

**SEQRA RESOLUTION
BRAWLER'S CORNER SOLAR, LLC PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session in the offices of the Agency located at Crossroads Commerce & Conference Center, 6087 State Route 19 North, Belmont, New York on July 11, 2024 at 10:00 o'clock a.m., local time.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|--------------------------|----------------------|
| Judy Hopkins | Chairperson |
| Randy Shayler | Vice Chairperson |
| Richard Ewell | Secretary |
| Douglas Frank | Treasurer |
| John Ricci | Member |

ABSENT:

Douglas Frank Treasurer

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Dr. Craig Clark Executive Director

The following resolution was offered by Randy Shayler seconded by John Ricci, to wit:

Resolution No. 0724-1

Resolution Issuing a Negative Declaration
for the Brawler's Corner Solar Project

WHEREAS, the Allegany County Industrial Development Agency (the "Agency") has received an application for a solar energy generating facility (the "Project") from Brawler's Corner Solar, LLC (the "Company") in the Town of Wirt; and

WHEREAS, the Agency issued a Notice of Intent to act as Lead Agency for purposes of reviewing the Projects under the State Environmental Quality Review Act ("SEQRA") and the Involved Agencies agreed to the Agency acting as Lead Agency; and

WHEREAS, the Agency is conducting a unified review of the Projects; and

WHEREAS, the Agency has duly considered the action, the full Environmental Assessment Forms for each of the Projects, the public hearing comments, the criteria for

determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Agency has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

1. The Agency hereby determines to act as Lead Agency.

2. Based upon a thorough review and examination of the known facts relating to the Project and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Project, the members of the Agency find that the Project will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared.

3. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration, and shall be distributed as follows:

(A) a copy of said negative declaration shall be filed in the office of the Agency.

(B) A copy of said negative declaration shall be mailed to the Company.

(C) A copy of said negative declaration shall be mailed to the chief executive officer of the political subdivision in which the Project is located, all involved agencies, and any person who has requested a copy.

(D) Notice of the Negative Declaration shall be published in the Environmental Notice Bulletin.

4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Judy Hopkins
Randy Shayler
Richard Ewell
Douglas Frank
John Ricci

VOTING
VOTING
VOTING
VOTING
VOTING

Aye
Aye
Aye
Absent
Aye

The foregoing Resolution was thereupon declared duly adopted.

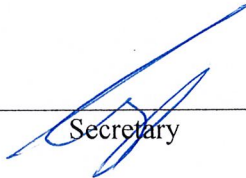
STATE OF NEW YORK)
) SS.:
COUNTY OF ALLEGANY)

I, the undersigned Secretary of Allegany County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 11, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 11th day of July, 2024.



Secretary

(SEAL)

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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: July 11, 2024
NAME OF ACTION: Brawler's Corner Solar LLC Project
LOCATION: Hicks Hill Road (Tax Map No. 208.-1-3.111)
Town of Wirt, Allegany County
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 Project consists of the following: (A) (1) the acquisition of an interest in an approximately 25 acre portion of an approximately 42 acre parcel of land located on Hicks Hill Road (Tax Map No. 208.-1-3.111) in the Town of Wirt, Allegany County, New York (the "Land"), (2) the construction on the Land of a ground mounted photovoltaic 5.0-MW solar energy facility including panels, racking, inverters, electrical cables, grid interconnection, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a solar electric energy generating facility to be owned and operated by the Company (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

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 Project 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 members of ACIDA has:
 1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
 2. Reviewed the Full EAF for the Project, 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 members of ACIDA 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 Project will not affect ground or surface water quality or quantity, or create traffic or increase noise levels, or increase solid waste production, or cause erosion potential, flooding, leaching or drainage problems. Wiscoy Creek, a tributary of the Genesee River, which is located about one quarter mile northwest of the Project Site, will be unaffected. A Stormwater Pollution Prevention Plan will be implemented.
 3. The site is vacant. To the extent it was formerly an agricultural resource, 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 planting of pollinators has a greater ecological value than the vacant land. 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 applicant is employing construction mitigation guidelines that will minimize loss of top soil. It is not possible to relocate the panels to reduce impacts. There is no drainage on the property, and the soils cannot be employed for a better agricultural use.
 4. The South Branch of Van Campen Creek is located on the project site and has a Class and Standard of "C" (not regulated). Therefore, pursuant to the provisions of Article 15, Title 5 (Protection of Water) of the NYS Environmental Conservation Law, no

Protection of Waters Permit will be required for the Project. Therefore, appropriate soil and erosion control measures must be utilized during and after project construction to prevent contravention of water quality.

5. The Project Site appears to be located near multiple plugged oil wells, applicant has confirmed that the Project is designed to allow future access to well locations and allow for enough room around each well to provide for rig and support equipment access.
 6. 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.
 7. There will be no impairment of Critical Environmental Areas.
 8. The Project is consistent with the Town of Wirt land use patterns. There will be no conflicts with currently adopted community plans and goals.
 9. There will be no impairment of important historical, archeological, or aesthetic resources or nor conflict with the community character.
 10. The Project will need a major change in use or type of energy but will provide a benefit in the form of clean energy.
 11. The Project will not create a human health hazard.
 12. The Project 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.
 13. The Project 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.
 14. The Project will not create changes in two or more elements of the environment that combined have a substantial adverse impact on the environment, nor does the Project 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.