



**Mill Point**  
**SOLAR I PROJECT**

**ConnectGen Montgomery County LLC**

Mill Point Solar I Project

Matter No. 23-00034

**§ 900-2.26 Exhibit 25**

**Other Permits and Approvals**

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## Glossary Terms

- Applicant:** ConnectGen Montgomery County LLC (ConnectGen), a direct subsidiary of ConnectGen LLC, is the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State (NYS) Executive Law.
- Facility:** The proposed components to be constructed for the generation, collection and distribution of energy for the Project will include: photovoltaic (PV) solar modules and their rack/support systems; direct current (DC) and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; buried alternate current (AC) medium voltage collector circuits; fencing and gates around each array of modules; access roads; temporary laydown/construction support areas; a medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a new 3-breaker ring bus point of interconnection switchyard (POI switchyard); two adjacent approximately 305 foot-long 345 kV transmission line segments to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; and an operations and maintenance (O&M) building with parking/storage areas as well as any other improvements subject to ORES jurisdiction.
- Facility Site:** The tax parcels proposed to host the Facility, which collectively totals 2,665.59 acres.
- Point of Interconnection (POI) or POI Switchyard:** A new 3-breaker ring bus point of interconnection switchyard will be constructed adjacent to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; the substation will tie into the new POI switchyard via an overhead span and deliver power produced from the Facility onto the electric grid through two overhead spans tapping the National Grid-owned Marcy – New Scotland 345-kV transmission line. The POI switchyard is located off Ingersoll Road in the northeastern portion of the Facility Site.

**Limits of Disturbance (LOD):**

The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped as the LOD. The LOD encompasses the outer bounds of where construction may occur for the Facility, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of all major Facility components, defined work corridors, security fencing, and proposed planting modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility.

**Project or Mill Point Solar I**

Collectively refers to permitting, construction, and operation of the Facility, as well as proposed environmental protection measures and other efforts proposed by the Applicant.

**Study Area:**

In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 96,784.84 acres, inclusive of the 2,665.59-acre Facility Site.

## Acronym List

AC	Alternating current
AJD	Approved Jurisdictional Determination
CRIS	Cultural Resources Information System
CWA	Clean Water Act
DC	Direct current
FAA	Federal Aviation Administration
IPaC	Information for Planning and Consultation
kV	Kilovolt
LOD	Limits of Disturbance
NWP	Nationwide Permit
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
O&M	Operations & Maintenance
OPRHP	Office of Parks, Recreation, and Historic Preservation
ORES	Office of Renewable Energy Siting
PJD	Preliminary Jurisdictional Determination
POI	Point of Interconnection
PV	Photovoltaic
RUA	Road Use Agreements
SHPO	New York State Historic Preservation Office
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
WOTUS	Waters of the United States
WQC	Water Quality Certification

## **Exhibit 25 Other Permits and Approvals**

### **25(a) Federal or Federally Delegated Permits, Consents, Approvals, or Licenses**

The following federal or federally-delegated permits, consents, approvals, or licenses are anticipated to be required for construction or operation of the Facility:

#### **United States Army Corps of Engineers (USACE):**

- Section 404 of the Clean Water Act (CWA), Nationwide Permit (NWP)
  - The Applicant anticipates the need for NWP coverage for activities associated with the construction of the Facility. The NWP Program has several NWPs that may be applicable to the Facility including NWP 14 (Transportation Projects) for access roads and NWP 57 (Utility Lines) for electric collection. The Applicant will coordinate with the USACE prior to submittal of the NWP application.
  - On January 5, 2023, TRC, on behalf of the Applicant, submitted an Approved Jurisdictional Determination (AJD) and Preliminary Jurisdictional Determination (PJD) request to Brad Sherwood, Senior Project Manager for the New York District of the USACE. On May 16, 2023, TRC, on behalf of the Applicant, submitted an updated request for a AJD and PJD to Adam Labatore, Regulatory Biologist for the New York District of the USACE. A copy of the AJD and PJD correspondences are provided in Appendix 14-5 of this Application. At the time of filing the 94-c permit Application, the Applicant's understanding is that the USACE is reviewing the AJD/PJD requests. The Applicant intends to update the AJD/PJD request based on the most recent regulations governing the Waters of the United States (WOTUS) definition and will continue coordination with the USACE regarding the AJD/PJD request and an official site visit.
  - The Applicant intends to apply for the NWP through the Joint Permit Application Process in anticipation of the 94-c Application being deemed complete.
- Water Quality Certification (WQC; Section 401 of the CWA)
  - The Applicant anticipates the need for a WQC because, as previously stated, the activities associated with construction of the Facility will be permitted under the NWP program for discharges of dredged or fill material into non-tidal WOTUS.

- The Applicant will apply for the WQC through the Joint Permit Application Process in anticipation of the 94-c Application being deemed complete.
- National Historic Preservation Act, Section 106 compliance
  - Because fill or dredge activities associated with access roads and electric collection lines will require authorization under the CWA, the activities will require compliance with Section 106. The Applicant initiated formal consultation with the Office of Parks, Recreation, and Historic Preservation (OPRHP) and New York State Historic Preservation Office (SHPO) to develop the scope and methodology for cultural resources studies for the Facility. A copy of this correspondence is provided in Appendix 9-2.
  - To date, formal consultation with the OPRHP has included submissions through OPRHP's Cultural Resources Information System (CRIS) website consisting of the following technical documents for OPRHP review (Exhibit 9):
    - SHPO/OPRHP consultation was initiated by the Applicant via CRIS on January 6, 2021.
    - On January 12, 2021, the OPRHP recommended the Applicant conduct a Phase IA Archaeological survey.
    - A Phase IA archaeological investigation was conducted, and the report was accepted by submitted to the SHPO/OPRHP on March 24, 2021.
    - The Historic Architecture Survey Methodology was submitted to accepted by the SHPO/OPRHP on March 25, 2021.
    - The Historic Resources Reports was submitted to SHPO on October 26, 2022. On November 23, 2022, OPRHP requested additional layout specific information from the Applicant, which was provided on June 16, 2023. OPRHP accepted the report on July 14, 2023, and concluded that OPRHP has no above ground concerns, as the solar array visibility from the Glen Historic District will be limited.
    - The Phase IB Scope of Work investigation was conducted, and the report was submitted to the SHPO/OPRHP on June 27, 2023. OPRHP issued its Phase IB report comments on July 24, 2023, concurring with the report

findings and requesting avoidance or Phase II surveys for two newly recorded archaeological resources within the Mill Point Solar I Facility Site boundary, including: TRC-MP-10, and TRC-MP-11. Engineering plans illustrating the avoidance of the recommended sites and the 50-foot buffer were submitted to OPRHP on November 16, 2023. In response to the avoidance documentation, OPRHP requested an Archaeological Avoidance Plan in their December 4, 2023, letter. The plan was submitted to OPRHP on December 12, 2023. OPRHP responded to the plan submission on December 21, 2023, that no further archaeological work is necessary for these (TRC-MP-10; TRC-MP-11) sites.

- Additional Phase IB Scope of Work investigation (referred to as the Addendum Phase IB survey) was conducted on 7.86 acres identified within portions of the Facility Site, after the initial Phase IB report was submitted to OPRHP. No additional archeological resources were recorded as part of the Phase IB Addendum survey.
- OPRHP issued a letter on December 22, 2023, stating that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State Register of Historic Places or National Register of Historic Places will be Adversely Impacted by this Project with the condition that the Archaeological Site Avoidance Plan (TRC, December 12, 2023) is adhered to.
- See Exhibit 9 for additional details.

**United States Fish and Wildlife Service (USFWS):**

- Endangered Species Act, Section 7 Consultation
  - The Applicant anticipates the need for consultation with USFWS as the USFWS Information for Planning and Consultation (IPaC) tool identified one federally-listed species that has the potential to occur within the Facility Site. See Exhibit 11, Appendix 11-1 for more information.
  - The Applicant anticipates further coordination with the USFWS as part of the CWA Section 404 permit process.



**New York State Department of Environmental Conservation (NYSDEC):**

- Stormwater Permit for Discharges from Construction Activity (State Pollutant Discharge Elimination System [SPDES] GP-0-20-01)
  - The NYSDEC requires coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) for construction projects that disturb one or more acres of soil. The Applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) for the management of stormwater discharges from the Facility during construction as part of the requirements for coverage under GP-0-20-001. The SWPPP has been included as Appendix 13-3 of this Application.
  - The Applicant will obtain SPDES General Permit Coverage at least 14 days prior to construction. It is anticipated that engineering, procurement, and construction would be the primary operator.

**New York State Department of Transportation (NYSDOT):**

As discussed in Exhibit 16, the Applicant anticipates that the large dimension and weight of some Facility components (substation poles, transformers, etc.) may require a special hauling permit and/or road use agreements (RUA) along the Facility haul routes.

For a discussion on road permits and approvals associated with oversize/overweight vehicles and deliveries, highway work permits, and associated use and occupancy approvals as needed to construct and operate the Facility, see Exhibit 16 (Effect on Transportation). The Applicant is requesting that the NYSDOT retain the authority to administer permits associated with oversize/overweight vehicles and deliveries, highway work permits, and associated use and occupancy approvals as needed to construct and operate the Facility in accordance with 19 New York Codes, Rules and Regulations (NYCRR) Section 900-6.1(d)(2) and Section 900-10.2(e)(8). The Applicant will notify the Office of Renewable Energy Siting (ORES) of any significant change in the status of each application noted above as applicable and warranted.

**Federal Aviation Administration (FAA):**

As previously stated in Exhibit 16, the Applicant used the FAA's Notice Criteria Tool to determine if the FAA Notice of Construction Form would be required for this Project using a height of 120 feet at several locations throughout the Facility Site and a height of 200 feet at the proposed Point

of Interconnection (POI) switchyard. It was concluded that the Facility components do not exceed the notice criteria, and therefore the Facility will not require the FAA Notice of Construction Form.

**25(b) Statement of Other Applications and Filings**

The Applicant does not know of others who have any pending applications or filings for any federal or federally-delegated, federal- or state-recognized Indian Nation, state or local permit, consent, approval or license which concerns the Facility. The Applicant will notify ORES of any significant change related to other federal or federally-delegated applications or filings related to the Facility.

## 25(c) References

- Federal Aviation Administration (FAA). (n.d.). *Notice Criteria Tool*. Available online at: <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>. Accessed June 2023.
- New York State Department of Environmental Conservation (NYSDEC). (n.d.). *Water Quality Certifications for Projects Requiring a Federal Permit*. Available online at: <https://www.dec.ny.gov/permits/6042.html>. Accessed May 2023.
- NYSDEC. *State Pollutant Discharge Elimination System (SPDES) Permit Program*. (n.d.). Available online at: <https://www.dec.ny.gov/permits/6054.html>. Accessed May 2023.
- New York State Department of Transportation (NYSDOT). (n.d.). *Special Hauling Permits*. Available online at: <https://www.dot.ny.gov/nypermits/special-hauling-permits>. Accessed May 2023.
- New York State Office of Parks, Recreation and Historic Preservation (OPRHP). (n.d.). *Federal and State Preservation Legislation*. Available online at: <https://parks.ny.gov/shpo/environmental-review/preservation-legislation.aspx>. Accessed May 2023.
- United States Army Corps of Engineers (USACE) New York District. (n.d.). *Nationwide Permits*. Available online at: <https://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>. Accessed May 2023.
- United States Fish and Wildlife Service (USFWS). (n.d.). *ESA Section 7 Consultation*. Available online at: <https://www.fws.gov/service/esa-section-7-consultation>. Accessed May 2023.