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# **NORTH SENECA**

## **SOLAR PROJECT**

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### **APPENDIX 12-F**

**Determination of Occupied Habitat**  
**ORES Permit Application No. 23-00036**

**REDACTED**

**North Seneca Solar Project  
Towns of Junius and Waterloo, Seneca County  
Permit Application No. 23-00036**

**Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit  
August 30, 2023**

**Wildlife Site Characterization**

In compliance with 19 NYCRR § 900-1.3(g)(2), North Seneca Solar Project, LLC (Applicant) provided a draft Wildlife Site Characterization Report for the proposed North Seneca Solar Project, Towns of Junius and Waterloo, Seneca County, New York dated April 2022. This report, together with the avian surveys referenced below, have been provided to the Office of Renewable Energy Siting (the Office or ORES) and the New York State Department of Environmental Conservation (NYSDEC), in connection with the Applicant's pending facility siting application to the ORES permitting process at Executive Law §94-c and 19 NYCRR Part 900.

**Avian and Other Wildlife Surveys**

The Applicant provided a Breeding Bird Survey Report dated October 2022, and a Winter Raptor Grassland Survey Report dated June 2023. The Applicant completed the associated breeding bird survey for the project site from May 19, 2022 – July 22, 2022. The Applicant completed the associated winter grassland raptor survey from November 14, 2022 – April 7, 2023.


[REDACTED]

The Office, in consultation with NYSDEC, has accepted these studies for purposes of the review required by §900-1.3(g)(5).

**Determination**

Pursuant to §900-1.3(g)(7), the Office, in consultation with the NYSDEC, has completed a review of this information and hereby provides its draft determination regarding whether occupied habitat for one or more New York State (NYS) threatened or endangered species exists within the facility site, the boundary of the occupied habitat, whether de minimis levels as provided in § 900-2.13 might be attainable for grassland birds and, if applicable, the amount of mitigation funding that may be necessary if impacts cannot be avoided or mitigated.

This appendix has been redacted from this publicly available document because it contains protected/confidential information regarding species listed as endangered, threatened, or special concern in New York.



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Please note, this Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit is subject to revision if the Facility design and layout is altered from its presentation to the Office as of the date of this letter. In compliance with §900-1.3(g)(8), the Applicant shall provide the Wildlife Site Characterization Report, habitat assessment and/or survey reports, and Net Conservation Benefit Plans as part of Exhibit 12 (§900-2.13) in support of an application to the Office for a major renewable energy facility.

As a reminder, the Applicant must also provide a written explanation of how the Facility design first avoids and then minimizes impacts to the identified NYS threatened or endangered or species of special concern to the maximum extent practicable. Unavoidable adverse impacts shall be summarized by species impacted and include an assessment of the acreage and/or an estimate number of individual members of each such species affected. See 19 NYCRR § 900-2.13(d).

Please note that the basis for the Office’s draft determination regarding occupied habitat and potential take for this project only applies to major renewable energy facilities covered by Section 94-c of New York Executive Law. This determination is valid for a period of five years from the date of this letter. This determination may be subject to additional review if changes are made to the anticipated facility plan. Please contact the Office before an application is filed if any such changes are made, or additional pre-application consultation is required.

**ATTACHMENT A – ORES TAKE DETERMINATION MAP**

**ATTACHMENT B – ORES OCCUPIED HABITAT FIELD BY FIELD ANALYSIS TABLE**

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