

**PRELIMINARY WETLAND RESTORATION AND MITIGATION PLAN
FLAT CREEK SOLAR
(Permit Application No. 23-00054)**

**TOWNS OF ROOT & CANAJOHARIE
MONTGOMERY COUNTY, NEW YORK**

Prepared For:

Flat Creek Solar NY LLC

Prepared By:



TRC Companies, Inc.
3 Corporate Drive, Suite 202
Clifton Park, NY 12065

Appendix 14-4

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ACRONYMS AND ABBREVIATIONS

AA	State-regulated adjacent area
Applicant	Flat Creek Solar NY LLC
Application	Article VIII Application
Facility	Flat Creek Solar
FWW	Freshwater wetland
GPS	Global positioning system
HDD	horizontal directional drilling
JD	jurisdictional determination
MW	megawatt
NYSDEC	New York State Department of Environmental Conservation
O&M	operations and maintenance
ORES	Office of Renewable Energy Siting and Electric Transmission
PEM	Palustrine emergent
PFO	Palustrine forested
POI	point of interconnection
Project	Flat Creek Solar
PSS	Palustrine scrub-shrub
PUB	Palustrine unconsolidated bottom
PV	photovoltaic
ROW	right-of-way
TWT	The Wetland Trust
USACE	United States Army Corps of Engineers
WMRP	Wetland Mitigation Remedial Plan

1.0 Introduction

This Preliminary Wetland Restoration and Mitigation Plan has been developed by TRC on behalf of Flat Creek Solar NY LLC (Applicant) for the Flat Creek Solar Project (Facility). This Preliminary Wetland Restoration and Mitigation Plan was prepared as part of the Article VIII application to the Office of Renewable Energy Siting and Electric Transmission (ORES) to compensate for unavoidable permanent impacts to State-jurisdictional freshwater wetlands (FWW) and associated 100-foot regulated adjacent areas (AA) resulting from the Facility.

The Applicant's Facility layout and design resulted from careful considerations to avoid and minimize impacts to aquatic resources. Facility construction will result in 6.08 acres of impacts to State-jurisdictional FWW and 15.25 acres to State-regulated AA. This Final Wetland Restoration and Mitigation Plan describes the tabulated impacts, required mitigation acreage, and proposed wetland mitigation to compensate for these impacts. The Final Wetland Restoration and Mitigation Plan will contain the selected mitigation action which will be identified following discussions with ORES and The Wetland Trust (TWT).

Proposed wetland restoration and mitigation measures are provided herein; the level of detail is preliminary and will be updated as part of the Final Wetland Restoration and Mitigation Plan to be submitted prior to construction as a pre-construction compliance filing, in accordance with § 1100-10.2(f) of the Article VIII regulations.

1.1 Project Description

Flat Creek Solar NY LLC is proposing to construct the Flat Creek Solar Project in the Towns of Canajoharie and Root, Montgomery County, New York, with a limit of disturbance totaling approximately 1,637 acres (Facility Site). The Facility will be a utility-scale solar facility capable of generating 300 megawatts (MW) of photovoltaic (PV) renewable energy. The proposed Facility components to be constructed for the generation, collection, and distribution of energy for the Facility include solar panel modules, electrical collection system, collection substation, point of interconnection (POI) switchyard, access roads, inverters, laydown/staging areas, and other ancillary facilities. The Applicant intends to construct, own, operate, and maintain all components of the Facility, with the exception of the POI switchyard that will be transferred to NYPA.

2.0 Unavoidable Impacts to State-Regulated Wetlands and Adjacent Areas

Exhibit 14 of the Article VIII Application documents the avoidance and minimization measures taken into consideration when designing the Facility. The Facility was designed to avoid permanent impacts to FWW and State-regulated AA to the maximum extent practicable. However, certain construction activities must occur within State-regulated FWW and AAs which will result in unavoidable permanent impacts to these features. Impacts are expected to occur in six State-jurisdictional FWW in association with access roads, culverts, grading, collection right-of-way (ROW), tree clearing, horizontal directional drilling (HDD) bore pits, and fence lines. These impacts are anticipated to total 6.08 acres in State-jurisdictional FWW. Impacts to regulated AA are expected to total 15.25 acres.

Table 1 summarizes the impacted features, the impact types, and acreage of each impact in State-jurisdictional FWW. Table 2 summarizes the impacts to State-regulated AA.

Table 1. Anticipated Facility Impacts to State-Jurisdictional Wetlands										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/ Impact	Article VIII Feature/Activity	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
W-RDS-05	PEM	Unmapped > 12.4 ac	Access road	Access Road	A(M3)	22.6	<0.00	22.6	<0.00	C-102-55
	PEM		Grading	Other activities integral to the project involving grading	A(M3)	340.35	0.01	340.35	0.01	
	PEM		Culvert	Other activities and structures integral to the project involving placement of fill	A(M3)	18.9	<0.00	18.9	<0.00	
	PFO		Grading	Other activities integral to the project involving grading	A(M3)	313.7	0.01	313.7	0.01	
	PFO		Culvert	Other activities and structures integral to the project involving placement of fill	A(M3)	17.1	<0.00	17.1	<0.00	
W-DJB-11	PSS	Unmapped > 12.4 ac	Collection ROW	Power Interconnection (including clearing for interconnections)	A(M3)	12,822.65	0.29	12,822.65	0.29	C-102-09
W-EES-06	PEM	Unmapped > 12.4 ac	Collection ROW	Power Interconnection (including clearing for interconnections)	A(M3)	26,557.23	0.61	26,557.23	0.61	C-102-20, C-102-21, C-102-26
	PEM		Tree Clearing	Selective cutting of trees and shrubs	A	15.36	<0.00	-	-	
	PEM		Access Road	Access Road	A(M3)	172.77	<0.00	172.77	<0.00	
	PEM		Grading	Other activities integral to the project involving grading	A(M3)	298.3	0.01	298.3	0.01	
	PEM		Culvert	Other activities and structures integral to the project involving placement of fill	A(M3)	103.3	<0.00	103.3	<0.00	
	PSS		Collection ROW	Power Interconnection (including clearing for interconnections)	A(M3)	32,055.20	0.74	32,055.20	0.74	
W-EES-26	PFO	Unmapped > 12.4 ac	Tree Clearing	Clearing of Forest	A(M3)	20.6	<0.00	20.6	<0.00	C-101-47

Table 1. Anticipated Facility Impacts to State-Jurisdictional Wetlands										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/ Impact	Article VIII Feature/Activity	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
W-MLM-10	PEM	Mapped (CA-1, Class III)	Collection ROW	Power Interconnection (including clearing for interconnections)	A(M3)	4,523.2	0.10	4,523.2	0.10	C-102-34, C-102-42, C-102-51
	PFO		Collection ROW	Power Interconnection (including clearing for interconnections)	A(M3)	186,580.4 4	4.28	186,580.4 4	4.28	
	PFO		HDD Bore Pit	Other activities and structures integral to the project involving placement of fill	A(M3)	294.0	0.01	294.0	0.01	C-102-42, C-102-51
W-NSD-05	PEM	Unmapped > 12.4 ac	Access Road	Access Road	A(M3)	14.1	<0.00	14.1	<0.00	C-102-40, C-102-41, C-102-49, C-102-50
	PEM		Fence Line	Security Fence	A	133.6	<0.00	-	-	
	PEM		Culvert	Other activities and structures integral to the project involving placement of fill	A(M3)	46.9	<0.00	46.9	<0.00	
	PEM		Grading	Other activities integral to the project involving grading	A(M3)	419.0	0.01	419.0	0.01	
Totals⁵:						264,973.2	6.08	264,824.3	6.08	-

¹ PEM: Palustrine Emergent; PSS: Palustrine Scrub-Shrub; PFO: Palustrine Forested; PUB: Palustrine Unconsolidated Bottom
² Wetlands are classified from Class I (which provide the most benefits) to Class IV (which provide fewer benefits)
³ A(E): Allowed, enhancements and/or mitigation required (e.g., planting of adjacent area, mitigating hydrological changes); A: Allowed; no mitigation or enhancement required; A(M3): Allowed, mitigation required (1:1 mitigation ratio by area of impact -creation, restoration, and enhancement)
⁴ This table only shows State jurisdictional wetlands being impacted to their adjacent areas.
⁵ Individual impact acres may not add to the total impact acreages due to rounding.

Table 2. Impacts to State-Jurisdictional 100-Foot Adjacent Areas										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/Impact	ORES Impact Type	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
W-ABL-06	PEM/PFO	Unmapped > 12.4 ac	Tree clearing (no grubbing)	Clearing of Forest	A	33,448.1	0.77	-	-	C-102-03, C-102-05,
			Tree clearing (grubbing)	Clearing of Forest	A	1,925.2	0.04			
			PV Array	Solar Panel	A	1,632.8	0.04			
			Laydown	Other activities integral to the project involving grading	A	391.8	0.01			
			Fence	Security Fence	A	767.2	0.02			
W-DJB-11	PSS	Unmapped > 12.4 ac	Collection ROW	Power Interconnection (including clearing for interconnections)	A	40,784.4	0.94	-	-	C-102-09
			Tree clearing (no grubbing)	Clearing of Forest	A	409.9	0.01	-	-	C-102-09
			HDD bore pit	Other activities and structures integral to the project involving placement of fill	A	196.0	0.005			
			Laydown	Other activities integral to the project involving grading	A	30,857.2	0.71			
W-EES-06	PEM/PSS	Unmapped > 12.4 ac	Collection ROW	Power Interconnection (including clearing for interconnections)	A	98,460.56	2.26	-	-	C-102-13, C-102-14, C-102-20, C-102-21, C-102-26
			Tree clearing (no grubbing)	Clearing of Forest	A	23,598.1	0.54			
			Tree clearing (grubbing)	Clearing of Forest	A	4,202.7	0.10			
			Access Road	Access Road	A	5,436.6	0.12			
			Grading	Other activities integral to the project involving grading	A	2,471.6	0.01			
			MV feeder (collection??)	Power Interconnection (including clearing for interconnections)	A	65.5	0.002			
			PV Array	Solar Panel	A	4,481.4	0.10			

Table 2. Impacts to State-Jurisdictional 100-Foot Adjacent Areas										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/Impact	ORES Impact Type	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
			Laydown	Other activities integral to the project involving grading	A	69,603.8	1.60			
			HDD Bore Pit	Other activities and structures integral to the project involving placement of fill	A	396.0	0.01			
			Fence	Security Fence	A	2,538.5	0.06			
W-EES-12	PEM/PSS	Unmapped > 12.4 ac	Fence	Security Fence	A	669.4	0.02	-	-	C-102-12
			Tree Clearing (no grubbing)	Clearing of Forest	A	2,992.8	0.07			
			PV Array	Solar Panel	A	27.3	0.001			
W-EES-13	PEM	Unmapped > 12.4 ac	Collection ROW	Power Interconnection (including clearing for interconnections)	A	8,633.89	0.20	-	-	C-102-12
			Tree clearing (grubbing)	Clearing of Forest	A	526.6	0.01			
			Tree clearing (no grubbing)	Clearing of Forest	A	489.9	0.01			
			Laydown Area	Other activities integral to the project involving grading	A	3,278	0.08			
			HDD bore pit	Other activities and structures integral to the project involving placement of fill	A	146.9	0.003			
			Fence	Security Fence	A	91.8	0.002			
W-EES-26	PEM/PFO	Unmapped > 12.4 ac	Access Road	Access Road	A	6,113.9	0.14	-	-	C-102-46, C-102-47
			Tree clearing (grubbing)	Clearing of Forest	A	1,731.7	0.04			
			Tree clearing (no grubbing)	Clearing of Forest	A	33,391.4	0.77			
			Grading	Other activities integral to the project involving grading	A	3,285.3	0.08			
			PV Array	Solar Panel	A	26.8	<0.00			
			Collection ROW	Power Interconnection	A	1,759.2	0.04			

Table 2. Impacts to State-Jurisdictional 100-Foot Adjacent Areas										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/Impact	ORES Impact Type	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
				(including clearing for interconnections)						
			Fence	Security Fence	A	1,036.5	0.02			
W-IBP-01	PFO	Unmapped > 12.4 ac	Tree clearing (grubbing)	Clearing of Forest	A	649.0	0.01	-	-	C-102-25, C-102-31
			Tree clearing (no grubbing)	Clearing of Forest	A	34,067.2	0.78			
			PV Array	Solar Panel	A	63.65	0.001			
			Laydown Area	Other activities integral to the project involving grading	A	227.4	0.005			
			Fence	Security Fence	A	459.1	0.01			
W-JMP-11	PFO		Tree Clearing (no grubbing)	Clearing of Forest	A	16,541.1	0.38	-	-	C-102-30
W-JMP-12	PEM/PSS	Unmapped > 12.4 ac	PV Array	Solar Panel	A	449.0	0.01	-	-	C-102-30
			Fence	Security Fence	A	2.35	<0.00			
W-JMP-13	PFO	Unmapped > 12.4 ac	Collection ROW	Power Interconnection (including clearing for interconnections)	A	2,852.5	0.07	-	-	C-102-30
			Tree Clearing (no grubbing)	Clearing of Forest	A	6,783.5	0.16			
			HDD Bore Pit	Other activities and structures integral to the project involving placement of fill	A	147.0	0.003			
W-JMP-19	PFO		Tree Clearing (grubbing)	Clearing of Forest	A	5,036.5	0.12	-	-	C-102-53, C-102-54
			PV Array	Solar Panel	A	456.1	0.01			
			Collection ROW	Power Interconnection (including clearing for interconnections)	A	7,902.5	0.18			
			Fence	Security Fence	A	270.4	0.01			
W-MLM-10	PEM/PFO	Mapped (CA-1, Class III)	Collection ROW	Power Interconnection (including clearing for interconnections)	A	32,687.5	0.75	-	-	C-102-34, C-102-42, C-102-51

Table 2. Impacts to State-Jurisdictional 100-Foot Adjacent Areas										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/Impact	ORES Impact Type	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
W-NSD-05	PEM/PSS/PUB	Unmapped > 12.4 ac	Access Road	Access Road	A	18,003.6	0.41	-	-	C-102-40, C-102-41, C-102-49, C-102-50
			Tree clearing (grubbing)	Clearing of Forest	A	160.9	0.004			
			Tree Clearing (no grubbing)	Clearing of Forest	A	13,574.1	0.31			
			Grading	Other activities integral to the project involving grading	A	4,871.7	0.11			
			Inverter and Pad	Other activities and structures integral to the project involving placement of fill	A	480.0	0.01			
			PV Array	Solar Panel	A	2,347.2	0.05			
			Culvert	Other activities and structures integral to the project involving placement of fill	A	274.5	0.01			
			HDD Bore Pit	Other activities and structures integral to the project involving placement of fill	A	49.0	0.001			
			Collection ROW	Power Interconnection (including clearing for interconnections)	A	1,459.8	0.03			
			Fence	Security Fence	A	4,265.3	0.10			
W-NSD-10	PEM/PSS	Unmapped > 12.4 ac	Tree clearing (no grubbing)	Clearing of Forest	A	818.4	0.02			C-102-40
			PV Array	Solar Panel	A	20.7	<0.00			
			Fence	Security Fence	A	340.7	0.01			
W-RDS-05	PEM/PFO	Unmapped > 12.4 ac	Access Road	Access Road	A	29,289.7	0.67	-	-	C-102-54, C-102-55, C-102-59, C-102-60
			Tree Clearing (no grubbing)	Clearing of Forest	A	33,707.6	0.77			
			Tree Clearing (grubbing)	Clearing of Forest	A	472.4	0.01			
			Grading	Other activities integral to the project involving grading	A	16,409.9	0.38			
			PV Array	Solar Panel	A	6.89	<0.00			
			Culvert	Other activities and structures integral to	A	770.2	0.02			

Table 2. Impacts to State-Jurisdictional 100-Foot Adjacent Areas										
Field ID	Wetland Class ¹	State Wetland Class ²	Facility Component/Impact	ORES Impact Type	State Mitigation Requirements ³	Impacts ⁴		Mitigation		Page Number from Civil Drawing
						Sq ft	Acres	Sq ft	Acres	
				the project involving placement of fill						
			HDD Bore Pit	Other activities and structures integral to the project involving placement of fill	A	49.0	0.001			
			Collection ROW	Power Interconnection (including clearing for interconnections)	A	10,394.2	0.24			
			Fence	Security Fence	A	1,127.58	0.03			
W-RDS-09	PFO	Unmapped > 12.4 ac	Fence	Security Fence	A	44.2	0.001	-	-	C-102-54
			Tree Clearing (grubbing)	Clearing of Forest	A	811.9	0.02			
			Tree Clearing (no grubbing)	Clearing of Forest	A	23,994.2	0.55			
W-RDS-10	PEM/PFO	Unmapped > 12.4 ac	Fence	Security Fence	A	139.1	0.003	-	-	C-102-54
			Tree Clearing (no grubbing)	Clearing of Forest	A	13,651.3	0.31			
Totals⁵:						664,090.0	15.25	0.0	0.0	-

¹ PEM: Palustrine Emergent; PSS: Palustrine Scrub-Shrub; PFO: Palustrine Forested; PUB: Palustrine Unconsolidated Bottom
² Wetlands are classified from Class I (which provide the most benefits) to Class IV (which provide fewer benefits)
³ A: Allowed; no mitigation or enhancement required;
⁴ This table only shows State jurisdictional wetlands being impacted to their adjacent areas.
⁵ Individual impact acres may not add to the total impact acreages due to rounding.

2.1 Functions and Values

The U.S. Army Corps of Engineers (USACE) developed a supplement to the *Highway Methodology Workbook* entitled *Functions and Values: A Descriptive Approach* (USACE Supplement) (USACE, 1999) to collect and describe the functions and values assessment of wetlands in a measurable and unbiased perspective. Functions and values pertaining to wetlands within the Facility Site are summarized in Exhibit 14 of the Article VIII Application and the associated Flat Creek Solar Wetlands Functions and Values Assessment (Exhibit 14, Appendix 14-3). Wetlands that are expected to be impacted by Facility construction are mostly associated with collection ROW and grading in PEM, PFO, and PSS wetlands. Functions for these wetlands include groundwater recharge/discharge, flood flow alteration, sediment/toxicant retention, nutrient removal/retention/transformation. Wetland values include recreation and visual quality/aesthetics. However, some of the wetlands anticipated to be impacted by the Facility are in previously disturbed agricultural wetlands.

2.2 Mitigation Requirements

Mitigation requirements for the proposed impacts stated above were determined through review of Section 1100-2.15(g) of the Article VIII regulations. Additionally, the Applicant considered the overall impact acreage, the current condition and class of wetlands and AA. Wetland W-MLM-10 corresponds to a Class III NYSDEC FWW CA-1. All other impacted wetlands are unmapped wetlands greater than 12.4 acres. ORES regulations allow proposed project activities within unmapped wetland AA without requiring mitigation. Therefore, in accordance with §1100-2.15(g) of the Article VIII regulations, compensatory mitigation is not required for impacts to the regulated adjacent areas of these wetlands.

Table 3 below details the mitigation required for each impacted wetland feature. Based on Table 3, the mitigation ratio requirement for Facility impacts is 1:1, resulting in a total of 6.08 acres of in-kind mitigation. Some impacts, such as selective tree clearing, are allowed within all classes of wetlands and do not require mitigation.

Per Section 1100-2.15(g) of the Article VIII regulations, mitigation categories are defined as follows:

- a) X: Not an allowable feature or activity.
- b) A: Allowed; no mitigation or enhancement required.

- c) A(M1): Allowed, mitigation required (3:1 mitigation ratio by area of impact - creation only, broken down by coverytype).
- d) A(M2): Allowed, mitigation required (2:1 mitigation ratio by area of impact - creation, restoration, and enhancement).
- e) A(M3): Allowed, mitigation required (1:1 mitigation ratio by area of impact – creation, restoration, and enhancement).
- f) A(E): Allowed, enhancements and/or mitigation required (e.g., planting of AA, mitigating hydrological changes).

ORES defines creation, enhancement, and restoration as the following:

- a) Creation, in cases of activities requiring fill, means making a new wetland or expanding an existing wetland in lands that were not previously occupied by a wetland. Creation, in cases of activities not requiring fill, can include planting trees and/or shrubs in an existing wetland currently devoid of trees and shrubs.
- b) Restoration means reclaiming a degraded wetland or AA to bring back one or more functions that have been partially or completely lost.
- c) Enhancement means altering an existing functional wetland or AA to increase selected functions and benefits that offsets losses of these functions or benefits in another wetland or AA or parts of the same wetland or AA.

Pursuant to Section 1100-2.15(g)(1), wetland impact mitigation can be achieved through the purchase of existing wetland mitigation bank credits through a commercial mitigation bank or in-lieu fee program within the same HUC 8 Watershed. TWT provides a wetland in-lieu fee program to purchase credits, and the Facility Site is located within TWT's Service Area 6: Mohawk In-Lieu Fee Service Area (HUC 02020004). Resource types and credit availability will be verified with in-lieu company to ensure credit purchasing will cover necessary mitigation requirements.

Table 3. ORES Wetland Mitigation Requirements

Feature/Activity	Class I		Class II		Class III & IV Unmapped >12.4 Acres	
	FWW	AA	FWW	AA	FWW	AA
Major Activities						
Solar Panels	X	A(E)**	A(M2)	A(E)*	A(M3)	A
Energy Storage	X	A(M3)**	X	A(E)*	A(M3)	A
Access Roads	A(M1)	A(E)*	A(M2)	A(E)*	A(M3)	A
Power interconnections (including clearing for interconnections)	A(M1)	A(E)*	A(M2)	A(E)*	A(M3)	A
Clearing of forest	X	A(M3)**	A(M2)	A(E)*	A(M3)	A
Other activities and structures integral to the project involving placement of fill	X	A(M3)**	A(M2)	A(E)*	A(M3)	A
Intermediate Activities						
Security fence	X	A(E)*	A(M3)	A	A	A
Clearing and manipulation of undisturbed herbaceous vegetation	X	A(E)*	A(M3)	A	A(M3)	A
Other activities integral to the project involving grading	X	A(E)*	A(M3)	A	A(M3)	A
Minor Activities						
Grading and manipulation of disturbed areas (active hay/row crops, existing commercial/industrial development)	X	A(E)*	A(M3)	A	A(E)	A
Selective cutting of trees and shrubs	A	A	A	A	A	A
<p>*No enhancements or mitigation required with 75 foot or more setback ** 75-foot setback from wetland boundary required in undisturbed adjacent area FWW = Freshwater wetland; AA = Adjacent Area</p>						

3.0 Mitigation Site

The Applicant has determined that the current Facility Site parcels are undesirable or not suitable for wetland mitigation. The Facility has been sited to reduce impacts to environmental resources and has avoided and minimized impacts to sensitive resources to the maximum extent practicable. This includes several areas where large wetland complexes were directly avoided, and components were placed in the surrounding upland portions of the parcels. The Applicant is unable to find a location with the suitable characteristics and size on participating land to suit on-site wetland mitigation. To effectively develop a suitable wetland mitigation area, the Applicant has considered many factors, and is pursuing off-site mitigation within the same HUC 8 watershed (Mohawk watershed [HUC 02020004]) as an alternative to on-site mitigation.

The Applicant proposes to purchase mitigation bank credits through TWT since TWT provides in lieu-fee wetland mitigation credits for permitted wetland impacts throughout New York State. Additionally, the Facility Site is located within TWT's Service Area 6: Mohawk In-Lieu Fee Service Area (HUC 02020004) which meets the requirements pursuant to Section 1100-2.15(g)(1). Further, TWT's approach to wetland mitigation ensures that high-quality wetlands are restored by selecting sites based on habitat quality, species diversity, and long-term sustainability. The Applicant has contacted TWT to verify they have available credits and resource types. On behalf of the Applicant, TWT will assume all responsibility for implementing wetland restoration requirements including wetland mitigation site selection. The Applicant will provide TWT's mitigation site selection details in the Final Wetland Restoration and Mitigation Plan and in accordance with Section 1100-10.2(f)(2).

4.0 Performance Standards

Performance standards can be defined as observable or measurable physical, chemical, and/or biological attributes that are used to determine if a compensatory mitigation project is meeting its objectives.

As the Applicant will purchase in lieu-fee wetland mitigation credits from TWT, TWT will assume all responsibility for implementing wetland restoration requirements including selecting mitigation actions and performance standards. Thus, TWT will be responsible for developing performance standards to evaluate the effectiveness of the selected mitigation action. The Applicant will provide TWT's mitigation action and performance standard details in the Final Wetland Restoration and Mitigation Plan.

5.0 Monitoring

Since wetlands evolve and change in response to their surrounding environment, a monitoring and adaptive management program will be implemented for the mitigation site. The monitoring program will determine if the chosen mitigation site(s) is developing in a manner that meets or exceeds the overall goals and objectives of the mitigation action. The monitoring plan will also serve to identify any potential problems (e.g., invasive species, erosion and sedimentation, poor vegetation growth success) early on so that remedial actions can be taken.

As the Applicant will purchase in lieu-fee wetland mitigation credits from TWT, TWT will assume all responsibility for implementing wetland restoration requirements including a monitoring and adaptive management program. The Applicant will provide TWT's monitoring and adaptive management details for the selected mitigation action in the Final Wetland Restoration and Mitigation Plan. This will include implementing appropriate monitoring timelines to evaluate the selected mitigation action from the onset of mitigation through achievement of the Final Wetland Restoration and Mitigation Plan's goals and objectives. Further, TWT will be responsible for submitting the annual monitoring report, if applicable, to ORES no later than December 31st each year monitoring is performed.

6.0 REFERENCES

The Wetland Trust (TWT). 2024. In Lieu-Fee Wetland Mitigation.

<https://www.thewetlandtrust.org/in-lieu-fee-wetland-mitigation/>. Accessed July 30, 2024.