

State Environmental Quality Review Act (SEQRA)

**NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Allegany County Industrial Development Agency (ACIDA) has determined that the proposed actions described below **will not** have a significant effect on the environment and that an Environmental Impact Statement will not be prepared.

DATE: February 11, 2021

NAME OF ACTION: NY INDEPENDENCE STATE ROUTE 248 SOLAR LLC PROJECT

LOCATION: 15 acre portion of an approximately 262 acre parcel of land (portion of Tax Map Number 268.1-11.2) located at 1550 State Route 248 in the Town of Independence, Allegany County, New York

SEQR STATUS: Type I Action

LEAD AGENCY: Allegany County Industrial Development Agency

CONTACT PERSON: Dr. Craig Clark, Executive Director
Crossroads Commerce & Conference Center
6087 State Route 19 North
Belmont, New York 14813
585-268-7472

DESCRIPTION OF ACTION:

The Agency has been reviewing a solar energy project in the Town of Independence. The area around the proposed projects consists of a mix of agricultural, rural residential, scrub-shrub, and forested areas. The ACIDA has reviewed the proposed projects together to insure that all prospective cumulative impacts are included. Each of the projects considers the acquisition of an interest in land, the construction of an approximately 1.5 MW AC solar energy generating facility, including panels, racking, inverters, electrical cables, battery storage, grid interconnection, site preparation, access roads and any other required improvements, and the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property, all of the foregoing to constitute a solar energy generating facility and energy storage facility to be owned and operated by the respective limited liability companies.

REASONS SUPPORTING THIS DETERMINATION:

The ACIDA has reviewed the Environmental Assessment Forms (EAF) and the criteria contained in 6 NYCRR §617.7, as well as the applications and the comments at the public hearing and in response to the Notice of Intent, and has determined that the Projects will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the ACIDA has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Board of Directors has:
1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
 2. Reviewed the Full EAF for each of the projects, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
 3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
 4. Set forth herein its written Finding of No Significant Environmental Impact.
- C. The Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:
1. Other than some short-term disturbance during construction, air quality will not be affected.
 2. The construction and operation of the Projects will not affect ground or surface water quality or quantity, or create traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems. A Stormwater Pollution Prevention Plan will be implemented.
 3. The site is currently in a rural area. Agriculture and solar are compatible uses. Solar does not create permanent impacts to the agricultural resource. Alternative uses of the property allowable under the local codes, such as residential development, would permanently impair agricultural value. The growth of agrivoltaics through programs promoted by the National Renewable Energy Laboratory, demonstrate that the proposed use is consistent with state agricultural policies and state energy policy. The income produced by the lease will help preserve other farming activity. The applicant is employing construction mitigation guidelines that will minimize loss of top soil. It is not possible to relocate the panels to reduce agricultural impacts. There is no drainage on the property, and the soils cannot be employed for a better agricultural use.
 4. There will be no removal or destruction of large quantities of vegetation or fauna, interference with migration of fish or wildlife, significant impacts to special habitats, nor significant impacts to threatened or endangered species, or any other impacts to natural resources. Impacts on habitat and species of concern have been mitigated to the maximum extent practicable.
 5. There will be no impairment of Critical Environmental Areas.
 6. The project is consistent with the Town of Independence Solar Law. There will be no conflicts with currently adopted community plans and goals.
 7. There will be no impairment of important historical, archeological, or aesthetic resources or nor conflict with the community character.
 8. The Projects will not mean a major change in use of energy, but will provide a benefit in the form of clean energy.
 9. The Projects will not create a human health hazard.

10. The Projects will not create a substantial change in use or intensity of use of land including agricultural land, open space, and while being constructed on a former or recreational resource, it is not currently operating or open to the public.
 11. The Projects will not encourage a population increase or have other growth-inducing impacts, and will not create a material demand for other actions resulting in above consequences.
 12. The Projects will not create changes in two or more elements of the environment that combined have a substantial adverse impact on the environment, nor do the Projects embody two or more related actions undertaken, funded or approved by an agency that combined have a significant adverse effect on the environment.
- D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.
- E. 617.7(c)(3) – The significance of any likely consequences were assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

Based on this review, the ACIDA has determined that no significant adverse environmental impacts would result from this Action.