



# **HIGH RIVER ENERGY CENTER**

**Case No. 17-F-0597**

**1001.33 Exhibit 33**

**Other Applications and Filings**

**Contents**

Exhibit 33: Other Applications and Filings ..... 1

    33(a) Statement of Other Applications and Filings ..... 1

    33(b) Anticipated Federal Permits, Consents, Approvals, or Licenses..... 1

## **Exhibit 33: Other Applications and Filings**

This Exhibit will track the requirements of proposed Stipulation 33, dated August 26, 2019, and therefore, the requirements of 16 NYCRR § 1001.33.

### **33(a) Statement of Other Applications and Filings**

The Applicant does not have any other pending applications or filings with the New York Public Service Commission (NYPSC) or any other governmental department, agency, or court concerning the subject matter of the Project.

The Applicant participated in the 2017 Renewable Energy Standard Solicitation Request for Proposal (RESRFP 17-1) and was selected by the New York State Energy Research and Development Authority (NYSERDA) as a winning bidder with respect to the High River Energy Center.

The Applicant will apply to the NYPSC for a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law (PSL) authorizing the exercise of municipal rights to occupy municipal property and for other authorizations clarified by the NYPSC staff in its Cassadaga decision issuing the certificate.

### **33(b) Anticipated Federal Permits, Consents, Approvals, or Licenses**

The following federal permits, consultations, consents, approvals, or licenses are anticipated to be required for construction or operation of the Project:

#### ***United States Fish and Wildlife Service (USFWS):***

- Endangered Species Act, Section 7 Consultation

#### ***United States Army Corps of Engineers (USACE):***

- National Environmental Policy Act (NEPA) compliance;
- National Historic Preservation Act, Section 106 compliance; and
- Section 404 of the Clean Water Act (CWA) or Nationwide Permit for Placement of Fill in federal Jurisdictional Wetlands, Waters of the United States (WOTUS)

The dates of these federal applications will be contingent upon certification of the Project through Article 10 of the PSL.