



**Exhibit 25: Other Permits and Approvals**

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

**Matter No. 21-01108**

**EXHIBIT 25: OTHER PERMITS AND APPROVALS**

Matter No. 21-01108

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The content of Exhibit 25 is provided in conformance with Chapter XVIII, Title 19 of the New York Codes, Rules, and Regulations (NYCRR) §900-2.26, as follows.

**a) Federal or Federally-Delegated Permits, Consents, Approvals, and Licenses Required for Construction or Operation**

The following federal permits, consents, approvals, or licenses are anticipated to be required for construction or operation of the Cider Solar Farm (Project):

Regulatory Authority	Provision	Explanation	Status or Estimated Date of Application
New York State Office of Parks, Recreation, and Historic Preservation (SHPO/NYSOPRHP)	National Historic Preservation Act, Section 106 Compliance	Section 106 requires that the effects of undertakings on historic properties be taken into account and to provide the Advisory Council on Historic Preservation with a reasonable opportunity to comment. In addition, consultation on the Section 106 process with the State Historic Preservation Office, Tribal Historic Preservation Offices, Indian Tribes (to include Alaska Natives), and Native Hawaiian Organizations is required.	<p style="text-align: center;">5/31/21</p> <ul style="list-style-type: none"> <li>• SHPO/NYSOPRHP consultation initiated by the Applicant via CRIS on May 26, 2020</li> <li>• SHPO/NYSOPRHP responded on June 2, 2020 recommending a Phase IA investigation</li> <li>• A Phase IA archaeological investigation was conducted and the report submitted to the SHPO/NYSOPRHP on August 24, 2020</li> <li>• SHPO/NYSOPRHP concurred with the recommendations of the Phase 1A archaeology investigation that a Phase IB archaeological survey was warranted in a letter dated September 24, 2020</li> <li>• A Phase IB Scope of Work was submitted to NYSOPRHP on December 16, 2020</li> <li>• The Phase IB Scope of Work was approved by SHPO/NYSOPRHP and provided documentation to indigenous Nations on April 14, 2021.</li> <li>• Phase IB and Historic Resources Reports submitted to the Office of Renewable Energy Siting/SHPO/NYSOPRHP on April 29, 2021.</li> </ul>

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Regulatory Authority	Provision	Explanation	Status or Estimated Date of Application
United States Army Corps of Engineers	Clean Water Act (CWA) Section 404 or Nationwide Permit 51 – Land-Based Renewable Energy Generation Facilities	Nationwide Permit 51 authorizes discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.	Q2 2022  The Applicant plans to apply in June 2021.
New York State Department of Environmental Conservation	State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001)	GP-0-20-001 is required for construction projects that disturb one or more acres of soil. As detailed in Exhibit 13: <i>Water Resources and Aquatic Ecology</i> of this Application, authority to issue the SPDES GP-0-20-001 has been delegated to the New York State Department of Environmental Conservation under the CWA. The Applicant will comply with both the procedural and substantive requirements of the permit in conjunction with construction of the Project. In accordance with 16 NYCRR § 2.14(c)(1), the Applicant has prepared a Stormwater Pollution Prevention Plan for the management of stormwater discharges from the Project during construction.	Q2 2022  The Applicant would obtain SPDES General Permit coverage prior to construction. Estimated timeframe ~60 days.
New York State Department of Transportation (NYSDOT)	Use and Occupancy of State Highway Rights-of-Way, 17 NYCRR Part 131	Utility occupation, whether by legislated right or by permission, is subordinate and subject to the use of the rights-of-way by NYSDOT for highway or other uses authorized by law. Utilities must, prior to their presence on NYSDOT property, submit for review, plans of proposed construction on such lands.	Q2 2022

The Applicant will notify the Office of Renewable Energy Siting of any significant change in the status of each application.

The Applicant participated in the 2020 Renewable Energy Standard Solicitation Request for Proposals (RESRFP 20-1) and was selected by the New York State Energy Research and Development Authority as a winning bidder with respect to the Project. At this time, the Applicant does not have any other active

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or pending applications or filings with New York State Energy Research and Development Authority or elsewhere.

The Applicant plans to request issuance of the CWA Section 401 Water Quality Certification in June 2021, in accordance with 900-1.4 and 900-2.14(f). The Office of Renewable Energy Siting will coordinate issuance of the Water Quality Certificate with the United States Army Corps of Engineers.

The Project is not anticipated to trigger those federal regulations which require Federal Aviation Administration consents or approvals, given the location of the Project and the fact that no structures are proposed over 200 feet in height.

### **b) Other Pending Applications or Filings Concerning the Project**

The Applicant does not have and does not know of others who have any other pending federal, [state] or local applications or filings which concern the Project.