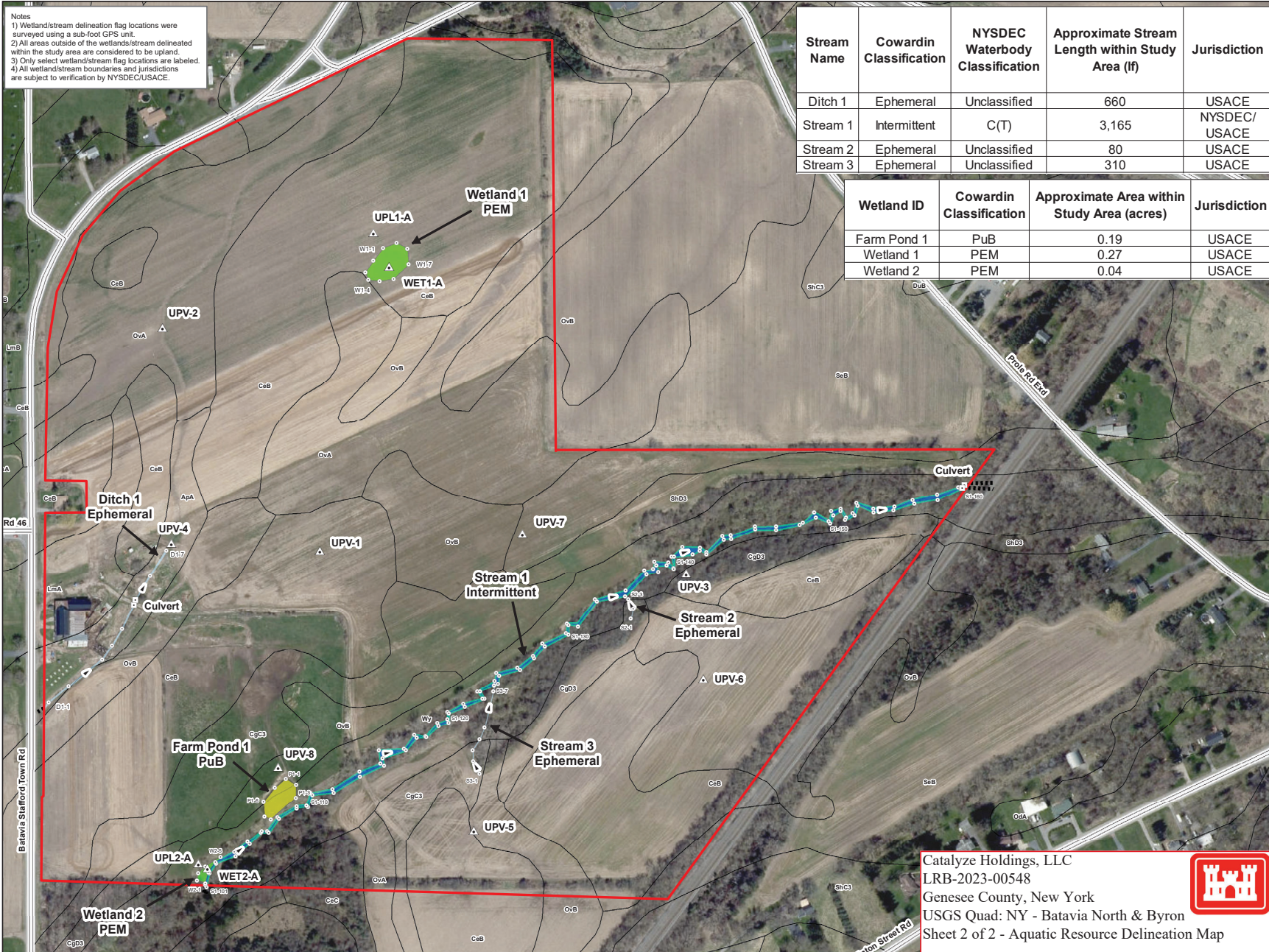
FIGURE 1

Catalyze Holdings, LLC
LRB-2023-00548
Genesee County, New York
USGS Quad: NY - Batavia North & Byron
Sheet 1 of 2 - USGS Location Map

LaBella Project No: 2231877
Date: April 2023

Creator: MF Reviewer: LD

Notes
 1) Wetland/stream delineation flag locations were surveyed using a sub-foot GPS unit.
 2) All areas outside of the wetlands/stream delineated within the study area are considered to be upland.
 3) Only select wetland/stream flag locations are labeled.
 4) All wetland/stream boundaries and jurisdictions are subject to verification by NYSDEC/USACE.



Stream Name	Cowardin Classification	NYSDEC Waterbody Classification	Approximate Stream Length within Study Area (lf)	Jurisdiction
Ditch 1	Ephemeral	Unclassified	660	USACE
Stream 1	Intermittent	C(T)	3,165	NYSDEC/ USACE
Stream 2	Ephemeral	Unclassified	80	USACE
Stream 3	Ephemeral	Unclassified	310	USACE

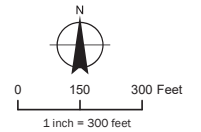
Wetland ID	Cowardin Classification	Approximate Area within Study Area (acres)	Jurisdiction
Farm Pond 1	PuB	0.19	USACE
Wetland 1	PEM	0.27	USACE
Wetland 2	PEM	0.04	USACE



Catalyze Holdings LLC

Wetland and Stream Delineation Report

Genesee 5 & 6
8244 Batavia-Stafford
Townline Road
Stafford, NY



- Legend**
- Study Area
 - Data Point Location
 - Wetland/Stream Flag Location
 - Culvert
 - Emergent Wetland (PEM)
 - Open Water (PuB)
 - Intermittent Stream
 - Intermittent Stream (Top of Bank)
 - Ephemeral Stream
 - Culvert
 - Approximate Offsite Wetland/Stream Boundary
 - Stream Flow Direction
 - Road
 - Soil

Sources:
 1. Study Area: Created by LaBella using information provided by the client.
 2. Basemap: Esri, DigitalGlobe, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and GIS User Community 2020.
 3. Mapped soil data were obtained from the NRCS online Soil Data (soildatamart.nrcs.usda.gov).

Catalyze Holdings, LLC
 LRB-2023-00548
 Genesee County, New York
 USGS Quad: NY - Batavia North & Byron
 Sheet 2 of 2 - Aquatic Resource Delineation Map



Wetland and Stream Delineation Survey

FIGURE 5

LaBella Project No: 2231877
 Date: May 2023

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Catalyze Holdings, LLC, Sophia Mazurek	File Number: LRB-2023-00548	Date: November 2, 2023
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Attached is: See Section below

INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
PROFFERED PERMIT (Standard Permit or Letter of permission)	B
PERMIT DENIAL WITHOUT PREJUDICE	C
PERMIT DENIAL WITH PREJUDICE	D
APPROVED JURISDICTIONAL DETERMINATION	E
PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT:** You may accept or appeal the permit
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable
You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial
You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable
You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

Shaina Souder
U.S. Army Corps of Engineers
478 Main St
Buffalo, NY 14202
Phone: (716)879-4240
Email: Shaina.R.Souder@usace.army.mil

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Katherine McCafferty
Regulatory Appeals Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460
e-mail: katherine.a.mccafferty@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<p>Signature of appellant or agent: _____</p>	<p>Date:</p>
<p>Email address of appellant and/or agent:</p>	<p>Telephone number:</p>



Environmental Resource Mapper

Base Map: NYS Aerial w Streets [Using this map](#)

Search

Tools

Layers and Legend

- Waterbody Classifications for Rivers/Streams
- Waterbody Classifications for Lakes
 - Lakes and Reservoirs
 - Estuaries
 - Rivers and Streams
 - Shorelines
- State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
 - State Regulated Wetland Checkzone
- Imperiled Mussels
 - Mussel Screening Ponded Waters
 - Mussel Screening Streams
- Significant Natural Communities
 - Natural Communities Near This Location
- Rare Plants or Animals
- Base Flood Elevation Plus 72/75 Inches Sea-level Rise
- Limit to Moderate Wave Action

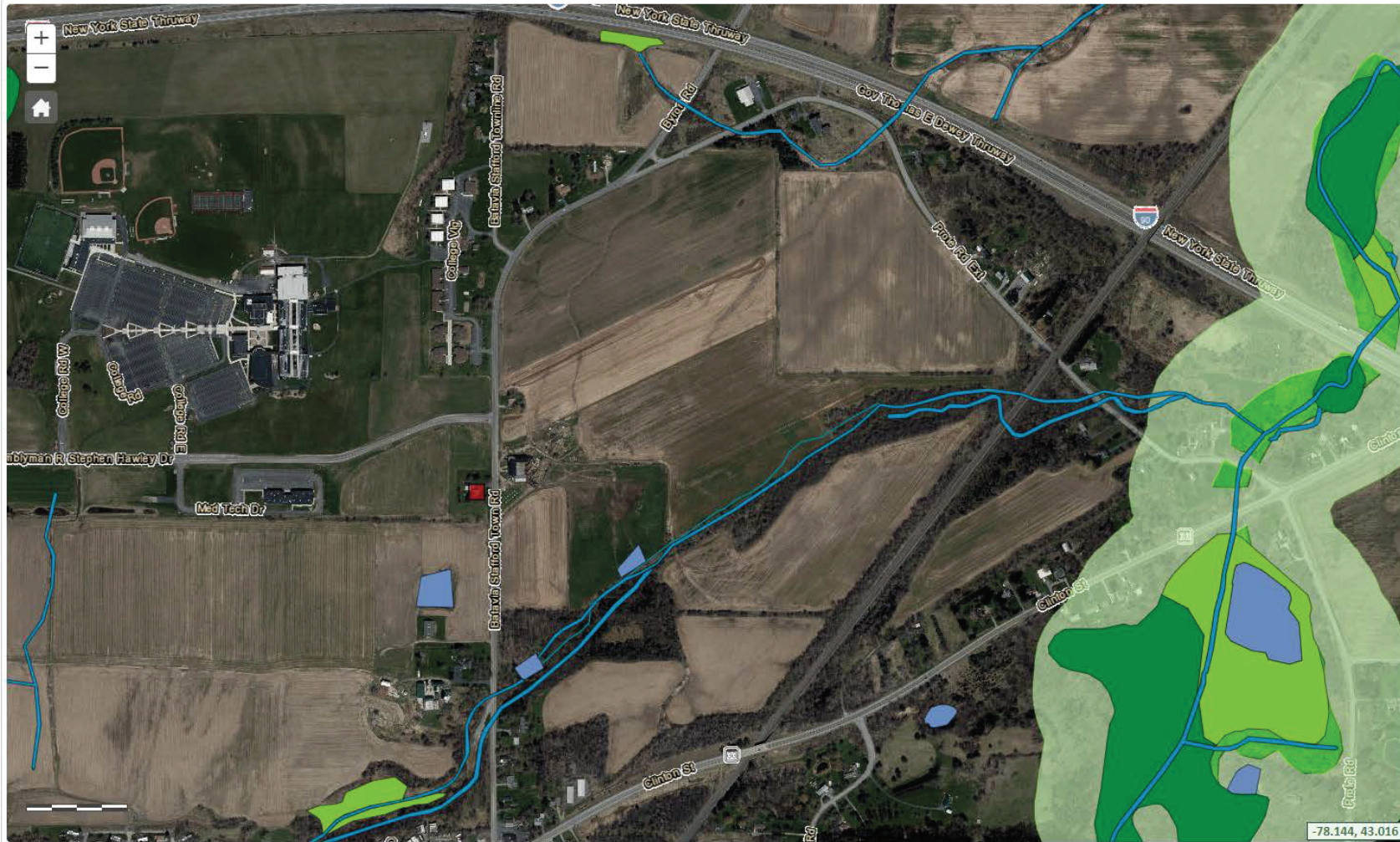
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts





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
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To:

October 16, 2023

Project Code: 2023-0077131

Project Name: Genesee 5 Solar and Genesee 6 Solar

Subject: List of threatened and endangered species that may occur in your proposed project location 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 (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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 Act, 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 IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

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 Act. **Please include the Consultation Code 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

Project Code: 2023-0077131

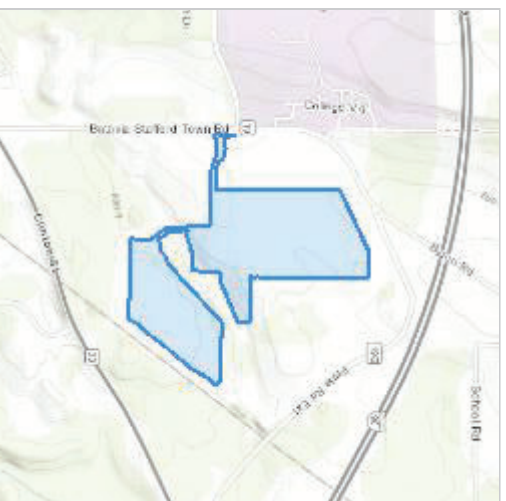
Project Name: Genesee 5 Solar and Genesee 6 Solar

Project Type: Power Gen - Solar

Project Description: NY CDG Genesee 5 LLC and NY CDG Genesee 6 LLC is developing plans for two estimated 5 MW solar arrays to be installed on approximately 62.3 acres of agricultural land on two tax parcels totaling approximately 127.0 acres, located at 8244 Batavia-Stafford Townline Road within the Town of Stafford, Genesee County. Activities include the installation of two ground-mounted solar energy systems consisting of solar modules/panels, new electrical equipment, and accessories including electrical line, access roads, and concrete pads containing transformers. As currently proposed, the projects will encompass approximately 62.3 acres, including all on-site alterations both within and outside of the fenced solar array area. The ground disturbance is estimated to be approximately 10.6 acres, including approximately 3.3 acres of tree and stump removal. Maximum depth of ground disturbance is estimated at approximately 10-12 feet. Impervious surface created as a result of this project is limited to approximately 1.5 acres. The projects will bolster the resiliency of the existing utility grid, and create clean, renewable energy for the greater Genesee County region. This projects description is based on currently available information and the latest site designs.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.01557755,-78.12813993373415,14z>



Counties: Genesee County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 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 Fisheries¹, 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>	Endangered
No critical habitat has been designated for this species.	
Species profile: https://ecos.fws.gov/ecp/species/9045	

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Candidate
No critical habitat has been designated for this species.	
Species profile: https://ecos.fws.gov/ecp/species/9743	

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: LaBella Associates
Name: Timothy Botting
Address: 300 State Street, Suite 201
City: Rochester
State: NY
Zip: 14614
Email: tbotting@labellapc.com
Phone: 5852879134

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



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

Email Address: fw5es_nyfo@fws.gov

In Reply Refer To:

May 03, 2023

Project code: 2023-0077131

Project Name: Genesee 5 Solar and Genesee 6 Solar

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Record of project representative's no effect determination for 'Genesee 5 Solar and Genesee 6 Solar'

Dear Timothy Botting:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 03, 2023, for 'Genesee 5 Solar and Genesee 6 Solar' (here forward, Project). This project has been assigned Project Code 2023-0077131 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangeswide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action

and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New York Ecological Services Field Office and reference Project Code 2023-0077131 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

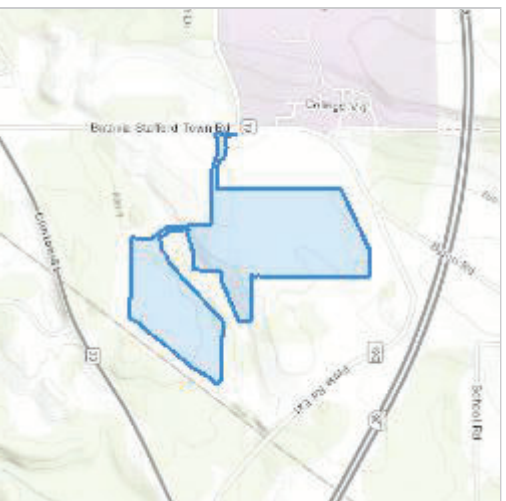
Genesee 5 Solar and Genesee 6 Solar

2. Description

The following description was provided for the project 'Genesee 5 Solar and Genesee 6 Solar':

Catalyze Holdings, LLC is developing plans for two estimated 5 MW solar arrays to be installed on approximately 62.3 acres of agricultural land on two tax parcels totaling approximately 127.0 acres, located at 8244 Batavia-Stafford Townline Road within the Town of Stafford, Genesee County. Activities include the installation of two ground-mounted solar energy systems consisting of solar modules/panels, new electrical equipment, and accessories including electrical line, access roads, and concrete pads containing transformers. As currently proposed, the projects will encompass approximately 62.3 acres, including all on-site alterations both within and outside of the fenced solar array area. The ground disturbance is estimated to be approximately 10.6 acres, including approximately 3.3 acres of tree and stump removal. Maximum depth of ground disturbance is estimated at approximately 10-12 feet. Impervious surface created as a result of this project is limited to approximately 1.5 acres. The projects will bolster the resiliency of the existing utility grid, and create clean, renewable energy for the greater Genesee County region. This projects description is based on currently available information and the latest site designs.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.01557755,-78.12813993373415,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present in the action area, answer "NO" and continue through the key.

Do you want to make a no effect determination?

Yes

PROJECT QUESTIONNAIRE



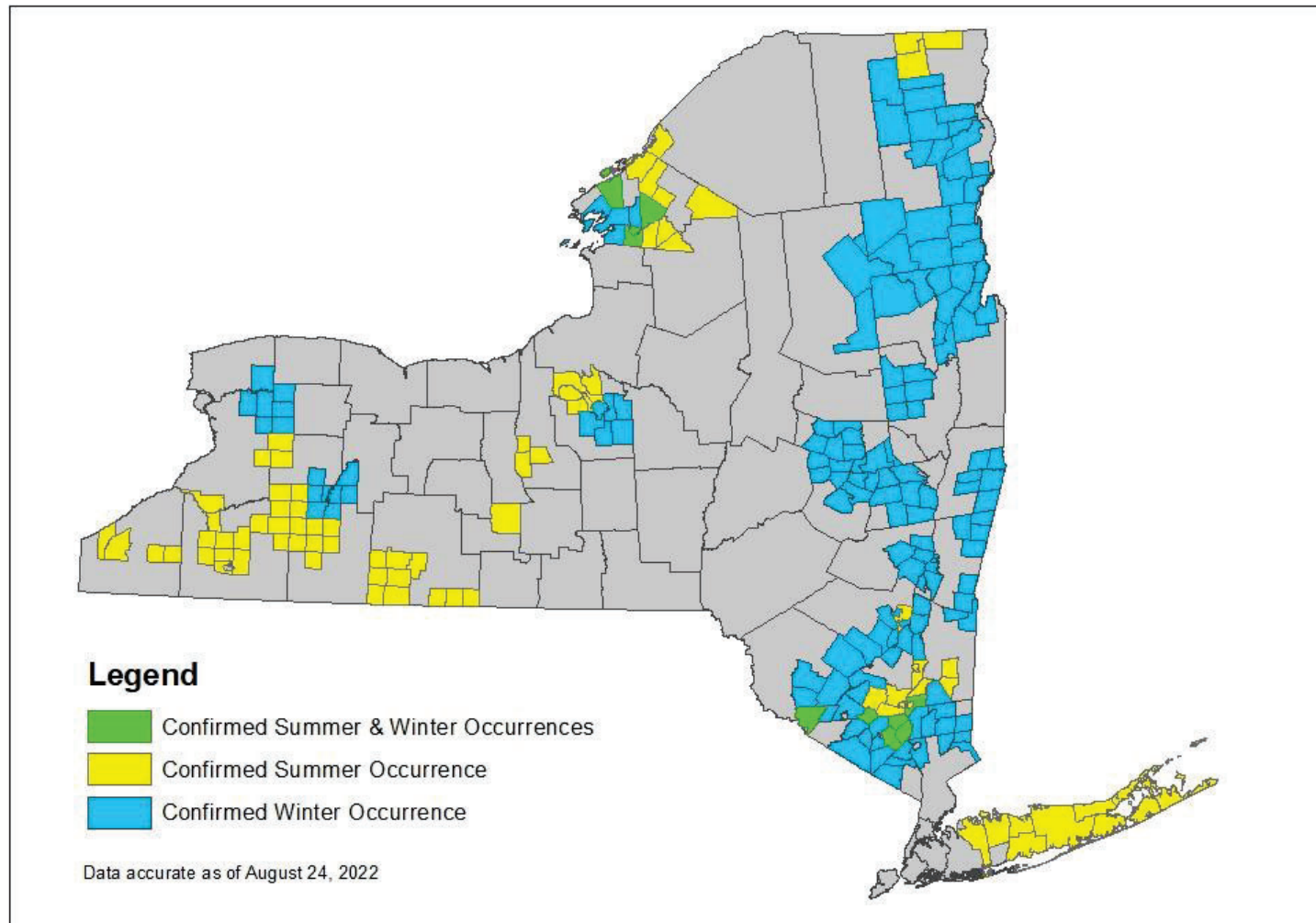
IPAC USER CONTACT INFORMATION

Agency: LaBella Associates
Name: Timothy Botting
Address: 300 State Street, Suite 201
City: Rochester
State: NY
Zip: 14614
Email: tbotting@labellapc.com
Phone: 5852879134

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

Northern Long-eared Bat Occurrences by Town



Northern Long-eared Bat Occurrences by Town

Note: not all portions of listed towns are covered by a buffer. If your town is listed, contact [NYNHP](#) or your [regional DEC office](#) to see whether your project site falls within known occupied habitat.

County	Town	Occurrence	
		Winter	Summer
<i>Albany</i>	Berne	Yes	
	Bethlehem	Yes	
	Coeymans	Yes	
	Guiderland	Yes	
	Knox	Yes	
	New Scotland	Yes	
	Westerlo	Yes	
	Allen		Yes
	Angelica		Yes
	Belfast		Yes
<i>Allegany</i>	Caneadea		Yes
	Centerville		Yes
	Friendship		Yes
	Granger	Yes	
	Hume	Yes	
	New Hudson		Yes
	Rushford		Yes
	Ellicottville		Yes
	Farmersville		Yes
	Freedom		Yes
<i>Cattaraugus</i>	Great Valley		Yes
	Little Valley		Yes
	Lyndon		Yes
	Machias		Yes
	Mansfield		Yes
	Napoli		Yes
	New Albion		Yes
	Otto		Yes
	Salamanca		Yes
	Ledyard		Yes
<i>Cayuga</i>	Scipio		Yes
	Springport		Yes
	Chautauqua		Yes
<i>Chautauqua</i>	Ellington		Yes
	Gerry		Yes

Northern Long-eared Bat Occurrences by Town

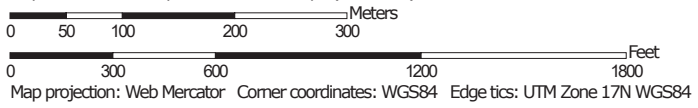
Note: not all portions of listed towns are covered by a buffer. If your town is listed, contact [NYNHP](#) or your [regional DEC office](#) to see whether your project site falls within known occupied habitat.

	Elizabethtown	Yes	
	Essex	Yes	
	Jay	Yes	
	Lewis	Yes	
	Minerva	Yes	
	Moriah	Yes	
	Newcomb	Yes	
	New Hudson	Yes	
	Schroon	Yes	
	Ticonderoga	Yes	
	Westport	Yes	
	Wilmingtion	Yes	
Franklin	Bellmont	Yes	
	Franklin	Yes	
Genesee	Alabama	Yes	
	Darien	Yes	
	Pembroke	Yes	
	Athens	Yes	
	Cairo	Yes	
Greene	Catskill	Yes	
	Coxsackie	Yes	
	Indian Lake	Yes	
Hamilton	Wells	Yes	
	Alexandria		Yes
	Brownville	Yes	
	Champion		Yes
	Clayton	Yes	Yes
	Hounsfield	Yes	
	Le Ray	Yes	Yes
	Lyme	Yes	
	Pamelia	Yes	
	Philadelphia		Yes
	Rutland		Yes
	Theresa		Yes
	Watertown	Yes	Yes
	Denmark		Yes
Lewis	Diana		Yes
	Mount Morris	Yes	

Farmland Classification—Genesee County, New York
(Genesee 5 and 6)




Map Scale: 1:6,730 if printed on A landscape (11" x 8.5") sheet.



Farmland Classification—Genesee County, New York
(Genesee 5 and 6)









MAP LEGEND








Area of Interest (AOI)






 Area of Interest (AOI)








Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60































-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if thawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available






















Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Genesee County, New York
(Genesee 5 and 6)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Soil Rating Points Not prime farmland		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Prime farmland if drained		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if irrigated		Farmland of statewide importance
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if irrigated and drained		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated				Farmland of local importance		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated
					Farmland of local importance, if irrigated				

Farmland Classification—Genesee County, New York
(Genesee 5 and 6)

<ul style="list-style-type: none">  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if irrigated and drained  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 	<ul style="list-style-type: none">  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough  Farmland of statewide importance, if thawed  Farmland of local importance  Farmland of local importance, if irrigated 	<ul style="list-style-type: none">  Farmland of unique importance  Not rated or not available <p>Water Features</p> <ul style="list-style-type: none">  Streams and Canals <p>Transportation</p> <ul style="list-style-type: none">  Rails  Interstate Highways  US Routes  Major Roads  Local Roads <p>Background</p> <ul style="list-style-type: none">  Aerial Photography 	<p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Genesee County, New York Survey Area Data: Version 23, Sep 10, 2022</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jul 29, 2011—Jun 17, 2020</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
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Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
ApA	Appleton silt loam, 0 to 3 percent slopes	Prime farmland if drained	0.2	0.2%
CeB	Cazenovia silt loam, 3 to 8 percent slopes	All areas are prime farmland	29.2	46.9%
CgC3	Cazenovia silty clay loam, 8 to 15 percent slopes, eroded	Not prime farmland	3.6	5.8%
CgD3	Cazenovia silty clay loam, 15 to 25 percent slopes, eroded	Not prime farmland	1.4	2.2%
LmA	Lima silt loam, 0 to 3 percent slopes	All areas are prime farmland	0.6	0.9%
OvA	Ovid silt loam, 0 to 3 percent slopes	Prime farmland if drained	9.6	15.5%
OvB	Ovid silt loam, 3 to 8 percent slopes	Prime farmland if drained	14.3	22.9%
SeB	Schoharie silt loam, 1 to 6 percent slopes	All areas are prime farmland	1.6	2.6%
ShD3	Schoharie silty clay loam, 12 to 20 percent slopes	Not prime farmland	1.3	2.1%
Wy	Wayland soils complex, 0 to 3 percent slopes, frequently flooded	Not prime farmland	0.5	0.9%
Totals for Area of Interest			62.3	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

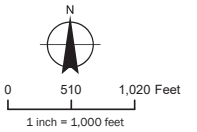




**NY CDG Genesee
5 and 6 LLCs**

FEAF Part I

**Genesee 5 & 6
8244 Batavia-Stafford
Townline Road
Stafford, NY**



Legend

- Study Area
- MSG 1-4 Soils

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: Esri, Maxar, Earthstar Geographics, and the GIS User Community
3. Soils: Soil Survey Staff, Gridded Soil Survey Geographic (gSSURGO) Database for New York, United States Department of Agriculture, Natural

MSG 1-4 Soils

FIGURE



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

February 4, 2022

Alexandra Shipman Messner
Environmental Scientist
LaBella Associates
300 State Street, Suite 201
Rochester, NY 14614

Re: NYSERDA
Genesee 5 Solar and Genesee 6 Solar/5MW 62.3 Acres of a Combined 127 Acre
Parcels
8244 Batavia Stafford Townline Rd, Stafford, Genesee County
21PR07343

Dear Alexandra Shipman Messner:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

We note that 5549 Clinton Street Road is eligible for listing in the State and National Registers of Historic Places. We have reviewed the recently provided submission, including the Conceptual Site Plan dated September 24, 2021. Based on that review, it is the OPRHP's opinion that the project, as described will have No Adverse Impact on historic or archaeological resources.

If you have any questions, please feel free to reach out via email.

Sincerely,

William Floyd
Historic Preservation Technical Specialist
william.floyd@parks.ny.gov
(518) 268-2142



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

May 30, 2023

Kristina Garenani
300 State Street
Suite 201
Rochester, NY 14614

Re: NYSERDA
Genesee 5 Solar and Genesee 6 Solar/5MW 62.3 Acres / 127 Acre Parcels
8244 Batavia Stafford Townline Rd (Parcels 01-02-117.1 and 01-02-115), Stafford,
Genesee County, NY
21PR07343

Dear Kristina Garenani:

Thank you for continuing to consult with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We have reviewed the updated site plans for Genesee 5 & Genesee 6 dated April 2023. Based on that review it is the OPRHP's opinion that the project, as described, continues to have No Adverse Impact on historic or cultural resources.

If you have any questions, please feel free to reach out via email.

Sincerely,

William Floyd
Historic Preservation Technical Specialist
william.floyd@parks.ny.gov
(518) 268-2142

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.

B.1.i [Coastal or Waterfront Area]	No	
B.1.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]	Yes	
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.iv [Surface Water Features - Stream Name]	821-55	
E.2.h.iv [Surface Water Features - Stream Classification]	C(T)	
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters	
E.2.h.v [Impaired Water Bodies]	Yes	
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Bigelow Creek and tribs – Nutrients – Aquatic Life	
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
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
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]	No
E.3.i. [Designated River Corridor]	No