

1 11-30-2021 Siting Board 19-F-0366 and 17-F-0597

2 NEW YORK STATE BOARD ON
3 ELECTRIC GENERATION SITING AND
4 THE ENVIRONMENT

5 CASE 19-F-0366 - Application of Trelina Solar Energy
6 Center, LLC for a Certificate of Environmental
7 Compatibility and Public Need Pursuant to Article 10 to
8 Develop, Construct and Operate a Solar Generating Facility
9 with a Maximum Generating Capability of 80 MW in the Town
10 of Waterloo, Seneca County.

11 Case 17-F-0597 - Application of High River Energy Center,
12 LLC for a Certificate of Environmental Compatibility and
13 Public Need Pursuant to Article 10 of the Public Service
14 Law for Construction of a Solar Electric Generating
15 Facility Located in the Town of Florida, Montgomery
16 County.

17 Siting Board Meeting

18 Date: Tuesday, November 30, 2021 @ 10:30 am

19

20 TAMMY MITCHELL, alternate of the Chair

21 LOUIS ALEXANDER, alternate of Basil Seggos, Department of
22 Environmental Conservation

23 DR. ELIZABETH LEWIS-MICHL, alternate of Dr. Howard Zucker,
24 Department of Health

25 VINCENT RAVASCHIERE, alternate of Kevin Younis, Empire
State Development Corporation

JOHN WILLIAMS, alternate of Richard Kauffman, New York
State Energy Research and Development Authority

RICHARD SWINEHART and JOSEPH WUKITSCH, Ad Hoc Members for
CASE 19-F-0366

24

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2 (On the record 10:30 a.m.)

3 CHAIRPERSON MITCHELL: Good morning.

4 My name is Tammy Mitchell. I am the director of the
5 Office of Electric Gas and Water at the New York
6 State Department of Public Service. I have been
7 designated to serve as the alternate representing the
8 chair of the New York State Board on Electric
9 Generation Siting in the Environment or as it is also
10 known the Siting Board. I call this meeting of the
11 siting board to order.

12 Before moving to the agenda, I would
13 like to introduce the alternates representing the
14 permanent members of the siting board. Louis
15 Alexander, alternate representing the Commissioner of
16 the Department of Environmental Conservation. Dr.
17 Elizabeth Lewis-Michl, alternate representing the
18 Commissioner of the Department of Health. Vincent
19 Ravaschiere, alternate representing the Commissioner
20 of the New York State Department of Economic
21 Development. And John Williams, alternate
22 representing the Chair of the New York State Energy
23 Research and Development Authority.

24 I would also like to introduce the ad
25 hoc members for Case 19-F-0366, Richard Swinehart and

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2 Joseph Wukitsch. Secretary Phillips, are there any
3 changes to the agenda?

4 SECRETARY PHILLIPS: There are no
5 changes to the agenda.

6 CHAIRPERSON MITCHELL: Thank you,
7 Secretary Phillips. We will begin with Case 19-F-
8 0366, application of Trelina Solar Energy Center,
9 L.L.C. for a certificate of environmental
10 compatibility and public need pursuant to Article 10
11 to develop, construct and operate a solar generating
12 facility with a maximum generating capability of 80
13 megawatts in the Town of Waterloo, Seneca County
14 presented by Dakin Lecakes, chief administrative law
15 judge, Department of Public Service. Michael Caruso,
16 administrative law judge, Department of Environmental
17 Conservation and Brian Ossias, managing attorney,
18 Department of Public Service are available for
19 questions.

20 Judge Lecakes, please begin.

21 A.L.J. LECAKES: Thank you very much.
22 Good morning, Chair Designee Mitchell and members of
23 the siting board. Before you is a draft order of the
24 siting board that, if adopted, would grant to Trelina
25 Solar Energy Center, L.L.C. a conditional certificate

1 11-30-2021 Siting Board 19-F-0366 and 17-F-0597
2 of environmental compatibility and public need to
3 construct and operate a commercial scale solar
4 electric generating facility.

5 The Trelina facility would be a solar
6 electric generation facility with a generation
7 capacity of up to 80 megawatts consisting of
8 commercial scale arrays of solar photovoltaic panels
9 together with associated facilities. The project
10 will occupy a fenced-in facility area of 418 acres
11 within a 1,067 acre project area in the Town of
12 Waterloo, Seneca County, New York.

13 In addition to the solar photovoltaic
14 panels, the project will include inverters, fencing,
15 access roads, collection lines, a laydown staging
16 area and collection substation and interconnection
17 facilities. To supply electricity to the New York
18 State Bulk Electric Transmission System, the project
19 will interconnect with an existing adjacent 115
20 kilovolt transmission line owned by the New York
21 State Electric and Gas Corporation.

22 The foundation for the draft order is
23 a robust, evidentiary record that supports all of the
24 statutory findings that the siting board has
25 required, by Article 10 of the Public Service Law, to

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2 make before issuing a certificate authorizing the
3 project to move forward. The Article 10 review
4 process, in this case, was extensive, fair and open
5 including significant preapplication development
6 during the public involvement plan phase as well as
7 both the preapplication scoping phase and the
8 evidentiary process that were managed by the
9 Administrative Law Judges Sean Mullany of the
10 Department of Public Service and Michael Caruso of
11 the Department of Environmental Conservation.

12 In addition to the applicant Trelina,
13 active parties in this case included the Department
14 of Public Service staff, the Department of
15 Environmental Conservation, the Department of
16 Agriculture and Markets, the Department of Health and
17 the Town of Waterloo. Intervenor funding was made
18 available and awarded in both the preapplication and
19 application stages. Notice to the public was
20 provided with respect to all significant milestones
21 in this case.

22 There were many instances of community
23 outreach and education and numerous opportunities for
24 public participation. Trelina carried out a public
25 involvement program, which included, among other

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2 things, establishing a project specific website,
3 local document repositories and a toll free telephone
4 number for access to project information.

5 In addition, throughout the Article 10
6 process, the Department of Public Service carried out
7 extensive public outreach and sent notice of all
8 significant project milestones to the parties and
9 service list. The Department of Public Service also
10 hosted public statement hearings and solicited public
11 comments through several other means including an
12 online comment page on the department's document and
13 matter management website, e-mail and regular mail
14 and a toll free phone number.

15 Throughout this proceeding, the
16 department received over 100 public comments through
17 the various means available. There was substantial
18 support for the project. Supporters cited the
19 project's expected economic benefits such as
20 increased job opportunities and tax benefits. The
21 fact that the project will provide a reliable source
22 of revenues to local municipalities, that
23 participating landowners will receive revenues that
24 will help support family-owned farmlands, and the
25 environmental benefits of solar energy generation

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2 including support for wholesale energy markets and
3 addressing climate change and global warming
4 concerns.

5 Supporters also described solar energy
6 development as preferable to the subdivision and
7 development of existing open spaces for other
8 commercial and or residential purposes. Comments
9 received in opposition to the project cited a number
10 of concerns including archeological impacts,
11 community character, impacts on farmland, wildlife,
12 wetlands and open spaces, visual resources and local
13 tourism.

14 Opponents' also cited construction
15 related environmental impacts, destruction of the
16 rural character of the area, the potential for
17 adverse impacts to ground and surface waters and
18 traffic and noise impacts.

19 The proposed draft order would adopt
20 the comprehensive settlement agreement reached by the
21 parties. This agreement resolved almost all the
22 contested issues raised in litigation such as all
23 issues raised about the project's potential
24 environmental impacts. The agreements have been
25 incorporated into a number of documents that are

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2 attached to the order, such as the proposed
3 certificate conditions, the site engineering and
4 environmental plan guide, and the noise complaint
5 resolution protocol.

6 These documents set forth terms and
7 conditions supporting the siting board's grant of an
8 Article 10 certificate. As expressly allowed by
9 Article 10, Trelina has requested that the siting
10 board waive certain local laws on the ground that
11 they are unduly burdensome. The proposed order
12 grants the waivers that Trelina has requested. More
13 particularly, there are three local laws at issue.

14 Waterloo Zoning Law Section 134.6.B
15 sub 4B which prohibits solar panels exceeding 10 feet
16 in height. Waterloo Zoning Law 134.6.B 3H1 which
17 requires that the facility be decommissioned if it
18 ceases to operate for a period of 6 months or more
19 and requiring then that full decommissioning and site
20 restoration take place within 30 days.

21 And, number 3, Waterloo Zoning Law
22 134.6.B 3H4, which requires a 20 year decommissioning
23 bond that must be renewed after 15 years for an
24 additional 20 years. The order would waive
25 compliance with the local 10 foot height limit

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2 because this law would preclude the use of tracking
3 solar P.V. panels which can reach a height of 13 feet
4 at full tilt.

5 In addition to the proposed tracking
6 panels being more efficient, the use of static panels
7 would require a larger project footprint to achieve
8 the proposed facility's 80 megawatt planned capacity
9 output. A waiver of this local law is justified
10 because the 10 foot height limit is a technological
11 limitation that would increase the environmental
12 impacts of the project.

13 The proposed order includes a finding
14 that compliance with a 10 foot height limit would be
15 unreasonably burdensome preventing the siting board
16 from minimizing the project's environmental impacts
17 to the maximum extent practicable. This finding is
18 consistent with previous siting board decisions.

19 For example, in Case 97-F-1683 the
20 siting board waived the zoning restriction when
21 granting a certificate to Athens Generating Company
22 because it found there that the existing state of
23 technology required a project component to be located
24 in a manner which local zoning prohibited.

25 Similarly, here the existing state of

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2 technology allowing the use of photovoltaic panels
3 that contract the sun's daily movement across the sky
4 to produce the output required to minimize the
5 project's environmental footprint exceeds the local
6 law's height restriction by a relatively small amount
7 and only for a limited time each day.

8 On balance, the grant of this waiver
9 is fair and is justified by the record in this case.
10 The proposed order would also waive compliance with
11 the local requirements for project decommissioning
12 and site restoration. The -- the evidentiary record
13 demonstrates that reasonable and responsible project
14 decommissioning and site restoration will take
15 approximately 5 months, a time period longer than 30
16 days allowed under the local law.

17 As for financial assurances,
18 certificate condition 57 will require Trelina to
19 provide financial assurance in the form of a letter
20 of credit to be held by and for the benefit of the
21 Town of Waterloo. The certificate conditions
22 governing financial assurance for decommissioning and
23 site restoration are reasonable, are supported by
24 D.P.S. staff, and are consistent with the past
25 decisions of the siting board.

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2 The board's decommissioning precedent
3 dates back to the siting board's first Article 10
4 decision on renewables in Cassadaga Wind. There the
5 board expressed its strong interest in protecting
6 communities, in which renewable generating projects
7 were being built, by providing conditions on project
8 construction and operation, including strong
9 financial protections that would ensure any Article
10 10 project could be decommissioned and the site
11 restored timely, responsibly and safely regardless of
12 the solvency of the project owner at the time of
13 decommissioning.

14 In summary, the record supports a
15 finding by the board that the probable environmental
16 impacts of the construction and operation of the
17 facility will be minimized or avoided to the maximum
18 extent practicable provided that the applicant
19 complies with the certificate conditions. The record
20 also supports a finding by the board that the
21 facility is designed to operate in compliance with
22 all applicable state and local environmental, health
23 and safety law and regulations that are not otherwise
24 waived.

25 The proposed order finds that the

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2 construction and operation of the project will serve
3 the public interest because the project will be
4 consistent with state energy policies, long range
5 energy plan objectives, the strategy set forth in the
6 most recent state energy plan, and the additional
7 social, economic and other factors deemed relevant by
8 the board.

9 On behalf of the examiners in this
10 case, Sean Mullany and Michael S. Caruso, I endorse
11 the proposed draft order and recommend that the
12 siting board adopt it. Thank you.

13 CHAIRPERSON MITCHELL: Thank you very
14 much, Judge Lecakes, for your comprehensive summary
15 of this item before us. I believe the proposed draft
16 order is well balanced, mitigates impacts to the
17 extent practicable and flows from a robust public
18 process. I will be supporting this item.

19 Let me turn to my fellow board members
20 for any comments or questions. Mr. Alexander?

21 MR. ALEXANDER: Thank you. I have two
22 comments with respect to this matter. The first
23 relates to environmental justice issues. The order
24 indicates that applicant did not strictly comply with
25 all the requirements of 6 N.Y.C.R.R. Part 487

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2 regarding environmental justice. However, I see that
3 D.P.S. staff reviewed the environmental justice
4 issues here and determined that the construction and
5 operation of the facility is not expected to have
6 environmental justice impacts.

7 And I think this underscores how in
8 these Article 10 proceedings D.P.S. staff, as well as
9 D.E.C. staff, undertake significant analysis in
10 evaluating projected -- project related issues.
11 Staff efforts have here, as well as the work of the
12 D.P.S. and DEC the hearings offices, the work has been
13 thoughtful and thorough and is much appreciated.

14 My second comment relates to solar
15 glare. I understand the conclusions here as to solar
16 glare impacts related to this project. However, it
17 is evident that this issue will continue to be
18 important as we look at solar project proposals in
19 the future. I have no further comments at this time.
20 Thank you.

21 CHAIRPERSON MITCHELL: Thank you. Dr.
22 Lewis-Michl?

23 DR. LEWIS-MICHL: No comments or
24 questions.

25 CHAIRPERSON MITCHELL: Thank you. Mr.

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2 Ravaschiere?

3 MR. RAVASCHIERE: I have no comments
4 or questions.

5 CHAIRPERSON MITCHELL: Thank you. Mr.
6 Williams?

7 MR. WILLIAMS: No comments or
8 questions.

9 CHAIRPERSON MITCHELL: Mr. Swinehart?

10 MR. SWINEHART: No comments, no
11 questions.

12 CHAIRPERSON MITCHELL: And Mr.
13 Wukitsch?

14 MR. WUKITSCH: I have a comment and
15 possibly follow up by a question. I'm referring to
16 the document that was sent to me on November 4th by
17 Michelle where it deals with the SEEP visual
18 mitigation, landscaping and buffers. Specifically,
19 page 9 and going over to 10 it indicates the
20 responsibility of the applicant, the location, and
21 I'm reading from the document itself.

22 The location and visual mitigation
23 planting areas and specific planting modules proposed
24 will be shown on the site plans. The landscape
25 screening plan will include the species composition,

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2 planting plants and specification for each of the
3 mitigation modules. Location of existing vegetation
4 to be retained as visual screening with specification
5 of protection measures to avoid construction damages
6 and retain such vegetation.

7 To follow up, documents number 101 and
8 102 have photographic evidence to support the
9 existing vegetation. However in the 300 and I
10 believe 20 separate documents in the D.P.S. -- on the
11 D.P.S. website, there is no landscape screening plan
12 that could be found, particularly, as it pertains to
13 what type of species, et cetera that might be used as
14 part of the visual screening.

15 At this point, I would entertain any
16 type of conversation relating to this being one of
17 the checkoff boxes that was a requirement for the
18 licensing to proceed. Thank you.

19 A.L.J. LECAKES: So this is Chief
20 Judge Lecakes, and I'll take the -- the first attempt
21 at -- at answering your question and then defer to
22 Brian Ossias, the managing attorney, afterwards if I
23 miss anything. But the certificate condition that
24 you read does require that those elements be laid out
25 prior to construction beginning on the project.

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2 But the way that those plans are
3 developed are they are developed post certificate and
4 then filed with the siting board as a compliance
5 filing. When those are filed, the siting board, or
6 if the siting board's jurisdiction has expired at
7 that point, then the Public Service Commission takes
8 over, reviews those plans, and will take any comments
9 that are filed on those plans from the general public
10 in determining whether to approve them as being
11 compliant with what the certificate conditions
12 required or not.

13 So the fact that the -- the elements
14 of -- of that plan don't exist in -- in the D.M.M.
15 system at this point, is explained by the fact that
16 the -- that has not been developed yet. But it is
17 supposed to be developed by the applicant prior to
18 project construction beginning.

19 MR. OSSIAS: No, I think -- I think
20 that's correct. And, again, just emphasize, there is
21 a public comment period. And D.P.S. staff as well as
22 D.E. staff -- D.E.C. staff will be consulted and
23 advising either the siting board or the commission on
24 whether or not to approve the compliance filing as
25 filed or it requires additional supplement or

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2 conditions for compliance.

3 MR. WUKITSCH: So if -- if I
4 understand what you're saying correctly, are you
5 saying that we would meet again relative to this
6 issue before the license is issued?

7 MR. OSSIAS: So the license is being
8 issued in the form of a certificate today. But there
9 are several different compliance filings that are
10 needed before certain phases of construction begins.
11 And this -- this compliance filing would be required
12 certainly before operation of the -- of the solar
13 plant. And whether or not the siting board will
14 meet, to vote on that compliance filing, or the
15 Public Service Commission would meet to vote on that
16 compliance filing, turns on whether or not the siting
17 board's jurisdiction has ceased.

18 And the way that works under the
19 Public Service Law is that the siting board's
20 jurisdiction remains intact until the period for an
21 appeal has run. And I believe under the Public
22 Service Law Article 10 that is 30 days. Am I
23 correct, Dakin?

24 A.L.J. LECAKES: Yeah, that is
25 correct. And if an appeal is filed then the siting

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2 board's jurisdiction remains in place while the
3 appeal is pending and until there is actually a
4 siting board decision on that appeal. So if it -- so
5 if the siting board takes some extra time to consider
6 what -- whatever appeal is filed, the siting board's
7 continue -- jurisdiction over the project continues
8 during that entire time.

9 MR. OSSIAS: And if there's no appeal,
10 then the siting board's jurisdiction will cease for
11 purposes of compliance filing approval, and it will
12 turn to the Public Service Commission. But, again,
13 there is a -- there is a public comment period on all
14 the compliance filings.

15 The siting board, just as an aside,
16 the siting board does retain permanent jurisdiction
17 over things like amendments to the certificate. That
18 -- that would stay with the siting board. But that
19 stays with the permanent board and -- and would not
20 involve the ad hocs.

21 MR. WUKITSCH: Well, the other issue
22 that I'd like to bring forward is document number 60.
23 It is -- deals with an environmental statement.
24 Presumably, there's an eagle's nest. The -- the
25 entire document, for the most part, was completely

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2 redacted. I can understand redaction if it's going
3 to name people and it's going to name proprietary
4 information that may be impacted in a negative way.
5 Why would an environmental statement involving an
6 eagle's nest be completely redacted for public
7 review? And is that your purview in terms of
8 allowing a redaction to occur?

9 A.L.J. LECAKES: So I'll turn to
10 Michael Caruso, the D.E.C. administrative law judge.
11 The requirements for the filings and the redactions
12 on endangered species come out of the Environmental
13 Conservation Law and -- and the federal laws
14 concerning wildlife. Judge Caruso?

15 A.L.J. CARUSO: Yes, thank you, Judge
16 Lecakes. The -- anytime that an applicant submits
17 information about the locations of endangered
18 species, nesting, habitat and things of that nature,
19 those locations need to be redacted so that, you
20 know, we -- the department doesn't have the general
21 public going out there, you know, disturbing the
22 nest, et cetera.

23 So, you know, that's why there's
24 provisions in certificate conditions that, you know,
25 that can't perform any construction with certain

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2 distances from that protected species. So this is
3 really to protect the species, and that's why it's
4 redacted. That's the short answer.

5 MR. WUKITSCH: Well, thank you for the
6 short answer. And one last point I was asked to
7 bring forward was the -- there was a survey done of
8 contiguous landowners, residents. These are people
9 whose backyards will abut this project. They will
10 have the glare from the solar panels. They will, in
11 all probability, based upon studies that have been
12 done in Rhode Island and Massachusetts, will suffer
13 reduced property values.

14 To that end, a survey was conducted
15 and over 98%, almost 99% of the residents in the
16 impact area, as defined by Trelina, are adamantly
17 against this project for the cited reasons. The
18 results of the survey are contained in, I think it
19 was number 20 something of the 320 documents on the
20 D.P.S. website. That's a consideration other than
21 just a checkoff box that should be considered for
22 those residents who will have that impact that they
23 have to live with. Thank you.

24 CHAIRPERSON MITCHELL: Thank you.
25 I'll now call for a vote. My own vote is in favor of

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2 the recommendations as described. Mr. Alexander, how
3 do you vote?
4 MR. ALEXANDER: I vote in favor.
5 CHAIRPERSON MITCHELL: Dr. Lewis-
6 Michl?
7 DR. LEWIS-MICHL: In favor.
8 CHAIRPERSON MITCHELL: Mr.
9 Ravaschiere? Mr. Ravaschiere?
10 SECRETARY PHILLIPS: MR. Ravaschiere,
11 your mic might not be on.
12 CHAIRPERSON MITCHELL: Yes, we'll come
13 back. Mr. Williams?
14 MR. WILLIAMS: In favor.
15 CHAIRPERSON MITCHELL: Mr. Swinehart?
16 MR. SWINEHART: In favor.
17 CHAIRPERSON MITCHELL: Mr. Wukitsch?
18 MR. WUKITSCH: Against.
19 CHAIRPERSON MITCHELL: Thank you. Mr.
20 Ravaschiere, how do you vote?
21 SECRETARY PHILLIPS: All right. I'm
22 sorry, let's take a brief recess to see if we can see
23 why he's not able to respond?
24 CHAIRPERSON MITCHELL: Okay. We are
25 in recess.

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2 (Off the record 10:56 a.m.)

3 (On the record 10:57 a.m.)

4 CHAIRPERSON MITCHELL: And we are back
5 on the record. Mr. Ravaschiere, how do you vote?

6 MR. RAVASCHIERE: In favor.

7 CHAIRPERSON MITCHELL: Thank you. The
8 order is approved and the recommendations are
9 adopted.

10 Next is Case 17-F-0597, Application of
11 High River Energy Center, L.L.C. for a certificate of
12 environmental compatibility and public need pursuant
13 to Article 10 of the Public Service Law for
14 construction of a solar electric generating facility,
15 located in the Town of Florida, Montgomery County,
16 presented by Noreena Chaudari, assistant counsel,
17 Department of Public Service. Brian Ossias, managing
18 attorney, Department of Public Service, and Corey
19 Strub, utility supervisor environmental Office of
20 Electric Gas and Water are available for questions.
21 Ms. Chaudari, please begin.

22 MS. CHAUDARI: Good morning, Chair
23 Designee Mitchell and board members. Before you
24 today is an order granting a petition for amendment
25 of the board's March 11th, 2021 order granting a

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2 certificate of environmental compatibility and public
3 need with conditions to High River Energy Center,
4 L.L.C.

5 The certificate authorized High River
6 to construct and operate in the Town of Florida,
7 Montgomery County a solar electric generating
8 facility having a nameplate capacity of up to 90
9 megawatts including utilities arrays of solar voltaic
10 panels together with associated collection lines,
11 inverters, fencing, access roads laid on the staging
12 areas, collection substation and interconnection
13 facilities.

14 On October 1st, 2021 High River filed
15 a petition for amendment requesting that the siting
16 board revise certificate condition 69 and site
17 engineering and environmental plan guide section B17.
18 Both related to permanent access road stream crossing
19 requirements. Under current certificate condition
20 69A if culverts are utilized for any permanent access
21 road stream crossing, High River is required to
22 design the culvert pipes to safely pass the 1% annual
23 storm event.

24 The amended petition seeks flexibility
25 to design the stream crossings rather than the

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2 culvert pipes to safely pass the 1% annual chance
3 storm event. High River explained that while the
4 certificate order requires culvert pipes to design to
5 pass 1% annual chance storm event, several stream
6 crossings within the project's limits of disturbance
7 would not themselves withstand a 100 year storm.

8 High River further asserted that
9 allowing it to utilize smaller culvert pipes would
10 result in disturbances to a smaller portion of each
11 stream and require use of less adjacent area to each
12 stream during construction as compared with the
13 certificated facility.

14 The secretary to the siting board
15 consulted with the staff of the Department of Public
16 Service and the Department of Environmental
17 Conservation before issuing an October 15th, 2021
18 letter concluding that the proposed modification
19 would not result in a significant, adverse increase
20 to environmental impacts as compared to the
21 certificated project.

22 Therefore, the modification did not
23 constitute a revision that would require a hearing
24 under the regulations. On November 18th, 2021, High
25 River filed a supplement to the amendment petition.

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2 The amendment supplement noted that the -- that
3 subsequent to the initial amendment petition, High
4 River consulted with D.P.S. and D.E.C. staff
5 regarding wording refinements.

6 The amendment's supplement requests
7 that the siting board authorize revisions to
8 certificate condition 69A to allow the stream
9 crossings to be designed for the 1% annual chance
10 storm event and requests the addition of a subpart in
11 SEEP guide Section B17 listing the specific stream
12 crossings.

13 The secretary's letter included a
14 thorough review and addressed potential impacts of
15 the proposed change for the project. As noted in the
16 secretary's October 15th letter, based on the record
17 of this proceeding, the specific language used to
18 implement the amendment will not affect the
19 environmental impact for this facility.

20 As summarized in the order before you,
21 the proposed change will not result in a significant,
22 adverse increase to environmental impacts as compared
23 to the certificated project. And the request to
24 design change will provide environmental and
25 infrastructure protection comparable to the

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2 certificated project.

3 Further, given the site specific
4 considerations emphasized by both D.E.C. and D.P.S.
5 staff, the amendment supplement language is
6 appropriate to implement the changes to allow High
7 River to utilize stream crossings designed to safely
8 pass the 1% annual chance storm event. Accordingly,
9 the draft order before you approves the petition for
10 amendment as supplemented by the amendment
11 supplement.

12 This approval does not relieve High
13 River of the need to comply with the terms,
14 conditions, limitations or modifications of the
15 construction, operation of the facility authorized in
16 the certificate. That concludes my presentation and
17 we're available for any questions you might have.
18 Thank you.

19 CHAIRPERSON MITCHELL: Thank you, Ms.
20 Chaudari. I have no comments or questions on this
21 item. Let me now turn to my fellow board members for
22 any comments or questions?

23 MR. ALEXANDER: I have no comments or
24 questions. Thank you.

25 CHAIRPERSON MITCHELL: Thank you. Dr.

1 11-30-2021 Siting Board 19-F-0366 and 17-F-0597
2 Lewis-Michl?
3 DR. LEWIS-MICHL: No comments or
4 questions.
5 CHAIRPERSON MITCHELL: Thank you. Mr.
6 Ravaschiere?
7 MR. RAVASCHIERE: No comments or
8 questions. Thank you.
9 CHAIRPERSON MITCHELL: Thank you. Mr.
10 Williams?
11 MR. WILLIAMS: No comments or
12 questions.
13 CHAIRPERSON MITCHELL: Thank you. I
14 will now call for a vote. My own vote is in favor of
15 the recommendation as described. Mr. Alexander, how
16 do you vote?
17 MR. ALEXANDER: I vote in favor.
18 CHAIRPERSON MITCHELL: Dr. Lewis-
19 Michl?
20 DR. LEWIS-MICHL: In favor.
21 CHAIRPERSON MITCHELL: Mr.
22 Ravaschiere?
23 MR. RAVASCHIERE: In favor.
24 CHAIRPERSON MITCHELL: Mr. Williams?
25 MR. WILLIAMS: In favor.

1 11-30-2021 Siting Board 19-F-0366 and 17-F-0597

2 CHAIRPERSON MITCHELL: The order is
3 approved and the recommendation is adopted.

4 Secretary Phillips, is there anything further to come
5 before us today?

6 SECRETARY PHILLIPS: There is nothing
7 further.

8 CHAIRPERSON MITCHELL: Thank you. We
9 are adjourned.

10 (Off the record 11:03 a.m.)

11 (The meeting concluded.)

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1 11-30-2021 Siting Board 19-F-0366 and 17-F-0597
2 STATE OF NEW YORK
3 I, HANNAH ALLEN, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 28, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 2nd day of December, 2021.

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13 HANNAH ALLEN, Reporter
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