



TRELINA SOLAR ENERGY CENTER

Case No.: 19-F-0366

1001.33 Exhibit 33

Other Applications and Filings

Contents

Exhibit 33: Other Applications and Filings 1

 33(a) Statement of Other Applications and Filings 1

 33(b) Anticipated Federal Permits, Consents, Approvals, or Licenses..... 1

Exhibit 33: Other Applications and Filings

This Exhibit will track the requirements of proposed Stipulation 33, dated June 19, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.33.

33(a) Statement of Other Applications and Filings

The Applicant does not have, and does not know of others who have any other pending applications or filings with the New York State Department of Public Service (NYSDPS) or any other governmental department, agency, or court of competent jurisdiction (state or federal) concerning the subject matter of the proceeding.

The Applicant participated in the 2018 Renewable Energy Standard Solicitation Request for Proposal (RESRFP 18-1) and was selected by the New York State Energy Research and Development Authority (NYSERDA) as a winning bidder with respect to the Trelina Solar Energy Center (formerly named North Light Energy Center).

If necessary, based on the size of the Project, the Applicant will apply to the New York Public Service Commission (NYPSC) for a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law (PSL) authorizing the exercise of municipal rights to occupy municipal property and for other authorizations clarified by the Siting Board in its Cassadaga decision issuing the certificate. At this time, Section 68 does not appear applicable because the Project is not greater than 80 MW and therefore, it is exempt from the definition of an electric corporation.

33(b) Anticipated Federal Permits, Consents, Approvals, or Licenses

The following federal permits, consultations, consents, approvals, or licenses are anticipated to be required for construction or operation of the Project:

United States Fish and Wildlife Service (USFWS):

- Endangered Species Act, Section 7 Consultation.
 - The Applicant submitted a letter to the USFWS on February 27, 2020 requesting concurrence that no further studies for bog turtle were necessary for the Project. Noelle Rayman-Metcalf responded on March 27, 2020 stating, "...correct. No need to address bog turtle for this project as we have refined our predictive habitat model that is within IPaC. And no other federal species have been identified either, so no

need to submit this Project for our review.” Copies of this correspondence are provided in Appendix 22-8 and additional discussion is included in Exhibit 22.

United States Army Corps of Engineers (USACE):

- National Environmental Policy Act (NEPA) compliance;
- National Historic Preservation Act, Section 106 compliance; and
- Section 404 of the Clean Water Act (CWA) or Nationwide Permit for Placement of Fill in federal Jurisdictional Wetlands, Waters of the United States (WOTUS).
 - The Applicant anticipates the need for a Nationwide Permit to authorize minimal temporary and permanent disturbances to WOTUS. To initiate this process, the Applicant submitted a copy of the Project’s Wetland and Waterbody Delineation Report (Appendix 22-5) to Steve Metivier, Chief, NY Application Evaluation Section for the Buffalo District of the USACE, on April 9, 2020 along with a request for a boundary verification of the features presented in the report. Mr. Metivier responded on April 13, 2020, confirming that the verification request had been assigned to Margaret Crawford under the processing number 2020-00524. Copies of this correspondence are provided in Appendix 22-8. Statewide restrictions related to COVID-19 hampered scheduling of a site visit, but the Applicant has maintained regular email and phone communications with Ms. Crawford and intends to schedule a site visit and/or web-based pre-application meeting when feasible.

The dates of these federal applications will be contingent upon certification of the Project through Article 10 of the PSL. In addition, the Secretary, presiding examiner, and each party will be notified of any significant change in the status of each such application.