



Exhibit 19: Environmental Justice

Cider Solar Farm
Towns of Oakfield and Elba
Genesee County, New York

Matter No. 21-1108

EXHIBIT 19: ENVIRONMENTAL JUSTICE

Matter No. 21-1108

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Abbreviations

CP	Commissioner's Policy
EJ	Environmental Justice
GIS	Geographic Information System
NYCRR	New York Codes, Rules, and Regulations
NYSDEC	New York State Department of Environmental Conservation
PEJA	Potential Environmental Justice Area

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Glossary of Terms

Applicant	Hecate Energy Cider Solar LLC
Impact Study Area	In compliance with the requirements outlined in 6 NYCRR Part 487.10, the “Impact Study Area” for Environmental Justice consideration is a 0.5-mile radius around the Project Area, which includes surrounding and adjacent land under assessment for development.
Project	Refers to the proposed Cider Solar Farm, an up to 500-megawatt utility scale solar project that will be comprised of photovoltaic panels, inverters, access driveways, electrical collection lines, point of interconnection/substation, construction staging areas, fencing and plantings, located on private land in the towns of Elba and Oakfield, Genesee County, New York.
Project Area	Refers to the Project Site and surrounding/adjacent land totaling approximately 7,518 acres.
Project Footprint	Refers to the limit of temporary and permanent disturbance within the Project Site caused by the construction and operation of all components of the Project totaling approximately 2,452 acres.
Project Site	Refers to those privately owned parcels under option to lease, purchase, easement or other real property interests with the Applicant in which all Project components will be sited totaling approximately 4,650 acres.

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The content of Exhibit 19 is provided in conformance with Chapter XVIII, Title 19 of the New York Codes, Rules, and Regulations (NYCRR) § 900-2.20, as follows.

a) Environmental Justice Analysis

The purpose of this Environmental Justice evaluation is to determine any significant and/or adverse disproportionate environmental impacts on an Environmental Justice (EJ) area, resulting from the proposed Project construction and operation. In compliance with the requirements outlined in 6 NYCRR Part 487.10, the “Impact Study Area” for the EJ consideration is a 0.5-mile radius around the Project Area, which includes surrounding and adjacent land under assessment for development. Due to the nature of the Project as a solar array, the scope and magnitude of environmental impacts are limited to the bounds of the Project itself (the “Project Footprint”); therefore, the evaluation of 0.5 miles around the Project Area is considered conservative. As discussed in Section (b) of this Exhibit, no EJ areas occur in the Project Area or the Impact Study Area, and the nearest PEJA is more than 6 miles away from the Project.

Per NYSDEC Environmental Justice Policy Commissioner Policy ([CP]-29), Potential Environmental Justice Areas (PEJAs) include census block groups featuring populations that meet or exceed at least one of the following statistical thresholds:

- At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
- At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
- At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level.

Based on data obtained from the NYSDEC’s (2020) Geographic Information System (GIS) dataset, the Project Area and associated Impact Study Area (as per 6 NYCRR Part 487) are not located in an Environmental Justice area. There are no PEJAs within the Project Area or the Impact Study Area (see Table 19-1: *Low Income and Minority Populations in the Cider Solar Farm Project Area and Impact Study Area*). The closest PEJA is located to the west of the Project at the Tonawanda Reservation (Census blocks 3603775011, 3606375011), approximately 6.72 miles away. Figure 19-1: *Environmental Justice Areas* depicts PEJAs and census block groups in relation to the Project. Therefore, the Project will not result in significant and adverse disproportionate environmental impacts to any EJ areas or PEJAs.

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Table 19-1: Low Income and Minority Populations in the Cider Solar Farm Project Area and Impact Study Area

Block Group (BG)	Low-income Population ¹	Minority Population (non-white and/or Hispanic)	Potential EJ Area
Project Area and 0.5-mile Impact Study Area			
BG 1, Tract 9502	9.0%	19.1%	No
BG 2, Tract 9502	9.0%	1.8%	No
BG 5, Tract 9502	9.0%	1.7%	No

¹Available census data for low-income populations only available for overall census tracts, and not broken down by block group.

Source: U.S. Census Bureau 2019.

b) Disproportionate Environmental Impacts

As discussed in detail in Exhibit 10: Geology, Seismology and Soils, Exhibit 11: *Terrestrial Ecology*, Exhibit 12: *NYS Threatened or Endangered Species*, Exhibit 13: *Water Resources and Aquatic Ecology*, and Exhibit 14: *Wetlands* of this Application, the Project is not anticipated to cause significant adverse environmental impacts on soils, ecological, wetland/water resources. The primary impact resulting from the operation of the project are related to agricultural lands that will be converted to Project use during the operational life of the Project, upon which time they will be restored. As described in Exhibit 7: *Noise and Vibration* and Exhibit 8: *Visual Impacts* of this Application, impacts to the community resulting from noise and visual effects are anticipated to be localized and mitigated by site specific mitigation plans and best management practices. Further, no EJ areas occur in the Project Area or the Impact Study Area and the nearest PEJA is more than 6 miles away from the Project. Therefore, the Project will not result in significant and adverse disproportionate environmental impacts to any EJ areas or PEJAs.

c) Avoidance of Environmental Impacts

The Project is not anticipated to cause any significant adverse environmental impacts. Further, there are no EJ areas in the Project Area and the nearest PEJA is more than 6 miles away from the Project Site. Therefore, EJ areas and PEJAs will not be adversely impacted from Project construction or operation, and no measures to avoid such impacts are necessary.

d) Summary of Analysis

Based on a review of the minority and low-income populations in the area, the Project Area and associated Impact Study Area (as per 6 NYCRR Part 487) are not located in an EJ area. The nearest PEJA is located approximately 6.72 miles southwest of the Project Area. Therefore, EJ areas and PEJAs will not be adversely impacted from Project construction or operation. However, Hecate will avoid and/or minimize any significant and adverse disproportionate environmental impacts of the Project if they arise, to the maximum extent practicable.

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References

New York State Department of Environmental Conservation (NYSDEC). 2020. Potential Environmental Justice Areas, GIS Dataset. Available at:

<https://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1273>. Accessed: September 10, 2020.

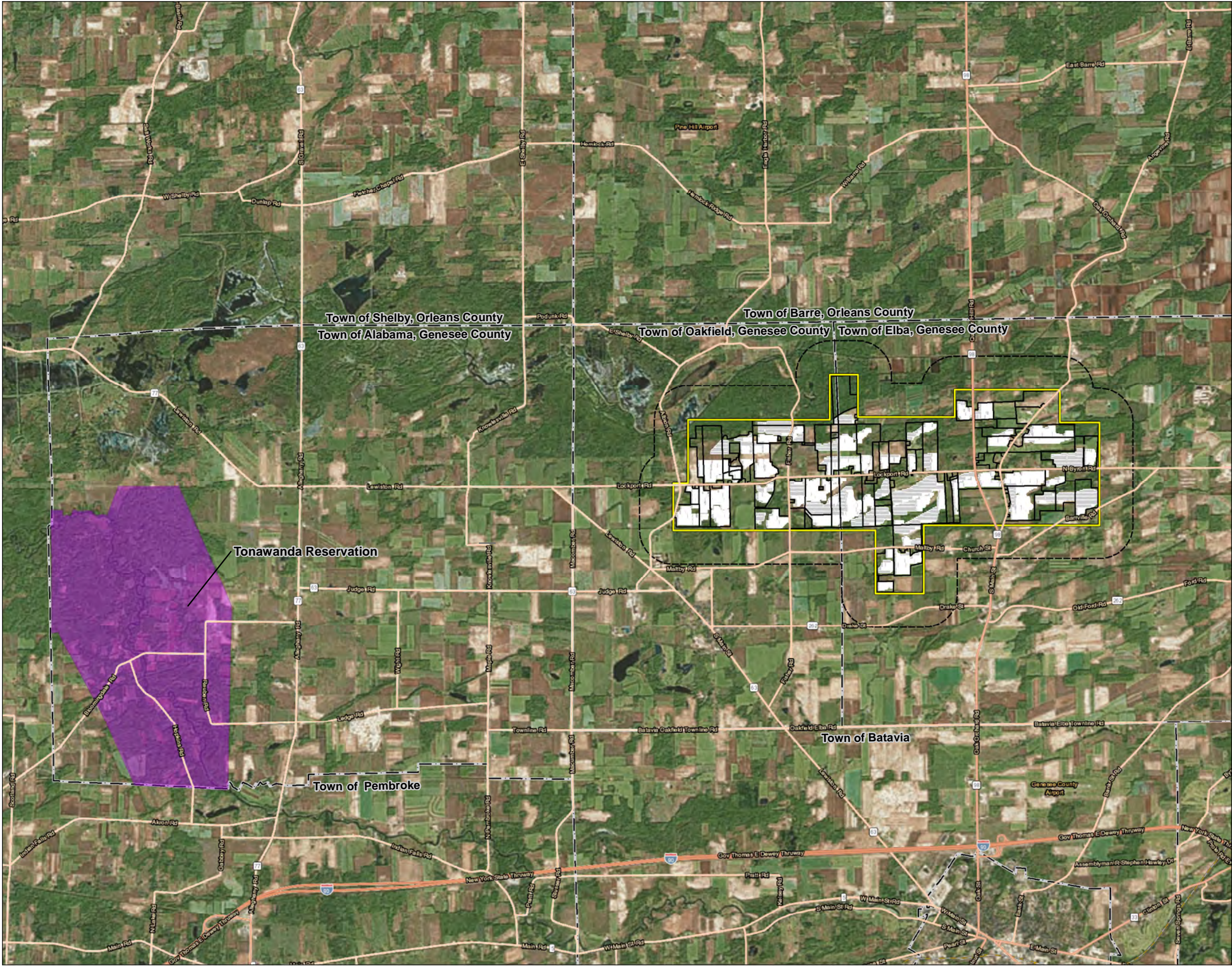
United States Census Bureau (U.S. Census Bureau). 2019. 2019 American Community Survey, 5-Year Estimate. Available at: <https://data.reporternews.com/american-community-survey/>. Accessed: March 31, 2021.

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FIGURES

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Legend

- Project Area
- 0.5-mile Study Area
- Proposed Project
 - PV Panel Array
 - Project Site
- Existing Features
 - Municipal Boundary
- Potential Environmental Justice Area
 - Tonawanda Reservation



0 1.5 3 Miles
(At original document size of 11x17)
1:95,040

- Notes**
- Coordinate System: NAD 1983 StatePlane New York West FIPS 3103 Feet
 - Data Sources: NYS GIS Clearinghouse (<https://gis.ny.gov>)
 - Background: Esri, HERE, Garmin, (c) OpenStreetMap contributors, National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.
 - Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 - No EJ areas or PEJA areas occur within 0.5-mile of the Project Site



Project Location
Towns of Elba and Oakfield
Genesee County, NY

Prepared by AS on 2021-04-27
TR by EE on 2021-04-28
IR by JK on 2021-04-28

Client/Project
Hecate Energy Cider Solar LLC
Cider Solar Farm

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Figure No.
19-1

Title
Environmental Justice Areas