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February 21, 2025

Re: Comments on Application Permit # 23-02986  
Yellow Barn Solar Project

The following comments reference this document:  
CS Energy Yellow Barn Solar Project  
900-2.14 Exhibit 13 *Water Resources and Aquatic Ecology*

**Water wells on adjacent properties** (pp 6-9, 17)

Many rural residents rely on groundwater wells for both domestic and farm water needs, with no alternative sources available. This report provides an overview of the well-owner survey, including the questions asked, redacted information charts, and responses from 37 participants—these are all valuable. It is appreciated that this document promises state-of-the-art monitoring and oversight of these operations to reduce risk and that any leaks, etc. will be within limits that do not exceed water quality standards.

**We underscore that preventing water quality degradation within and beyond the project parcels must be a top priority.** Our concern is that once the project becomes operational, inspections and maintenance may occur at reduced intervals. Both extreme weather events and routine wear and tear can result in leaks or other industrial pollution that would not be immediately detected.

**Therefore we request that in addition to the required pre and post-construction groundwater well testing, additional, ongoing, free water quality testing should be provided for owners of groundwater wells within any potentially impacted area and at surface water sites downstream of project parcels such as those that drain to Salmon Creek, Fall Creek, and Owasco Inlet.** Testing should be repeated on a regular basis, and at the request of a resident/landowner who has a concern. In this way, a water quality database will be in place to provide a backup to the monitoring and upkeep promised by CS Energy.

## **Protecting Wetlands and Headwater Streams**

The headwaters for Cayuga Lake begin with wetlands in uplands including those in the Yellow Barn Solar Study Site. It is well established that headwater wetlands have functional significance for downstream water quality and hydrology. This report provides little or no detail on how the project will alter the site's hydrologic regime resulting in potential ecological and biogeochemical functional impacts on surrounding wetlands and resulting impact to downstream waterbodies. The US Army Corps of Engineers 404 Permit regulates the filling of wetlands or waterways to prevent loss of wetland functions, such as water filtration, flood control, and wildlife habitat, and in addition, NYS Water Quality Standards require that no activity degrade Cayuga Lake or its tributaries for best use.

Table 13-2, Delineated Surface Waters, pp. 23-24 characterizes headwater streams as perennial, ephemeral, and intermittent. The following text informs us that none of these waters are under regulation as NYS Protected Waters, that measures to avoid or mitigate impacts are not needed, and that a Stream Restoration and Mitigation Plan is not necessary.

Recent federal court decisions have weakened protections for headwaters streams and wetlands nationwide, making it easier for developers to proceed with large-scale projects in these often remote, headwater areas. However, new tools are available within NY State to better protect these vulnerable and important water sources.

**We support the question posed by the Tompkins County Soil and Water Conservation District Office in their comments: Will this permit application be subject to the new DEC Wetland jurisdictional determinations starting January 1, 2025? We urge CS Energy to comply and set a good example.** We also strongly support the questions raised by the SWCD about stormwater runoff, the SWPPP (Stormwater Pollution Prevention Plan), and their detailed stream and waterway impact comments.

**We also recommend that to meet the intent of NYS regulations and CWA 404 and 401 permit requirements, a project hydrological report be prepared identifying wetlands at risk from any changes in the hydrological characteristics of the project site.** This report should provide baseline data on sediment and nutrient loading to adjacent wetlands prior to construction and a management plan for conducting a survey after project construction.

### **What is the status of the USACE 404 Nationwide Permit process?**

The wording on page 34 of the CS Energy Water Resources document is ambiguous. Is the permit not yet applied for? Is it currently in the process of being obtained during the first quarter of 2025, as stated? Please provide an update and continue to inform the potentially impacted public and concerned agencies of progress in this process. Permits to proceed with this proposed project should not be issued until this step is completed.

### **Vegetation cover, removal, and impacts to water quality and wildlife**

We are concerned that there are no apparent plans in place for mitigating the impacts of tree and vegetation removal on the project properties. See also the SWCD comments on this topic. These are important protectors of water quality, and supportive of healthy wildlife populations. It was observed in a nearby solar development, that fully mature trees along an impacted perennial stream were cut down and removed and soils disturbed, with the potential to cause erosion and sediment transport downstream and offsite. What plans are in place to prevent this happening here, in this much larger project?

As stated in the comments from the Tompkins County Department of Planning and Sustainability, we also emphasize the project is located in a mapped corridor of habitat connectivity, and the importance of incorporating input from The Nature Conservancy and the Wildlands Network in design.

Thank you for this opportunity to review and submit comments for this project.

Sincerely,



Date: 2/21/2025

Elizabeth Kreitinger,  
Steward/Executive Director  
Cayuga Lake Watershed Network

The Cayuga Lake Watershed Network (the 'Network') is an independent nonprofit organization supported by over 400 members. Our mission is to advocate for the health of Cayuga Lake and its 870 square mile watershed in a rapidly changing world, and our programs promote science-backed community education and engagement. We advocate for robust environmental policies, collaborating with government agencies and engaging with the wide range of stakeholders in our community to develop science-based solutions to environmental challenges in the watershed. We believe that sound economic development and environmental protection must go hand-in-hand to sustain the health of Cayuga Lake and its watershed.