

**Response to Comments on the Preliminary Scoping
Statement Pursuant to Article 10 of the
New York State Public Service Law**

High River Energy Center

Town of Florida, Montgomery County, New York

Case No.: 17-F-0597

Applicant:

**High River Energy Center, LLC
700 Universe Boulevard, FEW/JB
Juno Beach, FL 33408
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Office: (561) 691-7274**



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December 2018

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Via Electronic Delivery

December 28, 2018

Hon. Kathleen H. Burgess, Secretary
New York State Board on Electric Generation
Siting and the Environment
Three Empire State Plaza
Albany, NY 12223

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

Dear Secretary Burgess:

High River Energy Center, LLC (“High River”) is seeking authority from the New York State Board on Electric Generation Siting and the Environment (“Siting Board”) to construct a 50-megawatt (MW) photovoltaic solar major electric generating facility in the Town of Florida, Montgomery County, New York (the “Facility”) pursuant to Article 10 of the Public Service Law (“PSL”) and the Siting Board’s rules (16 NYCRR Part 1000 *et seq.*).

High River filed its Preliminary Scoping Statement (“PSS”) on November 16, 2018. Comments on the PSS were due December 7, 2018. Pursuant to 16 NYCRR § 1000.5, High River hereby timely files its response to comments received on the PSS. This response is being served on the individuals listed in Section 1000.5(c) of the Siting Board’s rules in the same manner prescribed for service of the PSS. High River will also post a copy of its reply comments on the Facility website (<https://highriverenergycenter.com/>).

High River looks forward to working with interested parties and stakeholders during the pre-application phase of this process. Please contact me if you have any questions regarding this filing.

Respectfully submitted,

READ AND LANIADO, LLP

By: /s/
Sam M. Laniado
Co-Counsel for High River Energy Center,
LLC

Attachment

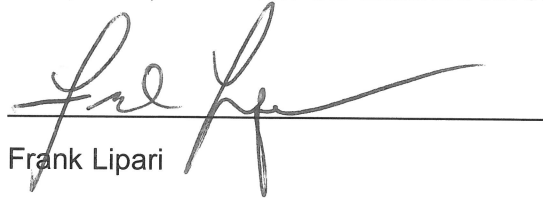
cc: William M. Flynn, Esq.
Harris Beach PLLC
Co-Counsel for High River Energy Center, LLC
Graham Jesmer, Esq., DPS
Andrew Davis, DPS
Attached Service List

Case Number 17-F-0597

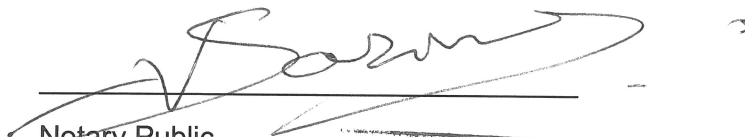
Application of High River Energy Center, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Generating Facility Located in the Town of Florida, Montgomery County.

AFFIDAVIT OF SERVICE

I, Frank Lipari of Plan & Print Systems, Inc, in Syracuse, New York, caused the document entitled 'Response to Comments on the Preliminary Scoping Statement for the High River Energy Center, LLC' proposed in Montgomery County, New York, to be served, on December 27th, 2018, via UPS to the attached list of recipients.


Frank Lipari

Sworn to me before this 27 day of December, 2018.


Notary Public

SARIN S VARTAK
Lic. #01VA6330397
Notary Public - State of New York
Qualified in Broome County
COMM. EXP. 09/14/2019

High River Energy Center, LLC

Service List

Name and Address	Number of Copies
Hon. Kathleen Burgess, Secretary New York State Board on Electric Generation Siting and the Environment Empire State Plaza Agency Building 3 Albany, NY 12223-1350	10 paper copies and 1 electronic copy
Basil Seggios, Acting Commissioner NYS Department of Environmental Conservation 625 Broadway Albany, NY 12207	4 paper copies
Keith Goertz, Regional Director NYS Department of Environmental Conservation, Region 4 1130 North Westcott Road Schenectady, NY 12306-2014	3 paper copies
Howard A. Zucker, Commissioner of Health NYS Department of Health Corning Tower Empire State Plaza Albany, NY 12237	2 paper copies
Richard L. Kaufmann, Board Chairman NYS Energy Research and Development Authority 17 Columbia Circle Albany, NY 12203-6399	2 paper copies
Howard Zemsky, President and CEO Empire State Development Corporation 633 Third Avenue – Floor 37 New York, NY 10017	2 paper copies
Eric Mead, Supervisor Town of Florida 214 Ft. Hunter Road Amsterdam, NY 12010	1 paper copy

Richard Ball, Commissioner NYS Department of Agriculture and Markets 10B Airline Drive Albany, NY 12235	1 paper copy
Rossana Rosado, Secretary of State NYS Department of State One Commerce Plaza 99 Washington Avenue Albany, NY 12231-0001	1 paper copy
Barbara Underwood NYS Attorney General State Capital Building Albany, NY 12224-0341	1 paper copy
Matthew Driscoll, Commissioner NYS Department of Transportation 50 Wolf Road Albany, NY 12205	1 paper copy
Rose Harvey, Commissioner NYS Office of Parks, Recreation & Historic Preservation Planning Bureau 625 Broadway Albany, NY 12207	1 paper copy
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Graham Jesmer Assistant Counsel NYS Department of Public Service 3 Empire State Plaza Agency Building 3 Albany, NY 12223-1350	1 paper copy
Andrew Davis, Utility Supervisor Office of Energy Efficiency and the Environment NYS Department of Public Service 3 Empire State Plaza Albany, NY 12223-1350	1 paper and 1 electronic copy

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Amsterdam Free Library 28 Church Street Amsterdam, NY 12010	1 paper copy
Fort Hunter Free Library 167 For Hunter Road Amsterdam, NY 12010	1 paper copy
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Comment Number	Party	Party Comment Number	Topic	PSS Document Reference	Party Comment	Response
1	DPS	General-1	General Comments	N/A	In addition to the specific comments on many topics below, DPS Staff advises that the application must also contain all of the informational requirements included in 16 NYCRR §1001.1 et seq.	Understood.
2	DPS	General-2	General Comments	N/A	Terminology used in pre-application and future application phases should be standardized.	Understood.
3	DPS	General-3	General Comments	N/A	The application should provide a list of acronyms as an appendix to the Table of Contents.	The requested information will be included in the Application.
4	DPS	General-4	General Comments	N/A	The application should be carefully reviewed to ensure that all reference citations within the body of any exhibit are fully cited at the relevant list of reference documents. (Note: The PSS document is missing some referenced documents.)	Understood.
5	DPS	General-5	General Comments	N/A	GIS shapefiles of the Facility Area, preliminary facility locations, and related resource information should be provided to DPS Staff for review during the scoping and stipulation process.	The shapefiles of preliminary facility locations and resource information will be provided to NYSDPS and NYSDEC when finalized.
6	DPS	General-6	General Comments	N/A	DPS Staff requests that GIS shapefiles of facility component and site locations, property lines, environmental data, visual and cultural resource locations, and related analyses derived from such data and utilized in development of the Application and mapping, be provided directly to DPS Staff at the time the Application is filed.	The shapefiles will be provided to NYSDPS and NYSDEC when finalized.
7	DPS	Stakeholder List-1	Stakeholder List	N/A	The Chair of the Public Service Commission, John Rhodes, should be added to the Stakeholders List.	Chair Rhodes will be added to the Stakeholders List.
8	DPS	Stakeholder List-2	Stakeholder List	N/A	Highway Departments - NYS Thruway, located adjacent to proposed Facilities Site, is not included as a Stakeholder. DPS previously recommended contacting NYSTA due to location of site, adjoining property line, location of perimeter fence in relation to NYSTA fencing.	Joanne M. Mahoney, Chair, New York State Thruway Authority is included on the Stakeholders List. As recommended by DPS, the Applicant will request a consultation meeting with NYSTA to discuss the project.
9	DPS	Stakeholder List-3	Stakeholder List	N/A	The Public Involvement Program (PIP) Plan indicated that members of the NYS Legislature representing the Study Area would be included in the stakeholder list. Assembly member Mary Beth Walsh and Senator Jim Tedisco represent portions of Schenectady County that appear to be within the Study Area and, as such, should be provided notice of the PSS filing and future project milestones.	Assembly member Mary Beth Walsh and Senator Jim Tedisco will be provided notice of the PSS filing and future project milestones. Both representatives will be added to the Stakeholders List.
10	DPS	Exhibit 2-1	Overview and Public Involvement	3.02	Applicant states that it has completed the pre-PSS consultations set forth in the PIP Plan and summarized the meetings in the meeting log. However, the meeting log in Appendix A does not reference consultations with various stakeholders such as federal agencies (e.g. US Fish and Wildlife Service, Army Corp of Engineers or National Park Service), state agencies (OPRHP), and local municipalities (Montgomery County) that were supposed to occur prior to the PSS.	The requested information will be provided in the appropriate meeting log. Pre-PSS consultations have been made with several federal agencies and Montgomery County and the meeting log will be updated accordingly.
11	DPS	Exhibit 2-2	Overview and Public Involvement	3.02	The PSS notes that an open house was held on August 29, 2018. The Applicant should provide additional details such as how many people attended, whether more than one session was held, etc. Information on the types of comments that were received and whether the Applicant took any follow-up actions should be included in the meeting log and referenced in this section.	The requested information will be provided in the appropriate meeting log and in the Application.

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12	DPS	Exhibit 2-3	Overview and Public Involvement	3.02	The Applicant should consider publishing notice of Project milestones, such as post-PSS open houses and filing of the Application, in a free community newspaper.	The Applicant will publish such notice if a free community newspaper can be identified.
13	DPS	Exhibit 2-4	Overview and Public Involvement	3.02	DPS Staff recommends that the Applicant describe public involvement activities regarding the filing of the Project Application. At a minimum, the Applicant should mail notice of the Application submittal to a project mailing list comprised of the updated stakeholders list, including host and adjacent landowners, and additional addresses received through public outreach. The notice will include information on the project generally and the Article 10 Application specifically. A copy of the mailing list and documentation indicating the dates and mailings that were made should be provided to the Secretary. The Application should include the updated stakeholder list.	The notice for the Application will be prepared and served accordingly. The requested certificate of service will also be filed with the Secretary.
14	DPS	Exhibit 2-5	Overview and Public Involvement	3.02	Item “C” in the Proposed Studies section on page 11 notes that the Applicant will provide a summary of the changes made to the proposal as a result of the PIP Plan. The Applicant should clarify that it will summarize changes that result from the implementation of the PIP Plan, i.e. resulting from outreach efforts.	The requested information will be provided in the Application.
15	DPS	Exhibit 3-1(a-d)	Location of Facilities	3.03	Section 3.03 – Topographic Maps: the USGS topographic maps specified in this section should address the following <ul style="list-style-type: none"> a. The most recent edition of base mapping (ca. 2016-17); b. Be presented at original 1:24,000 scale; c. List of facilities locations to be indicated on maps (PSS pg. 13) should include facilities components including perimeter fencing (around solar panel arrays, substation, switchyard, etc.); employee operational parking; and locations of proposed landscape berms, fences, and other features. d. The indication of the point-of-interconnection switchyard / substation appears to be remote from public roads. The Applicant should specify and provide a map detailing the location of access roads for construction and operation of these facilities. 	The requested information will be provided in the Application.
16	DPS	Exhibit 4-1(a)	Existing Land Use and Project Planning	3.04	Regarding Agricultural Use analysis: <ul style="list-style-type: none"> a. Ag District discussion in Application should indicate Facilities Site parcels date of current Ag District enrollment and expiration/renewal date pending. 	The requested information will be provided in the Application.
17	DPS	Exhibit 4-1(b)	Existing Land Use and Project Planning	3.04	Regarding Agricultural Use analysis: <ul style="list-style-type: none"> b. Discussion of Ag District uses at Facilities Site (page 16) should identify Farmland Woodlots/Forest and any noted agricultural uses of these parcels including grazing, timber production, maple syrup production, forest crops production, etc. 	The Applicant will determine Agricultural District uses at the Project Area including identification of any forest stands used for grazing, timber production or alternative crops.
18	DPS	Exhibit 4-1(c)	Existing Land Use and Project Planning	3.04	Regarding Agricultural Use analysis: <ul style="list-style-type: none"> c. The Application should analyze reduction in agricultural lands associated with the Project in relation to extent of Active Agricultural Land within the rest of the designated Agricultural District. Identify other known threats of non-agricultural development within the Ag. District, and 	In accordance with 16 NYCRR §1001.4(f) (Exhibit 4: Land Use), the Applicant will provide a map of all publicly known proposed land uses within the Study Area, gleaned from interviews with state and local planning officials, from the public involvement process, or from other sources. The

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					identify cumulative impacts on Ag District. Consideration of impact on local agricultural support businesses and services serving the District should also be evaluated.	cumulative impact of these identified publicly known proposed land uses within the Study Area and Ag District along with the Project on farmland will be discussed.
19	DPS	Exhibit 4-1(d)	Existing Land Use and Project Planning	3.04	Regarding Agricultural Use analysis: d. Analysis of Alternative arrangements and designs to accommodate continued agricultural uses at areas of prime soils on the site should be evaluated (see comments in Section 3.09 - Alternatives, below).	Alternatives arrangements and designs as part of Exhibit 9: Alternatives that would enable some continued agricultural use will be evaluated to the extent practicable.
20	DPS	Exhibit 4-2	Existing Land Use and Project Planning	3.04	For community character studies proposed (PSS pp. 17, 21), DPS requests that Application include photographs of landscape features and defining elements of Project Area and Study Area character.	Representative photographs of the Project Area will be included as part of the Visual Impact Assessment (VIA) in Exhibit 24: Visual Impacts and will also be included in Exhibit 4: Land Use, as requested.
21	DPS	Exhibit 4-3	Existing Land Use and Project Planning	3.04	Erie Canal National Heritage Area Corridor should be addressed in the Application. The mapped indication of “Erie Canalway Heritage Corridor” at PSS Figure 14 appears to represent the location of the Erie Canalway Trail, but not the full extent of the Heritage Corridor, which includes municipalities along the Erie Canal, including the entire Town of Florida, and therefore includes the Project Area and the Facility Site. DPS Appendix 1, attached to this document, includes a map of the entire Heritage Corridor area as represented in the Erie Canalway Heritage Corridor Preservation and Management Plan.	The requested information will be included in the Application.
22	DPS	Exhibit 4-4	Existing Land Use and Project Planning	3.04	The Mohawk Valley Heritage Corridor should be addressed in the Application. The Corridor Management Plan adopted by the Mohawk Valley Heritage Corridor Commission should be reviewed for resource consideration in the facilities impact analysis as appropriate.	The Corridor Management Plan will be evaluated, as applicable, in the Application.
23	DPS	Exhibit 4-5	Existing Land Use and Project Planning	3.04	NYS Bike Route 5 and Erie Canalway Trail both traverse the project Study Area and should be identified in mapping and discussion of recreational uses.	The requested information will be included in the Application.
24	DPS	Exhibit 4-6	Existing Land Use and Project Planning	3.04	DPS Staff advises that the City of Amsterdam has an approved local waterfront revitalization plan (LWRP) within the 2-mile study area, which should be addressed in 1001.04(g) and (l).	The City of Amsterdam’s LWRP will be addressed, as applicable, in the Application.
25	DPS	Exhibit 4-7	Existing Land Use and Project Planning	3.04	DPS Staff requests clarification whether the project will utilize any off-site staging and/ or storage areas as the project area parcels are not contiguous. If so, include those areas in the qualitative assessment of facility compatibility in 1001.04(i).	No off-site staging and/ or storage areas are proposed.
26	DPS	Exhibit 5-1	Electric Systems Effects	3.05	The Application should include an agreement between the developer and National Grid regarding the ownership of the POI switchyard.	To the extent available, the subject agreement will be included in the Application.
27	DPS	Exhibit 5-2	Electric Systems Effects	3.05	The Application should include a log showing the frequency of maintenance and inspections of the facilities.	A log form indicating the maintenance and inspection schedule for the proposed collection substation will be included in the Application to the extent available at the time of the Application.
28	DPS	Exhibit 9-1	Applicable, Reasonable, and Available Alternatives	3.09	The Application should address alternative facility technology, scale, layout and design considerations that could enable a range of degrees of continued agricultural use of the Facility Site, such as: a. Taller solar panel rack system and pole-mounted arrays which would reduce footprint while enabling greater access within the arrays for	Alternatives arrangements will be considered as part of Exhibit 9: Alternatives. The cited arrangement/design options that would enable some continued agricultural use will be considered to the extent practicable. The Project will not utilize razor-wire topped perimeter fencing.

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					livestock grazing, hay- or row-cropping or other agricultural uses of the ground surface; b. Alternative configurations that minimize impact of isolated or “orphaned” field corners and edges that become un-farmable due to size and orientation; c. Alternative fencing designs that would support agricultural uses such as grazing while maintaining more traditional appearance of agricultural fencing rather than industrial-security fencing; avoid use of razor-wire topped perimeter fencing particularly along public roads, areas of open views, and near residences.	
29	DPS	Exhibit 9-2	Applicable, Reasonable, and Available Alternatives	3.09	The alternatives discussion should address consideration of adding energy storage capability as an ancillary feature of Project design.	The Application will include a discussion regarding energy storage.
30	DPS	Exhibit 11-1	Preliminary Design Drawings	3.11	DPS requests that the Applicant provide four, full size copies of the preliminary design drawing set (utilizing a common engineering scale) at the time of Application submittal.	Four full size copies will be provided to DPS at the time of Application submittal.
31	DPS	Exhibit 11-2	Preliminary Design Drawings	3.11	DPS Staff recommends that the Applicant provide a completed High River Energy Center, Map Sizes and Scales Sheet (attached herein as Appendix 2), in the response to PSS comments, regarding approximations of drawing scales to be used for Application content. This attachment contains a list of typical solar farm drawings and includes headings for anticipated corresponding extent limits, scales, and proposed drawing paper sizes.	As the Applicant is still in the process of developing a solar array layout and scoping studies to be included in the Application, it is not possible to provide the drawing scales and number of sheets in the instant response. The Applicant will make reasonable efforts to provide this information to DPS Staff during the stipulation process.
32	DPS	Exhibit 11-3	Preliminary Design Drawings	3.11	Section 3.11(a): page 41 of the PSS notes that the Application will include a site plan showing all structures, driveways, parking areas, emergency access lanes, access ways and other improvements at the Project Area. DPS advises that the following specific features should be shown on the Project site plans submitted with the Application: <ul style="list-style-type: none"> a. Solar panels and associated mounting features (any concrete pads, foundations, etc.); b. Inverters c. Site security features including perimeter fencing and gates and closed-circuit television or similar monitoring equipment; d. Access road travel lanes (temporary and permanent); e. Turn-around areas to be used during construction deliveries; f. Proposed grading (temporary grading for construction purposes and permanent contours for final grading); g. Electric collection lines – the required number of circuits will be indicated on the site plans; also, overhead and underground cable routes should be differentiated with specific line-types or other symbology; h. The existing National Grid owned 115 kV transmission line and its right-of-way (ROW) in relation to proposed components of the Project and any other known existing transmission utilities (natural gas, electric, etc.) and associated rights-of-way within the Project area; 	The requested information will be included on the site plans and submitted in the Application.

Comment Number	Party	Party Comment Number	Topic	PSS Document Reference	Party Comment	Response
					<ul style="list-style-type: none"> i. Generator lead line (if applicable); j. Approximate limits of disturbance for all project components (panels, access roads, buildings, electric lines, substation, etc.); k. Clearing limits for all project components (panels, substation, POI, access roads, buildings, electric lines, etc.); l. Indication of permanent ROW for all electric cable installations; m. Collection substation outline, including access driveway, setbacks, and fence line; n. Proposed locations that will utilize trenchless methods of electric cable installations for crossing of streams, waterbodies, roads, etc. (including laydown area and approximate trenchless installation distances); o. Laydown, staging, equipment storage areas and associated access ways and parking areas; p. Back-up generators and fuel storage areas; and q. Outline of the switchyard area, including access driveway, setbacks, and fence line; and location of related transmission facilities. 	
33	DPS	Exhibit 11-4	Preliminary Design Drawings	3.11	<p>Discussion of proposed studies at Section 3.11(e) (PSS pg. 42) should provide for additional details of proposed site Lighting Plan, such as:</p> <ul style="list-style-type: none"> a. Proposed height of lighting fixtures and mounting configuration (on fence, pole-mounted, etc.); b. Plan should specify use of full cut-off fixtures, no drop-down optics, and use of task lighting wherever feasible. 	The requested information will be provided in the Application.
34	DPS	Exhibit 11-5	Preliminary Design Drawings	3.11	<p>Discussion of proposed studies at Section 3.11(f) (PSS pg. 42): It is noted in the PSS that architectural drawings are not required as there are currently no buildings proposed. Although an O&M building is not proposed as part of the Project, §1001.11(f) requires drawings, structure arrangements, and exterior elevations for buildings as well as structures and fixed equipment. DPS advises that the Application include architectural drawings indicating design and height configuration of fencing, solar collector array design, substation and switchyard and POI facilities height and configuration. Also, facilities substation typically will include a control building, which should also be included in Design Drawings and site plans.</p>	The requested information will be included in the Application, to the extent applicable.
35	DPS	Exhibit 11-6 (a)	Preliminary Design Drawings	3.11	<p>Regarding Section 3.11(g), the PSS notes that typical design drawings of underground and overhead installation shall be included. In addition to details listed at page 42, DPS advises that the following additional information be provided:</p> <ul style="list-style-type: none"> a. DPS advises that plan and sections for all proposed layout schemes be included concerning underground collection line installations, including: <ul style="list-style-type: none"> i. Single and multiple-circuit layouts; ii. Co-located installations with dimensions of proposed depth and level of cover; iii. Separation requirements between circuits; iv. Clearing width limits for construction; and 	The applicable information requested will be included on site plan drawings submitted with the Application.

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					v. Operation of the facility, limits of disturbance, and required permanent ROW.	
36	DPS	Exhibit 11-6 (b)	Preliminary Design Drawings	3.11	<p>Regarding Section 3.11(g), the PSS notes that typical design drawings of underground and overhead installation shall be included. In addition to details listed at page 42, DPS advises that the following additional information be provided:</p> <ul style="list-style-type: none"> b. In reference to proposed overhead collection lines, DPS recommends that the following be provided: <ul style="list-style-type: none"> i. Elevation plans for overhead facilities (collection and transmission lines) including height above grade, structure layouts, clearing width limits for construction and operation of the facility, and permanent ROW widths; ii. Average span lengths for each proposed layout; and iii. Structure separation requirements (for installations containing more than one pole, etc.) for all single and multiple-circuit layouts. 	The applicable information requested will be included on site plan drawings submitted with the Application.
37	DPS	Exhibit 12-1	Construction	3.12	DPS Staff recommends that this section include information when the Applicant will communicate with Stakeholders about construction activities, schedule and applicable safety and security measures.	The requested information will be provided in the Application.
38	DPS	Exhibit 12-2	Construction	3.12	The Complaint Resolution Plan should identify and include any procedures or protocols that may be unique to each phase of the project (e.g. construction, operation, decommissioning) or complaint type (e.g. noise). DPS recommends that the Applicant maintain a complaint log listing all complaints and resolutions during construction and operations of the Project and include a procedure for review and transmittal of the complaint log to DPS Staff.	The Applicant will provide the requested information in the Complaint Resolution Plan.
39	DPS	Exhibit 13-1	Real Property	3.13	There is no indication of the location of electric collection lines that would connect the various component Parcels to the parcel with POI interconnection site in project Figures. DPS Staff advises that Application Exhibit 13 must address Real Property needs for the entire proposed Facilities.	The requested information will be provided in the Application.
40	DPS	Exhibit 14-1	Cost of Facilities	3.14	In addition to the total cost of the facilities, the application should include the non-binding good faith estimates of the System Upgrade facilities (SUF) and the connecting Transmission Owner Attachment facilities (CTO-AF) which will be provided as part of the SRIS study by NYISO.	To the extent available, the requested information will be provided in the Application.
41	DPS	Exhibit 15-1	Public Health and Safety	3.15	Discussion of wood waste disposal should include disposal of tree stumps from site clearing of forest land.	The requested information will be provided in the Application.
42	DPS	Exhibit 15-2	Public Health and Safety	3.15	PSS does not address consideration of glare from solar panel arrays. Discussion of glare should be included in Application Exhibit 15 to the extent that glare from panels may affect visibility at public roads under certain conditions, presenting a traffic safety consideration. (Glare should also be addressed in Exhibit 18 -Safety and Exhibit 24 - Visual Impacts) The Application should also indicate conditions and locations where glare may be created, and identify measures to avoid or mitigate such visible characteristics.	The Application will contain an analysis and description of potential glare related effects during operation of the Project and will address visibility at public roads. The Application will identify locations where glare may be visible and will discuss avoidance and mitigation measures, if necessary.

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43	DPS	Exhibit 15-3	Public Health and Safety	3.15	Discussion of lighting should note related comments above re: Section 3.11.	See response to Comment 33.
44	DPS	Exhibit 15-4	Public Health and Safety	3.15	The list of community emergency response services in the Study Area should include Schenectady County Emergency Management Office.	The Schenectady County Emergency Management Office will be added to the list of community emergency response services.
45	DPS	Exhibit 18-1	Safety and Security	3.18	The Applicant states that as part of the site security plan, the Applicant will communicate with stakeholders regarding construction activities. The plan should include a detailed description of the stakeholders included in the communication/notification efforts, the timeframes for notification and the planned communication methods (e.g. letter, doorhangers, telephone calls, etc.). These communications should be tracked and reported in a log to DPS Staff.	The requested additional information will be provided in the Application.
46	DPS	Exhibit 18-2	Safety and Security	3.18	The Emergency Response Plan (ERP) should identify specific protocols for notifying different members of the public (e.g. emergency responders, host and adjacent landowners, utilities, environmental agencies, etc.) in the event of an emergency.	The Emergency Response Plan (ERP) will outline the contingencies that would constitute a safety or security emergency, the appropriate response measures to be taken as a result of this emergency, any evacuation control measures that may be necessary, and the means by which the community will be notified of the emergency and any procedures that shall be followed.
47	DPS	Exhibit 18-3	Safety and Security	3.18	DPS Staff recommends identifying the first responders/emergency services that will be consulted during the development of the emergency response plan (ERP) and will receive copies of the final plan.	The requested information will be included in the Application.
48	DPS	Exhibit 19-1	Noise and Vibration	3.19	The Applicants should revise and expand the scope of proposed studies to address all the requirements of 16 NYCRR §1001.19. See DPS Staff comments and recommendations in Appendix 3. The parties will continue discussing the scope of studies during the pre-application PSS and stipulation phases.	The Applicant is reviewing the DPS comments and recommendations and agrees to continue to discuss the scope of noise studies during the stipulation phase.
49	DPS	Exhibit 20-1(a)	Cultural Resources	3.20	Referenced document regarding buried cables (PSS p. 77) is not included in bibliography-references list in PSS Section 5: "(EDR, 2017: 78-79)." Please provide reference and submit document for DPS review in PSS Comment Responses Document.	<p>The citation for the PSS bibliography is as follows: EDR 2017:78-79 Preliminary Scoping Statement: Mohawk Solar, Montgomery County, New York. Prepared for Mohawk Solar LLC, a subsidiary of Avangrid Renewables LLC, Portland, OR. Prepared by Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. 217 Syracuse, NY.</p> <p>For Mohawk Solar the OPRHP defined areas of significant ground disturbance that would require archaeological survey, as "... any excavation or grading associated with the construction of access roads, inverter pads, and the substation, as well as any buried collection lines installed via an open trench greater than 1 foot (0.3 meter) wide, and any construction staging areas which require grading, paving,</p>

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						and/or the installation of crushed stone.” The document is located on the DPS DMM website under Case 17-F-0182.
50	DPS	Exhibit 20-1(b)	Cultural Resources	3.20	DPS advises that the width of cable plow-in disturbance and number of circuits installed in parallel may influence whether this installation method is considered to be a significant ground disturbance for cultural resource investigations and shovel testing design for Phase IB activities.	Understood. Installation methods used for collection lines will be included in the Application.
51	DPS	Exhibit 20-2	Cultural Resources	3.20	DPS requests to be notified when scheduling future Applicant meetings or consultations with SHPO staff regarding project cultural resource evaluations.	The Applicant will notify DPS when scheduling future meetings or consultations with SHPO staff.
52	DPS	Exhibit 20-3	Cultural Resources	3.20	Details of Phase 1B Archeological Survey design (PSS pp. 79 - 80) may be subject to revision based on future consultations with SHPO staff.	Understood.
53	DPS	Exhibit 20-4	Cultural Resources	3.20	The term “THPO” (as used at PSS pg. 83) is not defined in the PSS document. Provide an explanation of the acronym and its meaning in terms of proposed studies.	The acronym THPO stands for Tribal Historic Preservation Officer. This definition will be added.
54	DPS	Exhibit 20-5	Cultural Resources	3.20	Definition of Area of Potential Effect (APE) and Study Area (PSS pp. 84-85) will require additional consultation with SHPO staff. DPS advises that the APE for Historic Architectural studies for major solar facilities has been set at five miles by SHPO staff in several similar projects.	Understood. The Application will consult with SHPO to determine the APE and Study Area for Historic Architectural studies.
55	DPS	Exhibit 21-1	Geology, Seismology, and Soils	3.21	The preliminary blasting plan should include procedures and timeframes for notifying municipal officials, host communities, and property owners within one-half mile radius of the blasting site. Evaluation of reasonable mitigation measures regarding blasting impacts should include recommendations for setbacks from existing wells, residences and other structures, and plans for pre- and post-blasting inspections of existing structures.	Though no blasting is anticipated, the Applicant will provide the requested information in a preliminary blasting plan, should one be necessary.
56	DPS	Exhibit 21-2(a)	Geology, Seismology, and Soils	3.21	If horizontal directional drilling (HDD) is anticipated for stream/wetland crossings, road crossings, or other locations, the Application should include: a. A description of HDD operations;	The Application will identify locations where trenchless excavation methods (e.g., HDD) may be proposed if determined necessary, along with a description of such HDD operations.
57	DPS	Exhibit 21-2(b)	Geology, Seismology, and Soils	3.21	If horizontal directional drilling (HDD) is anticipated for stream/wetland crossings, road crossings, or other locations, the Application should include: b. Maps of the project area identifying proposed HDD locations;	If HDD is proposed for the Project, the Application will include mapping of the proposed HDD locations.
58	DPS	Exhibit 21-2(c)	Geology, Seismology, and Soils	3.21	If horizontal directional drilling (HDD) is anticipated for stream/wetland crossings, road crossings, or other locations, the Application should include: c. Typical HDD equipment layout diagram; and	The Application will identify stream/wetland crossing techniques in the Application, including a typical HDD equipment layout diagram.
59	DPS	Exhibit 21-2(d)	Geology, Seismology, and Soils	3.21	If horizontal directional drilling (HDD) is anticipated for stream/wetland crossings, road crossings, or other locations, the Application should include: d. HDD feasibility analysis and frac-out risk evaluation based on known and suspected soil and bedrock conditions.	The Application will include this evaluation and plan if applicable.
60	DPS	Exhibit 21-3	Geology, Seismology, and Soils	3.21	The analysis of the suitability of existing soils for construction purposes should evaluate corrosion potential, including separate evaluations for the potential for corrosion of uncoated steel and the potential for corrosion and degradation of concrete. The discussion should also include an evaluation of the risk of damage or displacement to foundations and underground cables from frost action and soil shrink/swell (if applicable based on the soils types within the project area).	Exhibit 21 will contain a study of the geology, seismology, and soils impacts of the Project consisting of the identification and mapping of existing conditions, an impact analysis, and proposed impact avoidance and mitigation measures, including the requirements identified in 16 NYCRR §1001.21. The indicated considerations of corrosion/degradation

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					If existing soils are proposed for re-use as structural and/or compacted fill, the Application should assess the suitability of existing soils specifically for those purposes and describe screening measures to remove materials that do not meet the fill composition characteristics recommended by the Applicant's geotechnical expert.	potential, frost action, soil shrink/swell, and soil reuse will be discussed, together with any necessary screening measures, as applicable.
61	DPS	Exhibit 21-4	Geology, Seismology, and Soils	3.21	The Application should include a description of methods for minimizing potential post and pile driving vibrational impacts on nearby buildings, water wells, or other infrastructure. The Application should include a description and justification of any proposed pile-driving setback distances.	A description of methods for minimizing vibrational impacts on nearby infrastructure will be included in the Application, along with a description and justification of any proposed pile-driving setback distances.
62	DPS	Exhibit 21-5(a)	Geology, Seismology, and Soils	3.21	The northern portion of the proposed facility is located within a mapped karst area. The Application should include a site-specific karst conditions assessment that will provide the following: a. Identify how construction activities will minimize excavations in karst-prone areas where excavations may facilitate subsurface erosion;	This information will be provided in the Application.
63	DPS	Exhibit 21-5(b)	Geology, Seismology, and Soils	3.21	The northern portion of the proposed facility is located within a mapped karst area. The Application should include a site-specific karst conditions assessment that will provide the following: b. Address risks and impacts to karst features and aquifers from directional drilling frac-outs and soil and bedrock displacement during excavations, boring operations, and pile driving;	This information will be provided in the Application.
64	DPS	Exhibit 21-5(c)	Geology, Seismology, and Soils	3.21	The northern portion of the proposed facility is located within a mapped karst area. The Application should include a site-specific karst conditions assessment that will provide the following: c. If blasting is proposed, description of potential impacts to karst features from blasting operations.	Though no blasting is anticipated, this information will be provided in the Application, if blasting is determined necessary.
65	DPS	Exhibit 21-6	Geology, Seismology, and Soils	3.21	The PSS states that mapping of NRCS farmland designations (Prime Farmland, Prime Farmland (if drained), and Farmland of Statewide Importance) will be included in Exhibit 21 of the Application. Staff recommends that any areas of locally designated farmland should also be included in the maps. Discussion of how impacts to Prime Farmland will be avoided or otherwise minimized should also describe methods for avoiding and minimizing impacts to all other designated farmland areas and soils.	The requested information will be included in the Application. The Town of Florida's Comprehensive Plan will be reviewed for areas of locally designated farmland.
66	DPS	Exhibit 22-1	Terrestrial Ecology and Wetlands	3.22	DPS advises that Applicant should consult with New York State Thruway Authority staff regarding records of deer crossings / deer impacts at the highway in the facility area; and assess potential effect of any Project Facilities exclusion fencing at the Thruway boundary; and develop consideration of facilities design to minimize adverse effect on movement patterns, as appropriate.	The Applicant will consult with the New York State Thruway Authority (NYTA) regarding potential deer crossings/deer impacts and provide the requested analysis as applicable.
67	DPS	Exhibit 22-2(a)	Terrestrial Ecology and Wetlands	3.22	DPS requests that Applicant consult the classifications provided in the Ecological Communities of New York State (Edinger et al., 2014), and include in the Application the following: a. Specific information on, and a detailed description of, all ecological communities identified within parcels that will host facility components will be provided.	The requested information will be included in the Application.
68	DPS	Exhibit 22-2(b)	Terrestrial Ecology and Wetlands	3.22	DPS requests that Applicant consult the classifications provided in the Ecological Communities of New York State (Edinger et al., 2014), and include in the Application the following: b. Maps at a scale of 1:10,000, based on aerial	The requested information will be included in the Application.

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					photography, showing approximate locations and extent of identified plant communities.	
69	DPS	Exhibit 22-2(c)	Terrestrial Ecology and Wetlands	3.22	DPS requests that Applicant consult the classifications provided in the Ecological Communities of New York State (Edinger et al., 2014), and include in the Application the following: c. For project areas within 500 feet of disturbance areas provide maps at a scale of 1:2,000 showing approximate locations and extent of identified plant communities.	The requested information will be included in the Application. Plant communities for parcels outside the Project Area on which the Applicant does not have control will be determined as identified through the National Land Cover Database (NLCD).
70	DPS	Exhibit 22-3(a)	Terrestrial Ecology and Wetlands	3.22	DPS Staff advises proposed temporary and permanent impacts to plant communities must be calculated and discussed to satisfy 16 NYCRR §1001.22(b). Such discussions should include: a. Specific assumptions associated with approximate limit of vegetation clearing for each type of facility component as identified in the Preliminary Design Drawings associated with Exhibit 11.	The requested information will be included in the Application.
71	DPS	Exhibit 22-3(b)	Terrestrial Ecology and Wetlands	3.22	DPS Staff advises proposed temporary and permanent impacts to plant communities must be calculated and discussed to satisfy 16 NYCRR §1001.22(b). Such discussions should include: b. A table of assumed area disturbance for each project component type. Associated with Exhibit 11 addressed in “a” above.	The requested information will be included in the Application.
72	DPS	Exhibit 22-3(c)	Terrestrial Ecology and Wetlands	3.22	DPS Staff advises proposed temporary and permanent impacts to plant communities must be calculated and discussed to satisfy 16 NYCRR §1001.22(b). Such discussions should include: c. The number of acres impacted. Permanent impact calculations should include all tree clearing for construction and operation of the facility. DPS Staff requests this be calculated using GIS software, and presented in a summary impact table.	The requested information will be included in the Application.
73	DPS	Exhibit 22-3(d)	Terrestrial Ecology and Wetlands	3.22	DPS Staff advises proposed temporary and permanent impacts to plant communities must be calculated and discussed to satisfy 16 NYCRR §1001.22(b). Such discussions should include: d. The plant community mapping referenced in above should also depict vegetation cover types in relation to proposed limits of vegetation disturbance, and associated GIS shapefiles of all areas of disturbance will be provided to NYSDEC and NYSDPS.	The requested information will be included in the Application. The shapefiles will be provided to NYSDEC and NYSDPS when the Application is filed.
74	DPS	Exhibit 22-4	Terrestrial Ecology and Wetlands	3.22	DPS Staff advises that the Application should include identification of aquatic habitats, plant communities, and wildlife habitat that could potentially support federally or state-listed threatened and endangered (T&E) species, state species of special concern (SSC), and state species of greatest conservation need (SGCN) as documented during on-site field investigations (e.g., ecological cover type assessments, habitat assessments, and wetland delineations). Habitat identification should include the results of field studies and the Grassland Breeding Bird Survey Appendix F.	The requested information will be included in the Application.
75	DPS	Exhibit 22-5	Terrestrial Ecology and Wetlands	3.22	Vernal pools should be inventoried at the time of wetland field delineations. The application should identify vernal pools that could be disturbed by construction or operation of the facility. A discussion should be included that evaluates the use of the identified vernal pools by amphibians and the potential impacts to those species.	The requested information will be included in the Application.
76	DPS	Exhibit 22-6	Terrestrial Ecology and Wetlands	3.22	DPS Staff requests the Applicant provide an overview of vegetation management plans for operation and construction of the facility. Include a discussion of	The requested information will be included in the Application.

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					ground cover maintenance and forest clearing and ongoing vegetation maintenance required to prevent shading of solar panels.	
77	DPS	Exhibit 22-7	Terrestrial Ecology and Wetlands	3.22	DPS Staff requests a summary impact table quantifying anticipated temporary and permanent impacts associated with the various facility components in relation to wildlife habitats, and vegetation cover types classified according to Ecological Communities of New York State (Edinger et al, 2014), particularly grasslands and interior forests, if affected.	The requested information will be included in the Application.
78	DPS	Exhibit 22-8	Terrestrial Ecology and Wetlands	3.22	Any field investigation and/ or study of plants, animals and/ or communities at the facility site should include a time and date (i.e., hour, day, month and year) of observation.	The requested information will be included in the Application, to the extent time and dates are available.
79	DPS	Exhibit 22-9(a)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: a. Describe the type of impact including: permanent, temporary, fill, forest conversion and associated crossing methodology.	The requested information will be included in the Application.
80	DPS	Exhibit 22-9(b)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: b. Clearly discern between federal and state wetland (and 100-foot adjacent area) impacts.	The requested information will be included in the Application.
81	DPS	Exhibit 22-9(c)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: c. Calculation of impacts to both wetlands and 100-foot adjacent areas of state regulated wetlands.	The requested information will be included in the Application.
82	DPS	Exhibit 22-9(d)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: d. Include wetland delineation type.	The requested information will be included in the Application.
83	DPS	Exhibit 22-9(e)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: e. For each resource explain if it could reasonably be avoided.	The requested information will be included in the Application.
84	DPS	Exhibit 22-9(f)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: f. Propose site specific actions to minimize impacts to resources that are not bypassed.	The requested information will be included in the Application.
85	DPS	Exhibit 22-9(g)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: g. Propose site specific actions to mitigate impacts to resources that are not bypassed.	The requested information will be included in the Application.
86	DPS	Exhibit 22-9(h)	Terrestrial Ecology and Wetlands	3.22	Wetland impacts should be presented in a table that shall: h. Identify the corresponding page number on preliminary design drawings depicting the resource, and on the mapping requested below.	The requested information will be included in the Application.
87	DPS	Exhibit 22-10	Terrestrial Ecology and Wetlands	3.22	Impacts to wetlands should also be presented on a separate set of site plan drawings at 1":50' scale, showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance.	The Application will include the requested information in the site plan drawings at a scale of 1":50' or similar.
88	DPS	Exhibit 22-11(a)	Terrestrial Ecology and Wetlands	3.22	Pursuant to 16 NYCRR §1001.22(o), Provide a table of state and federally listed species occurring or likely to occur within the project area including the following columns: a. Species name.	The requested information will be included in the Application.
89	DPS	Exhibit 22-11(b)	Terrestrial Ecology and Wetlands	3.22	b. Federal status.	The requested information will be included in the Application.
90	DPS	Exhibit 22-11(c)	Terrestrial Ecology and Wetlands	3.22	c. NYS status.	The requested information will be included in the Application.

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91	DPS	Exhibit 22-11(d)	Terrestrial Ecology and Wetlands	3.22	d. SGCN listing,	The requested information will be included in the Application.
92	DPS	Exhibit 22-11(e)	Terrestrial Ecology and Wetlands	3.22	e. Habitat preference identified according to Ecological Communities of New York State (Edinger et al., 2014),	The requested information will be included in the Application.
93	DPS	Exhibit 22-11(f)	Terrestrial Ecology and Wetlands	3.22	f. Identify maps from 1001.22(a)(3) that include habitat for each species.	The requested information will be included in the Application.
94	DPS	Exhibit 22-11(g)	Terrestrial Ecology and Wetlands	3.22	g. Source of information indicating potential presence of species.	The requested information will be included in the Application.
95	DPS	Exhibit 22-11(h)	Terrestrial Ecology and Wetlands	3.22	h. Indications whether species were observed onsite.	The requested information will be included in the Application.
96	DPS	Exhibit 22-12	Terrestrial Ecology and Wetlands	3.22	If it is determined by the NYSDEC that construction or operation of the facility is likely to result in a take of state-listed species, including the adverse modification of habitat on which a listed species depends, DPS Staff advises the Applicant must submit an avoidance, minimization, and mitigation plan that demonstrates a net conservation benefit to the affected species pursuant to 6 NYCRR Section 182.11 (Part 182), along with the informational requirements of an Incidental Take Permit (ITP), as provided for in Part 182. The applicant should consult with NYSDEC to determine if an ITP is anticipated prior to filing application.	If it is determined a “take” is required through consultation with the NYSDEC, the Applicant will provide the requested information pursuant to 6 NYCRR §182.11 (Part 182) and any additional information to conform with the substantive requirements set forth for an Incidental Take Permit in Part 182.
97	DPS	Exhibit 22-13(a)	Terrestrial Ecology and Wetlands	3.22	In regard to invasive species, DPS Staff requests that the Applicant: a. For areas of high invasive species density and as useful for management of individual invasive species, identify an area and concentration threshold that requires mapping and an individual management plan.	The requested information will be included in the Application, as applicable.
98	DPS	Exhibit 22-13(b)	Terrestrial Ecology and Wetlands	3.22	b. Provide maps at a scale of 1:2000 of any identified concentrations of non-native invasive plant species in areas of proposed disturbance will be included.	The requested information will be included in the Application, as applicable.
99	DPS	Exhibit 22-13(c)	Terrestrial Ecology and Wetlands	3.22	c. A list of invasive species other than plants included in 6 NYCRR § 575.3 (Prohibited Invasive species) and 6 NYCRR §575.4 (Regulated invasive species), if any, limited to those incidentally observed during field work in support of Exhibits 22 and 23.	The requested information will be included in the Application, as applicable.
100	DPS	Exhibit 23-1	Aquatic Ecology and Water Resources	3.23	Water quality classification is not indicated for the Project Area stream crossing Hutchinson Road and Pattersonville Road at PSS Figure 13 “Mapped Streams and Wetlands”. DPS Staff requests an updated figure in the PSS Comments Response document.	A revised Figure 13 is included as an attachment to this table.
101	DPS	Exhibit 23-2	Aquatic Ecology and Water Resources	3.23	The PSS states that the Applicant will submit FOIL requests to the Montgomery County Department of Health and NYSDEC to request information on the location and usage of existing water wells within the Facility Area. Staff recommends that a FOIL request letter also be submitted to the New York State Department of Health, and that each request solicit information for water wells located within a 2,000-foot radius of the Facility Area.	To identify water wells within the Project Area, a Freedom of Information Law (FOIL) request letter, if necessary, will be sent to the Montgomery County Department of Health and the NYSDEC to request access to all publicly available water well information. As requested, the Applicant will also submit, if necessary, a FOIL request letter to NYSDOH, a copy of which will be included in the Application. Because the utilization of blasting techniques is not anticipated for the Project, impacts

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						to wells in the area are also not anticipated. As such, if blasting is not proposed, the request to NYSDOH will be made for data of existing groundwater wells within 500 feet of the Project Area.
102	DPS	Exhibit 23-3	Aquatic Ecology and Water Resources	3.23	According to the PSS, the Application will include a map of wells based on information obtained from “outreach” by the Applicant. Outreach should solicit well construction details, usage patterns, and water quality data, if available.	Outreach to obtain data for these maps will be via a FOIL request letter sent to the Montgomery County Department of Health, NYSDEC, and NYSDOH to request access to all publicly available water well information. Well construction details, usage patterns, and water quality data will be obtained to the extent that it is publicly available through these agencies.
103	DPS	Exhibit 23-4(a-c)	Aquatic Ecology and Water Resources	3.23	Staff recommends that the outreach efforts include distribution of a private water well survey to all landowners within a 2,000-foot radius of the proposed Facility Area. The water well survey materials should include: <ul style="list-style-type: none"> a. A summary of the project and the Article 10 process, b. Contact information and a description of where the well owner can get more information about the project (i.e. project website, document repositories, etc.) c. An invitation to join the stakeholder list. 	There is no blasting anticipated or the Project, and excavations for foundations and access roads are expected to be relatively shallow and are not anticipated to intercept groundwater within the surrounding aquifers. As such, the Applicant does not anticipate impacts to groundwater wells and maintains that public surveys are not necessary.
104	DPS	Exhibit 23-5	Aquatic Ecology and Water Resources	3.23	The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Maps showing water well locations should distinguish whether each well location is approximate or confirmed.	The Applicant will attempt to implement the proposed verification and include the requested information on the maps.
105	DPS	Exhibit 23-6	Aquatic Ecology and Water Resources	3.23	The Application should include evaluation of potential impacts of stormwater runoff on agricultural uses and drainage patterns within and surrounding the Facility Area. The Application should describe how stormwater controls and drainage features during site restoration, will be designed to avoid post-construction negative impacts to water wells and surrounding agricultural land uses.	The Application will include the requested evaluation of potential impacts of stormwater runoff on both agricultural uses and drainage patterns within and surrounding the Facility Area. The Application will also address design of stormwater controls, and draining features used during site restoration, in light of avoiding post-construction negative impacts on the mentioned resources.
106	DPS	Exhibit 24-1	Visual Impacts	3.24	In the Character and Quality of the Existing Landscape section, the Applicant identifies the Town of Charlton in the five-mile visual study area. DPS Staff recommends including the Town in the master stakeholder list.	The Town of Charlton will be added to the stakeholder list.
107	DPS	Exhibit 24-2(a)	Visual Impacts	3.24	Discussion of visibility of the facility (PSS pp. 125-126) describes consultation regarding selection of viewpoints for creating photographic simulations of proposed facilities appearance. DPS Staff recommends a two-step consultation process, as follows: <ul style="list-style-type: none"> a. Request visual stakeholders to: <ul style="list-style-type: none"> i. Review a map and list of known and potential visual resource locations, and ii. Provide comments including identification of any additional resource locations that warrant consideration in defining viewpoints for detailed analysis; 	The Applicant is reviewing the DPS comments and recommended consultation process and agrees to continue discussing the DPS recommended scope of visual studies during the stipulation process.

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108		Exhibit 24-2(b)	Visual Impacts	3.24	<p>Discussion of visibility of the facility (PSS pp. 125-126) describes consultation regarding selection of viewpoints for creating photographic simulations of proposed facilities appearance. DPS Staff recommends a two-step consultation process, as follows:</p> <ul style="list-style-type: none"> b. In the second round of consultation, request visual stakeholders to review a list of applicant-recommended key viewpoints. Applicant's preliminary identification of proposed viewpoint locations based on: <ul style="list-style-type: none"> i. The preliminary facility viewshed, ii. A photo-log of views toward facility location from viewshed area potential viewpoint locations, iii. Identification of proposed viewpoint location, Landscape Similarity Zones (LSZ), and map of LSZ and distance zones (foreground, middle-ground, and background); and iv. A range of view orientations (e.g., N-S-E-W directions) and other applicable criteria for selection (e.g., view from public park, historic property, designated scenic overlook, etc.). <p>Note: DPS Staff is available to discuss this approach further to finalize the appropriate Scope of Studies.</p>	See response to Comment 107.
109	DPS	Exhibit 24-3	Visual Impacts	3.24	DPS Staff recommends documentation of the identification and outreach process for visual stakeholders. Visual stakeholders identified through this process should be given the opportunity to be added to the master stakeholder list. Additionally, DPS Staff recommends an in-person meeting of the visual stakeholders during the viewshed analysis process.	Documentation of the identification and outreach to visual stakeholders pursuant to 16 NYCRR § 1001.24(b)(4) will be included in the Application. See the response to Comment 107.
110	DPS	Exhibit 24-4	Visual Impacts	3.24	Discussion of Operational Effects of Facility (PSS page 127) should be revised to address consideration of glare from solar facilities. PV panels may create glare at some locations and conditions; and galvanized metal poles and support structures are capable of significant levels of glare from direct insolation at some viewing angles. Consideration of glare must be addressed and documented in the Application as noted at item (9), PSS Pg. 129.	The requested information will be included in the Application.
111	DPS	Exhibit 24-5	Visual Impacts	3.24	DPS Staff requests Applicant to identify and specify the comparison and rating methodology and criteria to be used for the analysis described at item (b) (8) on PSS page 131.	The Applicant will utilize a visual impact rating form for comparing project photosimulations. This form is a simplified version of various federal agency visual impact rating systems. A copy of the form and instructions for its use are included as an attachment to this table.
112	DPS	Exhibit 25-1	Effects on Transportation	3.25	Although no over-sized deliveries are currently anticipated, DPS recommends that the Applicant, during this scoping phase, should consider overweight/oversize permitting and road feasibility issues for delivery of transformers and other substation and point of interconnection related equipment.	The Applicant will consider overweight/oversize permitting and road feasibility issues for deliveries during the scoping phase.
113	DPS	Exhibit 27-1	Socioeconomic Effects	3.27	The Applicant's direct job, expenditure, and economic activity estimates, for both the construction and operational phases of the project, should be based on actual budgeted estimates for the Project, including contractor quotes and consultations.	As noted in Section 3.27, estimates of direct effects for the construction phase of the Project will be based on budgeted estimates for the Project, derived from the Applicant's

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						experience with similar projects and contractor quotes and consultations, to the extent available.
114	DPS	Exhibit 27-2	Socioeconomic Effects	3.27	The analysis of secondary employment and economic activity should reflect the economic impacts associated with and changes in the retail price of electricity as well as the economic impacts associated with the cancellation or closure of any new or existing power plants made unnecessary by the added solar capacity of the facility. The Applicant should consult NYSERDA's 2012 New York Solar Study as a guide for estimating these economic impacts.	This request goes beyond the requirements of Article 10, 16 NYCRR 1001.27 and would call for speculation about the numerous factors at play. The Applicant is prepared to discuss this issue during the stipulation process.
115	DPS	Exhibit 27-3	Socioeconomic Effects	3.27	DPS Staff advises against the use of or reference to the IMPLAN model with respect to its utility to estimate job impacts. The IMPLAN model fails to consider net job impacts, including any potentially offsetting negative impacts, such as those associated with higher retail prices. Thus, all specific references to the IMPLAN model should be removed from the document.	The Applicant reserves the right to utilize economic modeling in order to comply with 1001.27 and is prepared to discuss this issue further during the stipulation process.
116	DPS	Exhibit 27-4	Socioeconomic Effects	3.27	DPS Staff has concerns with the potential vertical market power issues that could arise from the fact that Next Era is also developing the 20-mile 345 kV transmission line in Case 18-T-0499. Vertical market power issues could manifest themselves in the form of higher electricity prices. These vertical market power issues should be addressed in the Article VII case.	Understood.
117	DPS	Exhibit 28-1	Environmental Justice	3.28	DPS Staff advises that the Applicant should provide a map of the environmental justice communities in relation to the project facilities.	A figure of mapped Environmental Justice Areas in relation to Project facilities will be provided in the Application.
118	DPS	Exhibit 29-1	Site Restoration and Decommissioning	3.29	DPS Staff advises that the Decommissioning Plan should include a detailed cost estimate for site restoration activities and decommissioning of the Project. In addition, the Application should include the proposed type of, and justification for, the financial assurance that will be provided for decommissioning and restoration activities.	The requested information will be provided in the Decommissioning Plan.
119	DPS	Exhibit 29-2	Site Restoration and Decommissioning	3.29	DPS Staff advises that the Applicant provide a procedure and schedule for notifying the local municipalities and landowners prior to decommissioning and restoration activities.	A procedure and schedule for notifying local municipalities and landowners prior to decommissioning and restoration activities will be provided in the Application.
120	DPS	Exhibit 31-1(a)	Local Laws and Ordinances	3.31	The PSS reports that the Town of Florida is developing a revised zoning ordinance to address solar energy facilities. Specific details of that code revision will be an important consideration in review of the pending Article 10 Application. a. DPS Staff requests that the full text of procedural and substantive regulations and supporting documents (zoning districts map(s); tables of uses and area requirements; definitions and all other sections of the full code; etc.) be provided as an Appendix to the Application.	The Application will address the code provisions in effect at the time the Application is filed. Applicable laws, codes and regulations will be included in the Application as an appendix.
121	DPS	Exhibit 31-1(b)	Local Laws and Ordinances	3.31	The PSS reports that the Town of Florida is developing a revised zoning ordinance to address solar energy facilities. Specific details of that code revision will be an important consideration in review of the pending Article 10 Application. b. DPS Staff further requests that SEQRA documentation of local code revisions adoption action also be provided.	SEQRA documentation of local code revisions adoption actions will be included in the Application as an appendix to the extent it is finalized and publicly accessible.
122	DPS	Exhibit 31-2	Local Laws and Ordinances	3.31	Analyses of Applicable Local Ordinances and Laws must be based on laws and regulations and criteria applicable at the time the Application is submitted. DPS Staff advises that supplemental analyses may be necessary in the event that the	Comment noted but under no circumstances will the Applicant agree to any change in the Article 10 statutory deadlines to

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					host municipality or Montgomery County adopts additional or different laws, regulations, codes, or other requirements following submittal of the High River Article 10 Application.	consider local law changes adopted after the Application has been submitted.
123	DPS	Exhibit 31-3	Local Laws and Ordinances	3.31	The PSS asserts that the proposed facility is a "public utility facility". Consideration of the definition of this term within the Zoning Regulations would be appropriate. DPS requests that the full text and supporting documentation of the Town of Florida Zoning Regulations be provided for review during the ongoing Scoping Phase of this project.	The Applicant will provide the full text and supporting documentation of the Town of Florida Zoning Regulations during the Scoping Phase.
124	DPS	Exhibit 31-4	Local Laws and Ordinances	3.31	DPS Staff requests that complete copies of all facility area local laws and ordinances and other applicable provisions, including attachments, tables, maps and other supporting documents, be provided as an Appendix to the Application.	See response to Comment 120.
125	DPS	Exhibit 35-1	Electric and Magnetic Fields	3.35	Recognizing that there is public interest and concern regarding potential health effects from exposure to electric and magnetic fields (EMFs) from power lines and other utility infrastructure, this study should provide information regarding EMFs associated with electricity generation and transmission facilities with an emphasis on the potential for effects of the proposed project on public health and safety.	The information required by 16 NYCRR Part 1001.35 will be provided in the Application, as applicable to the Project.
126	DPS	Meeting Log-1	Appendix A – Meeting Log	N/A	The log should provide a summary of questions asked at outreach events and meetings. The Applicant should indicate how it addressed or plans to address the questions.	See response to Comment 11.
127	NYSDEC	General-1	GIS Data	N/A	Shapefiles suitable for use in GIS software via ESRI's ArcGIS suite of software (e.g. ArcMap) containing all applicable Project and survey components as described in NYSDEC's <i>Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects</i> (June 2016) should be submitted to NYSDEC as soon as possible. Shapefiles should depict the location of all Facility components including (separately): extent of current Facility site1; panel array locations; new access and maintenance roads; existing roads that will be widened/altered; electric collection and transmission lines (specified above ground or underground); security fence lines; laydown and storage area(s); substation(s); temporary and permanent meteorological tower(s), if applicable; any other temporary or permanent infrastructure constructed in support of the Facility; and all areas to be cleared around panels, access roads, electric lines, and all other Facility components.	The Applicant will provide shapefiles using the NYSDEC's <i>Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects</i> (June 2016) as guidance. The Project layout is still under development and applicable Project GIS shapefiles will be provided when finalized.
128	NYSDEC	General-2	GIS Data	N/A	Additionally, shapefiles showing all wildlife and habitat survey locations as applicable and labeled by year, including (separately): breeding bird survey transects/points; winter raptor survey locations and driving routes; viewsheds for winter raptor observation points, indicating the area visible from each point; bat acoustic monitoring and/or mist net locations; amphibian survey locations; all delineated wetland boundaries and adjacent areas; stream crossings; and any other survey information pertinent to the Facility. The Applicant should update shapefiles depicting preliminary Project component/layout and resubmit to NYSDEC as needed and in a timely manner during Project development and review. Draft reports of all wildlife, habitat, and wetland surveys shall be	The Applicant will provide applicable GIS shapefiles to accompany any applicable draft reports when finalized.

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					submitted to NYSDEC as soon as possible after they are prepared. These reports should include maps and shapefiles provided confidentially to NYSDEC depicting the location(s), observation date(s), species, and behavior(s) of all T&E and SSC individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility.	
129	NYSDEC	Exhibit 4-1	Existing Land Use & Project Planning	3.04	Exhibit 4 indicates that <i>“The Application will also include a discussion describing how the siting, construction, and operation of the Project will avoid or otherwise minimize impacts, to the maximum extent practicable, to Prime Farmland, including a description of the proposed methods for soil stripping, storage and replacement upon the completion of construction, where disturbance to such areas cannot be avoided.”</i> Details regarding the temporary soil storage locations and methods should be added to project plans and GIS data. Impacts associated with the storage of soil should also be discussed in the appropriate exhibits. For example, if berms are proposed potential impacts associated with their construction may include but are not limited to the following: stormwater, cultural resources, noise and vibration, and visual impacts.	The requested information will be included in the Application, as applicable.
130	NYSDEC	Exhibit 20-1	Cultural Resources	3.20	This section should discuss the potential for Phase III investigations (Data Recovery). It should also include Tribal consultation procedures, which should be implemented at the start of cultural resource investigations, at or before the time that NYS OPRHP is consulted.	<p><u>Phase III Data Recovery:</u> At present, there are no NRHP-eligible archaeological sites identified within the Project’s area of potential effect (APE). Should any NRHP-eligible archaeological sites be identified in the APE as a result of the Phase I identification survey, and if necessary, a Phase II NRHP eligibility study, and the site cannot be avoided through modification of Project design, then a Phase III Data Recovery Plan will be prepared by the Applicant in consultation with the NYS OPRHP and submitted as part of the Compliance Filing. The Phase III Data Recovery would be conducted in advance of any ground-disturbing activities and would serve to mitigate impacts caused by Project development to any NRHP-eligible archaeological site(s).</p> <p><u>Native American Consultation:</u> The Applicant will initiate consultation with relevant and involved Native American Tribes concurrent with consultation with the NYS OPRHP. Based on the Project’s geographical location and guidance from the NYS OPRHP and the Indian Nations of New York State, the Applicant will consult with the following Federally Recognized Tribes: Delaware Nation, Delaware Tribe of Indians, Mohican Nation Stockbridge-Munsee Band (Stockbridge Munsee Community), and the St. Regis Mohawk Tribe. The Tribal consultation procedures will include preparing correspondence to each Tribal Historic Preservation Office (THPO) that describes the Project’s location and design. The Applicant will request comments from each THPO on any</p>

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						potential effects from the Project on Tribal resources or Tribal lands.
131	NYSDEC	Exhibit 22-(a)-1	Terrestrial Ecology and Wetlands	3.22	The Application should contain maps, information on, and a description of the plant communities within the Facility, electric interconnection lines, and adjacent properties. Maps, shapefiles and descriptions should show approximate locations and extent of identified plant communities, including areas of invasive species concentrations, overlaid with areas of proposed disturbance, and be based on results of observations and field verification during on-site surveys, roadside surveys from adjacent parcels, and review of recent aerial imagery and NLCD information. A list of all plant species observed during on-site field investigations and incidentally while in the Facility should be provided, including the date(s) each species was observed.	The Application will include maps, information on, and a description of, plant communities within the Project Area, electric interconnection lines, and adjacent properties (based upon roadside surveys). These maps, shapefiles, and descriptions will include the mentioned invasive and native plant community information and will be overlaid with areas of proposed disturbance. The Application will also include a list of all plant species observed on-site in the Project Area during field investigations, including date(s) each species was observed.
132	NYSDEC	Exhibit 22-(b)-1	Terrestrial Ecology and Wetlands	3.22	<p>The Application should contain results of pre-construction surveys, including the location(s) of areas of invasive species within the Facility, and maps and shapefiles of any concentration areas that may contain Project components. This information will assist in appropriate siting of Project components in areas that will not facilitate the spread of invasive species. An Invasive Species Management Plan should address measures to prevent the introduction of and control the spread of all the species listed in 6 NYCRR Part 575, including all the terrestrial and aquatic species listed at http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf. Additional species not included on this list (i.e., reed canary grass and wild parsnip) may also warrant specific management and control measures, depending on current populations of such species within and nearby the Facility. Specifically, the plan should apply to all prohibited and regulated invasive species and include the following:</p> <ul style="list-style-type: none"> (i) A summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (i.e., baseline survey), including the transmission line corridor (if applicable). A field verification of the location(s) of invasive species conducted during the growing season immediately prior (within at least six months) of the start of vegetation or ground disturbance activities; (ii) An action plan for pre-construction management of non-native invasive species, including threshold for action. Specific methods to be used to ensure that packing material, imported fill and fill leaving the Facility site will be free of non-native invasive species material, seeds, and parts to the extent practicable; (iii) Specification on how fill materials to be placed within the Facility site will be free of non-native invasive species material, seeds, and parts, by source inspection or other method, or only used within areas already containing those specific non-native invasive plant and invertebrate species infestation; 	An Invasive Species Management Plan (the Plan) will be prepared and included in the Application. Invasive species addressed in the Plan will be those that were observed in the invasive species concentration areas during the wetland delineation effort as well as those listed in 6 NYCRR Part 575 within the Project Area. The Plan will include measures to help prevent the introduction of, and control the spread of, these species. Management and control measures included in the Plan will vary depending on invasive species type listed within the identified concentration area during the field efforts. Items referenced in parts i. through xi. of the comment will be addressed as determined necessary by NYCRR § 1001.22(p). A final proposed Invasive Species Management Plan will be included in the Compliance Filing following the issuance of an Article 10 certificate.

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					<ul style="list-style-type: none"> (iv) Detailed description of specific measures that will be used to prevent the introduction, spread, and proliferation of all non-native invasive species due to the implementation of the Facility's grading, erosion and sediment control plan; (v) Details of procedures for preventing the spread of invasive invertebrates and diseases, and a discussion of how the Applicant will comply with the NYS quarantine and protective zones, where applicable; (vi) Detailed plans describing how appropriate measures will be implemented to ensure that equipment and personnel arrive at and depart from the Facility site clean and free of all non-native invasive species material, seeds, and parts. The protocol for inspection of equipment arriving at the Facility site should be provided in the Application; (vii) A detailed description of cleaning procedures for removing non-native invasive species material, seeds, and parts from equipment and personnel, and properly disposing of materials known to be or suspected of being infested; (viii) Detailed description of the BMPs or procedures that will be implemented, and the education measures that will be used to educate workers; (ix) Detailed description of a minimum of 5-year post-construction monitoring and corrective action plan, to achieve the goal of no new invasive species in the Facility area and no new locations of existing invasive species in the Facility area, and survey measures and procedures for revising the Invasive Species Control Plan in the event that the goals of the initial plan are not met within a specified timeframe; (x) Anticipated methods and procedures used to treat non-native invasive species that have been introduced or spread because of the construction, operation or maintenance of the Facility (based on comparisons against the baseline survey); and (xi) Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate. 	
133	NYSDEC	Exhibit 22-(c)-1	Terrestrial Ecology and Wetlands	3.22	The Application should contain a detailed description of the proposed measures that will be implemented to avoid, minimize, and mitigate for any temporary and permanent impacts to existing, noninvasive plant communities, particularly grasslands, interior forests, wetlands, shrublands, and young successional forests, because of the construction, operation and maintenance of the Facility. This should include measures to avoid and minimize impacts to vegetation such as co-locating linear project components, and constructing all panels, buildings, storage areas, and other structures in areas already developed or disturbed, to the maximum extent practicable. Post-construction vegetative restoration should include reseeding disturbed areas with appropriate native seed mix or	The Applicant will include a discussion of avoidance, minimization, and mitigation efforts for any temporary and permanent impacts to existing non-invasive plant communities, in particular the communities mentioned, as a result of construction, operation and maintenance of the Project. Noted measures to avoid and minimize impacts, to the maximum extent practicable, will be included in this discussion. The alternatives analysis, to be submitted with the Application as Exhibit 9: Alternatives, will include a discussion

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					planting native woody species, as necessary, to recreate or enhance wildlife habitat. An alternatives analysis should be presented in Exhibit 9 (Alternatives), which includes a discussion of vegetative clearing, and the associated impacts under each of the alternatives analyzed.	of potential impacts to vegetation associated with alternatives considered.
134	NYSDEC	Exhibit 22-(d)-1	Terrestrial Ecology and Wetlands	3.22	The Application should include information on and a characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats that occur throughout the Facility, encompassing all areas that may be disturbed for construction of panels, roads and electric interconnection and transmission. This section should include an identification and description of plant communities, plant species and wildlife habitat. Such descriptions should include field identification and verification of aquatic habitats, plant communities, and other wildlife habitat that could potentially support federally or NYS listed T&E species, SSC, and SGCN as documented during on-site field investigations (e.g., ecological cover type assessments, habitat assessments, wildlife surveys, and wetland/stream delineations). USFWS, NYSDEC staff, and NHP database information should be used to determine if any bat hibernacula or maternity roosts are located within the study area. If hibernacula or roosts are identified within the Project area, or five miles from any Project component or boundary, the location and distance to each identified hibernaculum and roost should be provided separately and confidentially to NYSDEC.	The Application will contain the requested information on aquatic and terrestrial vegetation, wildlife, and wildlife habitats within the Project Area. The Application will also contain discussion of other habitat which could potentially support federally or NYS-listed T&E species, SSC, and SGCN within the Project Area. The Applicant will coordinate with the USFWS, NYSDEC Staff, and the NHP database to document known occurrences of bat species in the Study Area, and provide relevant, applicable information to NYSDEC.
135	NYSDEC	Exhibit 22-(d)-2	Terrestrial Ecology and Wetlands	3.22	A discussion of the extent, methodology and results of all avian, bat, amphibian, and other wildlife surveys conducted by the Applicant or its agents within or near the Facility should be provided in Exhibit 22(f). All draft reports should be provided to NYSDEC, USFWS and NYSDPS as soon as possible after they are prepared.	The Application will include the requested discussion for the indicated surveys conducted within the Project and Study Areas. The Applicant will continue to coordinate with applicable agencies to determine any or all surveys required for the Project. The Applicant will provide applicable draft reports as requested when finalized.
136	NYSDEC	Exhibit 22-(d)-3	Terrestrial Ecology and Wetlands	3.22	Information on amphibians and reptiles based on the New York State Amphibian & Reptile Atlas Project (Herp Atlas), database records obtained from NHP, NYSDEC and USFWS, assessments of suitable habitat within the Facility, and any field observations made on-site and near the Facility should be provided. To the extent that vernal pools and their functions (including the surrounding upland habitat) may be impacted by construction, operation or maintenance of the Facility, those features should be identified under appropriate seasonal conditions, and these impacts should be identified and assessed in the Application. Such impacts may require, in consultation with NYSDEC and NYSDPS, the development and implementation of site-specific surveys for amphibian and reptile species under appropriate seasonal conditions to fully quantify the level of impact from the Facility. The Applicant should submit to NYSDEC detailed location maps and ecological characterization data for all vernal pools located within 500 feet of all proposed areas of disturbance.	Information requested on amphibians and reptiles based on the New York State Amphibian & Reptile Atlas Project (Herp Atlas), database records obtained from NHP, NYSDEC and USFWS, assessments of suitable habitat within the Facility Area, and any field observations made on-site and in the vicinity of the Facility will be provided in the Application. The Applicant will provide detailed location maps and ecological characterization data for all vernal pools located within 500 feet of related disturbances on all Project parcels. Any part of the 500-foot survey area which falls outside of Project parcels will be estimated within 500 feet of the limits of disturbance. Impacts, if any, to vernal pools identified during the field survey as a result of the Project construction, will be identified and assessed in the Application.
137	NYSDEC	Exhibit 22-(e)-1	Terrestrial Ecology and Wetlands	3.22	The Application should contain an inventory of and information on plant species and wildlife species (bird, mammal, herpetofauna) known or likely to occur in or near the Facility at some time during the year based on existing data available from the following sources: NHP; NYSDEC; USFWS; local bird/wildlife experts;	The Applicant will utilize reasonably available public information, including consideration of the indicated data sources, to document an inventory and information on plant or wildlife species known or likely to occur in the Project Area.

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					Herp Atlas; Breeding Bird Atlas; USGS Breeding Bird Surveys; Christmas Bird Counts; Hawk Migration Association of North America; eBird; The Nature Conservancy surveys/reports; The Kingbird publication; county-based hunting and trapping records maintained by NYSDEC, and; any other publicly available source that may provide relevant information regarding wildlife occurrences within or in the vicinity of the Facility and electric interconnection line. On-site field surveys (e.g., avian and bat surveys, amphibian surveys, ecological cover type assessments, habitat assessments, wetland delineations, etc.) and the availability of suitable habitat should also be used to identify species that could potentially occur within or in the vicinity of the Facility at some time during the year. The inventory should specify whether species were observed, known to occur in Facility site, or are predicted to occur based on habitat characteristics and historical records. Information on terrestrial invertebrates should be limited to a general discussion regarding the range of species likely to occur near the Facility.	
138	NYSDEC	Exhibit 22-(f)-1	Terrestrial Ecology and Wetlands	3.22	The Application should include a narrative analysis and associated mapping to explain and illustrate potential and expected construction and operational impacts to vegetative cover types, wildlife habitats (including a discussion of impacts from habitat fragmentation), wildlife concentration areas, travel corridors, if identified, and terrestrial and aquatic organisms.	The requested information will be included in the Application.
139	NYSDEC	Exhibit 22-(f)-2	Terrestrial Ecology and Wetlands	3.22	The Application should discuss all direct and indirect construction-related impacts that may occur to wildlife and wildlife habitat, including but not limited to incidental injury and mortality due to construction activity and vehicular movement, habitat disturbance and loss associated with vegetation clearing and earth-moving activities, and the displacement of wildlife from preferred habitat.	The Application will discuss potential construction-related direct and indirect impacts to reptiles, amphibians, mammal species, and avian species likely to occur within the Project Area, including any potential mitigation and avoidance measures that will be undertaken.
140	NYSDEC	Exhibit 22-(f)-3	Terrestrial Ecology and Wetlands	3.22	The Application should discuss all direct and indirect operational and maintenance impacts including, but not limited to, functional loss and degradation of habitat, forest and grassland fragmentation, and wildlife displacement. To the extent any documented wildlife travel corridors or concentration areas are identified within or near the Facility Site, direct and indirect impacts to such corridors and concentration areas and the species utilizing corridors or concentration areas, should be addressed.	The Application will discuss potential, operational and maintenance direct and indirect impacts related to reptiles, amphibians, mammal species, and avian species likely to occur within the Project Area, including any documented wildlife corridors or where concentrations are identified.
141	NYSDEC	Exhibit 22-(f)-4	Terrestrial Ecology and Wetlands	3.22	The Application should also include a discussion and assessment of potential short- and long-term impacts to plants, animals, and habitats that may result from the application of biocides, if any, during site preparation, construction, operations, or maintenance of the Facility. This should include consideration of impacts to trees, ground covers, and other vegetation planted as part of restoration, mitigation and habitat enhancement activities.	The use of herbicide application as a method of vegetation maintenance has not yet been determined for the Project. If herbicide application is determined necessary for the Project, however, the Application will include the requested information.
142	NYSDEC	Exhibit 22-(f)-5	Terrestrial Ecology and Wetlands	3.22	A summary impact table should be included that clearly quantifies anticipated temporary and permanent impacts associated with all Facility components in relation to wildlife habitats, identified concentration areas or travel corridors, and vegetation cover types, particularly grasslands, interior forests and young successional forests, if affected.	The requested table will be included in the Application as applicable.

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143	NYSDEC	Exhibit 22-(f)-6	Terrestrial Ecology and Wetlands	3.22	The Application should discuss the Facility's location in any identified concentration areas or migration corridors, as appropriate, and include a discussion of the potential cumulative impacts of the Facility on wildlife species and the habitats that support them with respect to other photovoltaic solar energy projects or panels that are currently operating and proposed to be constructed at other sites nearby the Facility, in NYS, and at operating projects throughout the northeast. For the purposes of Exhibit 22(f), "proposed project" or "proposed panels" are defined as any project, or panels that are associated with a project, for which a PSS has been submitted to NYSDPS and a case number assigned under Article 10 of the PSL, or are part of a project that has completed or is currently undergoing the State Environmental Quality Review process, for which there is a publicly available Draft Environmental Impact Statement or Final Environmental Impact Statement document, as of the date of submission of the Application; "nearby" is defined as all operating or proposed solar energy projects that are located within 100 miles of the Facility, including those in other counties, states or provinces.	The Application will discuss the Facility's location in any identified concentration areas or migration corridors, as appropriate, within the Study Area, and include a discussion of the potential impacts of them on the Project wildlife and the habitats that support them within the Study Area. However, it is beyond the Applicant's capabilities to acquire the requested information in order to assess the impacts resulting from other privately-owned solar projects proposed by others on land not controlled by the Applicant. Furthermore, there is no assurance that information obtained from other projects has undergone the proper regulatory review. In addition, the requested studies are beyond the scope of the informational requirements in the Article 10 regulations. Therefore, the analysis will be limited to property under the Applicant's control (i.e., option, lease, or ownership) and the Project Study Area.
144	NYSDEC	Exhibit 22-(f)-7	Terrestrial Ecology and Wetlands	3.22	The Application should include wildlife and habitat impact analysis descriptions including an identification, evaluation, and assessment of direct and indirect Facility-related impacts to avian, bat and other wildlife species, particularly: federally and NYS-listed T&E species and their habitats; SSC and SGCN; wildlife concentration areas; migration corridors; and forest and grassland habitats. The NYSDEC Region 4 Wildlife Office should be contacted to obtain the most recent breeding, wintering, and habitat data for NYS-listed species. The USFWS Field Office in Cortland, New York should be contacted to obtain the most recent breeding, wintering, and habitat data for federally listed and protected species.	The Application will include the requested descriptions for the Project Area. Information from DEC Region 4 and the USFWS will be included to the extent it is timely received.
145	NYSDEC	Exhibit 22-(f)-8	Terrestrial Ecology and Wetlands	3.22	Avian and bat occupancy and usage of the Facility site should be compared with other proposed and existing solar energy projects located nearby the Facility and in NYS, and with operating projects throughout the northeast, as available. Analyses should be based on a discussion and comparative analysis of the extent, methodology, and results of the pre-construction wildlife studies conducted for the Facility, and studies from other solar energy projects for which data are publicly available, as well as any additional information provided by NYSDEC and USFWS.	The Applicant will complete bat and avian analyses, which will be limited to property under the Applicant's control (i.e., option, lease, or ownership). It is not within the Applicant's capabilities to discuss the impacts of other existing or proposed privately-owned solar projects on land outside the Project Area that the Applicant does not control. As such, these analyses will not extend to comparison with other proposed and existing solar energy projects. Furthermore, there is no assurance that information obtained from other projects has undergone the proper regulatory review. In addition, the requested studies are beyond the scope of the informational requirements in the Article 10 regulations. The Applicant will discuss any bat or avian information timely provided by the NYSDEC and/or USFWS relevant to the Project Site for the analyses.
146	NYSDEC	Exhibit 22-(f)-9	Terrestrial Ecology and Wetlands	3.22	A cumulative impact analysis should be done to evaluate the actual and expected impacts from the construction, operation and maintenance of the Facility as they relate to other proposed and operating solar energy projects	Please see previous response. It is not within the Applicant's capabilities to discuss the impacts of other existing or proposed privately-owned solar projects on land outside the

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					nearby the Facility and in NYS. This analysis should minimally include a discussion or calculations, or both describing and showing items I through V in comment section 22(f).	Project Area that the Applicant does not control. As such, the Applicant will complete an impact analysis for property under the Applicant's control and the Project Study Area and will not extend the comparison to include other proposed and existing solar energy projects. Items I-V in comment section 22(f) will be described in the analysis provided in the Application.
147	NYSDEC	Exhibit 22-(f)-10	Terrestrial Ecology and Wetlands	3.22	A literature review and impact analysis evaluating how the construction, operation and maintenance of the Facility will affect wintering and breeding grassland bird species, including an assessment of the potential population level effects habitat loss is likely to have on grassland bird species at a regional scale, should also be included. All such analyses described in 22(f) should consider the estimated impacts associated with the overhead transmission line and related facilities to be constructed, if applicable.	In addition to site-specific field studies, a literature review of reasonably available public information will be utilized to assess impacts to wintering and breeding grassland bird species resulting from the construction, operation, and maintenance of the Project. Based upon the aforementioned literature review, the Application will include a discussion of the potential population-level effects habitat loss is likely to have on grassland bird species at a regional scale due to the proposed Project.
148	NYSDEC	Exhibit 22-(f)-11	Terrestrial Ecology and Wetlands	3.22	Information associated with a proposed post-construction monitoring plan to be implemented to assess direct and indirect impacts of the Facility on wildlife species and their habitats should be included. The details of a full post-construction monitoring plan should be developed on a site-specific basis through discussions between NYSDEC, the Applicant, and USFWS (if federally-listed species may be impacted), and at a minimum specify the following: the expected and allowed level of take of each T&E species that may be impacted; survey monitoring methods, effort, duration, data reporting and compliance documentation; construction parameters; proposed adaptive management responses, if applicable, and; mitigation measures sufficient to ensure the Applicant comply with the substantive requirements of 6 NYCRR Part 182. A post-construction monitoring plan should be approved by NYSDEC and NYSDPS and finalized prior to the start of Project operation.	If it is determined by the Siting Board that a “take” of a T&E species will be caused by the operation of the Project, a full post-construction monitoring plan will be developed prior to the start of construction, including discussions with NYSDEC and NYS DPS (and USFWS, if applicable) and submitted in the Compliance Filing for approval.
149	NYSDEC	Exhibit 22-(g)-1	Terrestrial Ecology and Wetlands	3.22	The Application should contain a detailed description of the impact avoidance and minimization efforts used in siting and developing the Facility, as they pertain to vegetation, wildlife, and wildlife habitat. The Facility design, construction controls, and operational measures that can be reasonably implemented to first avoid to the maximum extent practicable, then minimize, and mitigate for impacts to wildlife and wildlife habitat as a result of construction, operation and maintenance of the Facility should be described. If such impacts cannot be demonstrably avoided to the maximum extent practicable, the Applicant anticipates minimizing impacts associated with habitat loss, fragmentation, displacement and mortality, through careful site design, adhering to designated construction limits and seasonal restrictions, and adhering to other construction best management practices. A commitment to mitigate, in an appropriate and timely manner, for any demonstrably unavoidable impacts to listed T&E species should also be discussed.	The Application will include a description of requested impact avoidance, minimization, and mitigation efforts, applied to the maximum extent practicable as required by Article 10. The Application will address any unavoidable impact measures to minimize, including consideration of the indicated factors, and any unavoidable impacts that would otherwise result in mitigation requirements. The necessity for any mitigation measures will also be discussed in the Application.
150	NYSDEC	Exhibit 22-(i)-1	Terrestrial Ecology and Wetlands	3.22	The Application should include and describe the following: The determination of wetland boundaries during on-site field delineations should be made according	The Application will include the relevant information, as requested, in accordance with the United States Army Corps of

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					to the three-parameter methodology described in the Corps Wetland Delineation Manual (Environmental Laboratory, 1987), and the appropriate Regional Supplement to the Corps of Engineers Wetland Delineation Manual. In addition, boundaries of freshwater wetlands regulated under Article 24 of the ECL should be delineated according to methods described in the New York State Freshwater Wetlands Delineation Manual (1995). All wetlands within 50 meters of a NYSDEC mapped wetland, regardless of size or connectivity, should be delineated and included in field mapping. These delineations should include all vernal pools and other similar wetlands regardless of the possible lack of hydrologic connectivity to waters of the United States. Vernal pools should be delineated in accordance with the appropriate Regional Supplement.	Engineers (USACE) and NYSDEC manuals, as referenced. Delineated wetlands and stream data and characteristics will be included in the Wetland and Stream Delineation Report as an appendix to the Application and within Exhibits 22 and 23 of the Application.
151	NYSDEC	Exhibit 22-(i)-2	Terrestrial Ecology and Wetlands	3.22	Wetland boundaries should be defined in the field by sequentially numbered pink surveyor's flagging marked "wetland delineation", with locations documented using GPS technology with reported sub-meter accuracy. Wetlands identified by these methods will be referred to as "delineated wetlands", and wetlands that are verified by the Corps and the NYSDEC will be referred to as "jurisdictional wetlands". Jurisdictional determination is required to fully and accurately assess potential impacts to wetlands and adjacent areas.	Information will be included and referenced accordingly in the Application. Any jurisdictional determinations made by NYSDEC and/or the Corps will be included in the Application if timely issued.
152	NYSDEC	Exhibit 22-(i)-3	Terrestrial Ecology and Wetlands	3.22	On-site field delineations should consist of boundary flagging of all wetlands and 100-foot adjacent areas that occur within 500 feet of the limits of disturbance around all Facility components such as access roads, electric interconnection and transmission lines, panels and other components such as temporary and permanent meteorological tower(s), staging areas, O&M building(s), substation(s), etc. These delineation protocols should apply to all wetlands and vernal pools.	Delineation protocols for the Project will be described in the Application to include all flagging areas noted in NYSDEC Comment 25 above.
153	NYSDEC	Exhibit 22-(i)-4	Terrestrial Ecology and Wetlands	3.22	An estimation of the presence and extent of wetlands occurring in the Facility Area and located greater than 500 feet from the limits of disturbance around all Facility components, or are located within 500 feet of the limits of disturbance but are on parcels to which the Applicant does not have access, should be developed using the following: on-site observations; observations made from public roads and adjacent Facility parcels; interpretation of aerial imagery; analysis of topography; existing databases of hydric soils; other remote sensing data as available, and; wetland and soils mapping maintained by NWI and NYSDEC. Wetlands identified in this way will be referred to as "predicted wetlands."	The Applicant will indicate wetlands occurring within the Project Area and located greater than 500 feet from the limits of disturbance and all Facility components. This inclusion, however, will be limited to land under control by the Applicant. Wetland estimation, using one or more of the indicated techniques, as applicable, for lands extending beyond the Applicant's control, will only occur for areas that are located within 500 feet of areas to be disturbed during construction of the Project. These wetlands will be referred to as "predicted wetlands" within the Application.
154	NYSDEC	Exhibit 22-(i)-5	Terrestrial Ecology and Wetlands	3.22	All wetland boundaries should be keyed to the submissions described in Exhibit 11 (Preliminary Design Drawings). The interpolated boundaries shown on site plans should be differentiated from field delineated boundaries when displayed on maps, site plans, and shapefiles.	The requested information will be included in Exhibit 11: Preliminary Design Drawings, and depicted on accompanying maps, site plans, and shapefiles.
155	NYSDEC	Exhibit 22-(i)-6	Terrestrial Ecology and Wetlands	3.22	The Application should include information indicating which delineated wetlands are likely NYS regulated, including those that are part of wetland complexes that meet NYS-criteria for jurisdiction (e.g.12.4 acres or larger, is of ULI and/or support listed species) but are not currently mapped. All NYS regulated wetlands	The Application will include Information indicating which delineated wetlands are likely NYS-regulated, whether currently mapped or not. The requested NYSDEC numbering and codes will be used.

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					should be identified by NYSDEC’s wetland identification number in addition to the code assigned by the Applicant during delineation. Investigation areas for wetland delineations may need to be extended to make these determinations. At a minimum, the desktop mapping approach described in Exhibit 22(i) should identify all wetlands that potentially meet NYS-criteria for jurisdiction.	
156	NYSDEC	Exhibit 22-(i)-7	Terrestrial Ecology and Wetlands	3.22	The Application should include maps and shapefiles showing the boundaries of all delineated wetlands, jurisdictional wetlands, predicted wetlands, and all corresponding adjacent areas within the entire Facility. Additional maps at a scale of 1”:50’ depicting all of the following should also be included in the Application: all Facility components; proposed grade changes; the limits of ground disturbance and vegetative clearing; and all field-delineated wetlands, predicted wetland boundaries, and 100-foot adjacent areas located within 500 feet of all areas to be disturbed by construction. Shapefiles depicting the same should be provided to NYSDEC.	The Application will include the requested maps and shapefiles, including additional listed maps at a scale of 1”:50’ or similar. Shapefiles depicting these maps will be provided to the NYSDEC by the Applicant when the Application is submitted.
157	NYSDEC	Exhibit 22-(l)-1	Terrestrial Ecology and Wetlands	3.22	The Application should include an analysis of the potential hydrologic connectivity of all wetlands within the Facility to offsite wetlands, including a summary of those wetlands anticipated to fall under NYSDEC jurisdiction (under Article 24 of the ECL) and Corps jurisdiction (under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act). Assessments of potential NYS wetlands jurisdiction should include both “mapped” and “unmapped wetlands” that meet NYSDEC’s 12.4-acre size threshold (including any wetlands of any size separated by less than 50 meters which function as a unit in providing wetland benefits, pursuant to 6 NYCRR Part 664, or otherwise meet NYS criteria for jurisdiction (e.g. wetlands or vernal pools determined to be of ULI, pursuant to 6 NYCRR § 664.7(c)). A summary should be provided of off-site wetlands adjacent to the Facility and any disturbed areas that may be hydrologically or ecologically influenced or impacted by development of the Facility, including Significant Coastal Fish and Wildlife Habitat Areas designated by NYSDOS, and publicly owned lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility. All information, including maps and shapefiles of delineated wetlands, should be provided to NYSDEC as soon as delineations are completed and before the Application is submitted, to allow for NYSDEC to determine the full extent of NYS wetland jurisdiction.	Per the response to previous DEC Comments herein (150-156), the requested information and resource descriptions will be included in a wetland and waterbody delineation report to be prepared as an attachment to the Application, excluding the Significant Coastal Fish and Wildlife Habitat Areas designated by NYSDOS, as the Project is not located near or within the vicinity of any officially designated Significant Coastal Fish and Wildlife Habitat Areas.
158	NYSDEC	Exhibit 22-(m)-1	Terrestrial Ecology and Wetlands	3.22	The Application should include an identification and quantification of temporary and permanent impacts to, and any permanent conversions of wetlands and NYS-regulated 100-foot adjacent areas based on the proposed footprint of all Facility components and associated impact assumptions. This assessment should also include a description of applicable permanent forest conversion, if any, which will occur as a result of the construction or maintenance of the Facility. Such impacts should be summarized and presented in a table that identifies and calculates items I through V of comment Section 22(m).	The requested summary and table will be included in the Application.
159	NYSDEC	Exhibit 22-(m)-2	Terrestrial Ecology and Wetlands	3.22	Impacts to wetlands should also be presented on a separate set of site plan drawings at 1”:50’ scale, showing wetland and stream boundaries, permanent	The requested information will be included in the Application on site plan drawings at a scale of 1”:50’ or similar.

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					and temporary structures, stream crossings, roads, power interconnects, grade changes, and the limits of disturbance.	
160	NYSDEC	Exhibit 22-(n)-1	Terrestrial Ecology and Wetlands	3.22	The Application should include a discussion of all avoidance and minimization measures considered during site planning and design, and an indication of methods to be implemented to avoid wetland and stream impacts, including crossing methodology and a description of Facility construction and operation in relation to the standards established by ECL Articles 15 and 24. Direct impacts to wetlands and streams should be minimized by utilizing existing or narrow crossing locations wherever possible. Additional impact avoidance and minimization measures may include consideration of alternative siting or routing options, trenchless crossings (such as HDD or other special crossing techniques), equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures. Exhibit 23 (Water Resources and Aquatic Ecology) should contain further discussion of how potential impacts to streams will be evaluated, avoided, minimized, and mitigated. The Application's discussion of avoidance and minimization should be updated, if necessary, upon final verification of wetland boundaries and jurisdictional determinations. Final impact calculations to the 100-foot adjacent area of NYS-regulated wetlands and associated mitigation should be based on verified delineation boundaries for jurisdictional wetlands.	The Applicant will include a discussion of avoidance and minimization efforts considered, and will indicate methods to be implemented to avoid wetland and stream impacts, to the maximum extent practicable. This will include crossing methodology and a description of Facility construction and operation, relating to the substantive requirements established in the regulations promulgated pursuant to ECL Articles 15 and 24. Additionally, the Applicant will consider each mentioned additional impact and avoidance minimization measure as applicable to the Project. Exhibit 23: Water Resources and Ecology will include further discussion of evaluation, avoidance, minimization, and mitigation of impacts to streams and wetlands. If necessary, this discussion will be updated in the Compliance Filing upon any verification of wetland boundaries and jurisdictional determinations, and final impact calculations will be based on any verified delineation boundaries for jurisdictional wetlands to the extent timely available.
161	NYSDEC	Exhibit 22-(n)-2	Terrestrial Ecology and Wetlands	3.22	Where impacts to wetlands are unavoidable, and have been minimized to the extent possible, the anticipated mitigation measures to be implemented to offset impacts to wetlands and NYS-regulated 100- foot adjacent areas should be discussed, including the use of reasonable alternative stream and wetland crossing methods.	The requested information will be included in the Application as applicable.
162	NYSDEC	Exhibit 22-(n)-3	Terrestrial Ecology and Wetlands	3.22	Pursuant to 6 NYCRR 663.5(g), a conceptual mitigation plan for impacts to NYS-regulated wetlands and adjacent areas should be provided to NYSDEC as soon as possible, preferably before the submission of an Application, and at a minimum, should meet provisions I through III in comment Section 22(n).	A conceptual mitigation plan will be included in the Application if required.
163	NYSDEC	Exhibit 22-(n)-4	Terrestrial Ecology and Wetlands	3.22	Evaluation of mitigation options should occur during initial planning of the Facility. Off-site mitigation will only be considered if an analysis is provided showing that all options within the immediate vicinity were thoroughly evaluated and determined to not be feasible. In-lieu-fee does not meet the NYS requirements for mitigation. Alternative analyses should be based on the final verified delineation boundaries.	Please see prior response. Should a conceptual mitigation plan be required, the requested information will be included in the Application.
164	NYSDEC	Exhibit 22-(n)-5	Terrestrial Ecology and Wetlands	3.22	The Application should also describe the anticipated ECMP to be implemented during Facility construction, demonstrating adherence to all relevant permit conditions to protect wetlands, streams, and other waterbodies. The Facility's ECMP should include an Environmental Monitor(s) during construction and restoration activities on the Facility site, and a description of the Environmental Monitor's duties. The ECMP should clearly describe the locations of all staging areas, temporary spoil or woody debris stockpiles, "extra work" areas, and other places material or equipment may be placed on site. The limits of disturbance	The Application will contain a general description of the Compliance Filing that will be submitted as part of the Article 10 process. The indicated elements will be addressed conceptually in the Application and finalized in the Compliance Filing. As an example, an erosion and sediment control plan (ESCP) will be prepared as part of the Stormwater Pollution Prevention Plan (SWPPP) for the Project. As part of the SWPPP, a monitor will be in place throughout the work period

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					around all such areas should be clearly defined in plan maps, and physically marked in the field using orange construction fencing or other similar indicators. Plans to restore all temporary disturbances in regulated areas, including replanting trees in disturbed forested areas, should also be provided.	and during the restoration period in order to inspect and assess sedimentation risk and mitigate any unforeseen issues specific to the nature of the Project Area. Restoration plans for all temporary disturbances in regulated areas will also be included.
165	NYSDEC	Exhibit 22-(n)-6	Terrestrial Ecology and Wetlands	3.22	For each item identified in the table described in 22(m), the following should also be provided: (i) For each resource explain if the resource could reasonably be avoided; (ii) Proposed site-specific actions to minimize impacts to resources that are not avoided; (iii) Proposed site-specific actions to mitigate impacts that are not avoided; (iv) Proposed appropriate compliance monitoring schedule to ensure mitigation is successful, including adaptive management actions to be implemented should the planned mitigation fail.	The requested information will be included in the Application as applicable.
166	NYSDEC	Exhibit 22-(o)-1	Terrestrial Ecology and Wetlands	3.22	The Application should contain information regarding the presence of federally and NYS-listed T&E species, SSC, and SGCN; and, a discussion of the Facility's potential to impact such species or their habitats should be provided as a summary impact table in the Application. This table should, at a minimum, contain items I through VIII in comment Section 22(o).	The requested table will be included in the Application.
167	NYSDEC	Exhibit 22-(o)-2	Terrestrial Ecology and Wetlands	3.22	Analysis of documented T&E species, SSC, and SGCN should be based on database records obtained from the NHP, other known records documented by NYSDEC, USFWS, and observation during on-site wildlife and habitat, ecological, and wetland surveys. If it is determined by the Applicant, NYSDEC, or USFWS that the construction or operation of the Facility is likely to result in a take of a listed species, including the modification of habitat on which a listed species depends, the Applicant will submit with the Application an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species as defined pursuant to 6 NYCRR Part 182.11, along with the informational requirements of an Incidental Take Permit as provided for in 6 NYCRR Part 182.11, including proposed actions to first avoid all impacts to listed species. The Application should include a discussion and analysis of information collected as part of pre-construction monitoring surveys at the Facility, surveys at existing photovoltaic solar energy projects in the northeast (if available), and information provided by NYS and federal agencies.	The analysis of the Project Area will consider the data sources indicated if the records and other information are timely provided by the listed agencies. If it is determined a "take" is required, an avoidance, minimization, and mitigation plan will be prepared in accordance with the requirements of 6 NYCRR Part 182. The Application will include a discussion and analysis of information collected as part of pre-construction monitoring surveys at the Project Area. See prior responses herein to NYSDEC comments concerning the reasons why analysis of other solar projects is neither reasonable nor required.
168	NYSDEC	Exhibit 22-(o)-3	Terrestrial Ecology and Wetlands	3.22	If impacts are unavoidable, the Application should demonstrate that they are unavoidable and provide a clear and reasoned explanation as to why complete avoidance of impacts to each affected species is not practicable, how the proposed minimization actions will minimize impacts to the maximum extent practicable, and proposed mitigation actions where impacts cannot be avoided or secondly minimized. If such impacts cannot be demonstrably avoided to the maximum extent practicable, the minimization actions and mitigation measures to be implemented should: be developed in consultation with NYSDEC and USFWS (if federally-listed species may be impacted); result in a net conservation	The requested information will be included in the Application as applicable.

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					benefit to the target species; and require thorough post construction monitoring that adequately measures the Facility's impact on the target species and evaluates effectiveness of measures implemented as minimization actions.	
169	NYSDEC	Exhibit 23-(a)-1	Terrestrial Ecology and Wetlands	3.22	Spatial data on water wells is available for download via NYSDEC's website at: https://www.dec.ny.gov/lands/33317.html or may be accessed via the New York State GIS Clearinghouse at: http://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1203 .	Understood.
170	NYSDEC	Exhibit 23-(b)-1	Terrestrial Ecology and Wetlands	3.22	Surface water maps should include perennial, intermittent and ephemeral streams, and wetlands, and be based on data from NYSDEC, ESRI, USGS, NWI, and stream data collected during on-site surveys of water resources. Wetland and stream delineations should identify all surface waters (ponds, vernal pools, and ephemeral, intermittent, and perennial streams). These data should also be provided to NYSDEC as shapefiles as soon as possible after they are prepared, and in tabular format that can be cross referenced to the maps.	The requested information will be included in the Application. The Applicant will make reasonable efforts to provide final shapefiles to NYSDEC before the Application is filed.
171	NYSDEC	Exhibit 23-(b)-2	Terrestrial Ecology and Wetlands	3.22	Every attempt should be made to avoid all impacts to surface waters, followed by a minimization of unavoidable impacts. Where impacts are unavoidable and have been minimized to the greatest extent practicable, mitigation measures should then be considered. Environmental impacts to be discussed and addressed should include thermal changes to waterbodies due to vegetative clearing, changes to instream structure and morphology, potential impacts to or taking of state-listed T&E, SSC and SGCN, and the effects of turbidity on nearby aquatic habitat.	The Application will include a list and evaluation of reasonable avoidance measures and the potential alternatives to avoid impacts, to the maximum extent practicable, to regulated wetlands and streams. Where impacts are deemed unavoidable, proposed measures to mitigate impacts to the maximum extent practicable will be discussed in the Application. Applicable potential environmental impacts, as required by Article 10, will also be evaluated in the Application.
172	NYSDEC	Exhibit 23-(b)-3	Terrestrial Ecology and Wetlands	3.22	All new stream crossings or upgrades of old crossings that may be necessary should be designed for a 100-year storm event. Culvert placement specifications should be described and enumerated, detail the expected flow calculations, and demonstrate culvert capacity with BMP considerations for culvert placement. The feasibility of using trenchless stream crossings should be assessed for all streams proposed to be crossed. BMPs should be employed throughout the remainder of the year for all stream crossings.	Conceptual design information for any proposed culverts or upgrades to existing culverts for stream crossings will be provided in the Application. Alternatives for stream crossings will be addressed in the Application. BMPs will be utilized year-round for all stream crossings. Likewise, BMP procedures will be documented in the Project's Stormwater Pollution Prevention Plan (SWPPP), described in the Application and presented for final approval in the Compliance Filing.
173	NYSDEC	Exhibit 23-(c)-1	Terrestrial Ecology and Wetlands	3.22	Enclosed is a copy of NYSDEC Division of Water's April 5, 2018 memorandum regarding "Solar Panel Construction Stormwater Permitting/SWPPP Guidance" The memo provides guidance and examples for two scenarios: first, where only erosion & sediment controls are required; second, where post-construction controls are required. This determination is based on criteria for spacing of solar panels, slope, construction of impervious surfaces, and other factors following Maryland's "Stormwater Design Guidance – Solar Panel Installations" which has been incorporated by reference. The Applicant should refer to the NYSDEC guidance in the SWPPP, specifically identifying how the criteria outlined by the Division of Water and the Maryland design guidance is met. The Application should discuss how the criteria are met in Section 23(c).	The requested information will be included in the Application and the Maryland "Stormwater Design Guidance – Solar Panel Installations" will be considered as part of SWPPP development.

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174	NYSDEC	Exhibit 28-1	Environmental Justice	3.22	Enclosed is a map of Potential Environmental Justice Areas located within 5 miles of the Project. This map includes NYSDEC Potential Environmental Justice Areas, US census American Community Survey income data from 2011-2016, and the locations of Indian Nation Reservations.	In accordance with 16 NYCRR §1001.28 of the Board's regulations, the Applicant will utilize the included map of Potential Environmental Justice Areas in the preparation of Exhibit 28: Environmental Justice.
175	Ag & Mkts	Section 2.2	Project Description	2.2	The proposed 90-megawatt Project encompasses approximately 1,200 acres; 550 of which comprises the solar energy center.	Comment noted.
176	Ag & Mkts	Exhibit 4-1	Existing Land Use and Project Planning	3.04	The PSS states that the Project Area is located within Montgomery County Agricultural District #3 with land use consisting of a mix pasture, hay fields, and cultivated crops. Figure 3 outlines the Project Area where the solar arrays are projected to be constructed; most of which appears to be designated as, Prime Farmland, Prime Farmland if Drained, Farmland of Statewide Importance. Based on a review of the USDA Web Soil Survey, it appears that most of the soil types are designated as Prime Farmland Soil and Soils of Statewide Importance. Only 10% of less of the land is Not Prime Farmland.	The Application will include mapping of the Project Area with the various farmland classifications listed in comment 176 and of mapped Agricultural Districts within the Project Study Area. The Application will also identify the farmland classifications located within the Project's proposed limit of disturbance.
177	Ag & Mkts	Exhibit 4-2	Existing Land Use and Project Planning	3.04	According to the U.S. Department of Agriculture, Prime Farmland Soils have the best combination of physical and chemical characteristics that enable them to be among the most productive and valuable agriculture soils in the State. This land is best suited for food and fiber production. The Department recommends other alternative locations with less valuable soil types be explored.	As required by Article 10, discussion on how the Project will avoid, minimize, or mitigate, to the maximum extent practicable, the impacts to agricultural soils identified in the comment will be evaluated in the Application. Reasonable alternative layouts within the Project Area will be assessed in Exhibit 9.
178	Ag & Mkts	Exhibit 4-3	Existing Land Use and Project Planning	3.04	The Application should include the percent of farmland within a 5-mile radius that will be converted to nonagricultural use. Cumulative impacts from other future farmland conversions during the life of the Facility should be discussed in the Application, including trends in farmland conversion within a 5-mile radius over the last 20 years. In addition, the applicant should include in its assessment of cumulative impacts, other smaller existent solar arrays within 5 miles of the Project Area.	In accordance with 16 NYCRR §1001.4(f), (Exhibit 4: Land Use), the Applicant will provide a map of all publicly known proposed land uses within the Study Area, gleaned from interviews with state and local planning officials, from the public involvement process, or from other sources. The cumulative impact of these identified publicly known proposed land uses within the Study Area along with the Project on farmland will be discussed, as will farmland conversion trends over the past 20 years within the Study Area based upon publicly available literature and databases. It is not within the Applicant's capabilities to predict future farmland conversions during the life of the Project.
179	Ag & Mkts	Exhibit 4-4	Existing Land Use and Project Planning	3.04	The Department recommends that the Applicant should take into consideration and discuss impacts of the Project Area relative to the goals of the Montgomery County Farmland Protection Plan. The Department considers a 20-year conversion of agricultural land to a nonagricultural use to constitute a permanent conversion. The Department is primarily concerned with the percent of agricultural land in the project area that is being converted to nonagricultural use and the impact on the agricultural viability in the Project Area. The Applicant should assess the cumulative impact of the Project Area and other conversions in the area over the useful life of the project. The Applicant should also discuss the impact of the project on agricultural viability in the area over the next 20 years.	See response to comment number 178 above. The Applicant will consider agricultural impacts relative to the goals of the Montgomery County Farmland Protection Plan, the duration of the Project, and agricultural viability, within the Project's Study Area.

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180	Ag & Mkts	Exhibit 9-1	Alternatives	3.09	Notably absent are any indications that other suitable sites including forested non-residential or commercial properties were evaluated. As noted above, the majority of the land is comprised of Prime Farmland Soils and State-Wide Importance, which constitutes the most productive agricultural land. Locations comprised of less valuable soil types should be identified and assessed by the applicant.	Given that the Applicant proposes to operate a private facility, the identification and description of applicable, reasonable, and available alternative location sites for the proposed Project, if any, will be limited to sites under option to the Applicant for the Project, as authorized by 16 NYCRR § 1001.9(a) and selected by NYSERDA from which to purchase renewable energy credits.
181	Ag & Mkts	Exhibit 9-2	Alternatives	3.09	The Application should include a discussion of alternative layouts using nonagricultural land within the area under lease. The Application should also include a discussion of the search for, and attempts to lease nonagricultural land for the Facility. The Department strongly urges the Applicant to explore alternative sites which are not flat, productive, well drained farmland comprised of Prime Farmland soil or Farmland of Statewide Importance.	See responses to comment numbers 177 and 180 above. A description and evaluation of reasonable alternatives regarding general arrangement and design at the Project Area will be included in the Application, including the use of nonagricultural land that is under lease in the Project Area, as applicable.
182	Ag & Mkts	Exhibit 22-1	Terrestrial Ecology and Wetlands	3.22	Land in the Project Area comprised of primarily active agricultural land. A discussion of potential impacts on agricultural resources, which will include calculations and an assessment of the areal extent of temporary and permanent impacts should be conducted by the applicant. Also, an evaluation of proposed agricultural restoration techniques due to temporary disturbance would be presented in the Application. The Department recommends that the Applicant follow the Department Guidelines.	A detailed description of proposed agricultural restoration techniques to be utilized during site restoration and decommissioning will be provided in Exhibit 29: Site Restoration and Decommissioning.
183	Ag & Mkts	Exhibit 34-1	Electric Interconnection	3.34	While this Section states that the Applicant prefers to use underground cabling for electrical connection, overhead cables may be used if requested by landowners or where underground is prohibited. In the event there are any overhead collection or transmission pole structures in agricultural fields, the Department will require that they be self-supporting, with no guy wires installed in agricultural land.	Comment noted. Electric collection lines will be primarily underground. The use of overhead cables for the Project, if necessary, will be sited outside of agriculture fields to the maximum extent practicable. Any type of overhead collection considered for the Project will be discussed and assessed in the Application.
184	Ag & Mkts	Exhibit 34-2	Electric Interconnection	3.34	In conclusion, the Department is concerned about the long-term viability of agriculture in the Facility Area due to the agricultural land and farmland soils being converted to a nonagricultural use. The Applicant should assess the cumulative impacts of the Project Area and other conversions in the area over the useful life of the project. The Applicant then needs to determine whether any reasonable and practicable alternative or alternatives exist which would minimize or avoid the adverse impact on agriculture to sustain a viable farm enterprise or enterprises within the Project Area.	See responses to comment numbers 179 -182 above.
185	Town of Florida	Section 2.3	Project and Study Area	2.3	On page 4 of the PSS it states that the study area “encompasses all areas within at least two miles of the property lines of the Project Area and includes approximately 19,141 acres or land (inclusive of the 1,220-acre Project Area). “According to the Applicant, the use of a 2-mile radius Study Area is consistent with the provisions of 16 NYCRR 1000.2(ar). However, the Article 10 Regulations indicate that, “for large facilities... with components spread across a rural landscape, the study area shall generally include the area within a radius of at least five miles from all generating facility components, interconnections and related facilities and alternative location sites.”	A two-mile study area was proposed in the PIP plan and no objection was received. The referenced regulation refers to “large” facilities such as wind or fossil fueled facilities, with components that are tall and therefore visible for many miles. Considering the Project’s relatively low profile compared to wind power facilities, a five-mile APE is not required. Based on the scale of the Project and the Project setting, the Application will include the evaluation of a two-mile Study Area from all Project Area property boundaries unless stated otherwise in

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					As noted on page 9 of the PSS, “The proposed Project Area boundary (see Figure 2) consists of approximately 1,220 acres of land, and the general landscape is a mix of agricultural and forest land.” Therefore, in conducting all of the necessary studies for the Article 10 application, the Applicant should be required to broaden the limits of the Study Area to a five-mile radius.	the Application for resource-specific surveys, such as viewshed analysis and historic resources. For the viewshed analysis and historic resource-specific surveys the Applicant is proposing a two- to five-mile Area of Potential Effects (APE) radius to identify specific historic resources and a two- to five-mile visual study area (VSA).
186	Town of Florida	Exhibit 4-1	Existing Land Use and Project Planning	3.04	Initially, it should be noted that the PSS incorrectly states and misrepresents that the Town does not have an existing comprehensive plan. (See, PSS at 17). Prior to embarking on any proposed studies relating to land use pursuant to 16 NYCRR § 1001.4, the Applicant should familiarize itself with the Town's Comprehensive Plan.	The correction is noted. The Town’s comprehensive plan will be evaluated, as applicable, in the Application.
187	Town of Florida	Exhibit 4-2	Existing Land Use and Project Planning: Compliance with Comprehensive Plan	3.04	The Application must contain a statement whether the proposed land use is consistent with the Town's Comprehensive Plan. In furtherance thereof, the Application should address the Comprehensive Plan's first goal and objective stated collectively as "Preserve farming. Continue the promotion of and the participation in the New York State Agricultural Districts Program". (Plan at 52). In doing so, the Application should identify the actions which will be taken to substantially mitigate or avoid the Project's incompatibility with the Town's Comprehensive Plan.	The information required by 16 NYCRR Part 1001.4(e) will be included in the Application.
188	Town of Florida	Exhibit 4-3	Existing Land Use and Project Planning: Compliance with Comprehensive Plan	3.04	The Applicant must also demonstrate how the Project will comply with the Town's third goal: "Preserve the Town's rural character and open spaces." (Plan at 52). This analysis needs to include the Plan's specific objective of "limit[ing] industrial and large scale commercial development to an area of the Town where it will have the least impact on the overall rural character of the community." (Id. at 53). Specifically, the Application must address how the proposed use and location of the Project does not negatively impact the rural character of the community, and to the extent that the Project may have a negative impact on the rural character of the community, the Application should provide a qualitative analysis of the actions necessary to substantially mitigate or avoid those impacts.	See response to the prior Town comment.
189	Town of Florida	Exhibit 4-4	Existing Land Use and Project Planning: Compliance with Comprehensive Plan	3.04	Additionally, the Application should address how the Project will meet the Town's fifth goal; "Enhance and encourage preservation of the Town's historic character." (Id. at 53); which includes the objective of "Preserv[ing] the Town's historic character through appropriate land use controls." (Id. at 53).	See response to the comment numbered 187.
190	Town of Florida	Exhibit 4-5	Existing Land Use and Project Planning: Prime Farmland in Designated Agricultural Districts	3.04	The Project Area is fully within Montgomery County Agricultural District 3, which is a state designated agricultural district containing Prime Farmland which was established pursuant to Article 25AA of the New York State Agriculture and Markets Law designed to protect farming by protecting farmers from anti-nuisance ordinances, limiting promotion of non-farm development and limiting the acquisition of land by eminent domain.	Comment noted.

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					According to the PSS, of the 22 mapped soil units that exist in the Project Area, "five are designated as Prime Farmland if Drained, seven are designated as Farmland of Statewide <i>Importance</i> , four are designated as <i>All Areas are Prime Farmland</i> and the remaining units are designated as <i>Not Prime Farmland</i> "	
191	Town of Florida	Exhibit 4-6	Existing Land Use and Project Planning: Prime Farmland in Designated Agricultural Districts	3.04	The PSS notes on page 16 that the Application will discuss how the project will avoid or minimize impacts to Prime Farmland, "including a description of the proposed methods for soil stripping, storage and replacement upon completion of construction, where disturbance to such areas cannot be avoided."	Comment noted.
192	Town of Florida	Exhibit 4-7	Existing Land Use and Project Planning: Prime Farmland in Designated Agricultural Districts	3.04	Given the large size of the Project area (1,220 acres), the Applicant should avoid disturbing Prime Farmland at all cost, and instead propose to locate solar arrays and associated appurtenances on non-prime designated farmland. However, if some or all of the project must be constructed on Prime Farmland, then the Application should include a discussion as to why it was not possible to avoid the Prime Farmland designated areas, including a reduction in Project area size, and what measures will be implemented to minimize or avoid detrimental impacts to that Prime Farm land.	The Application will include a discussion describing how the Facility layout, and construction, and operation of the Project will avoid or otherwise minimize impacts, to the maximum extent practicable, to all natural resources, including, without limitation, to Prime Farmland, including a description of the proposed methods for soil stripping, storage and replacement upon the completion of construction, where disturbance to such areas cannot be avoided.
193	Town of Florida	Exhibit 4-8	Existing Land Use and Project Planning: Prime Farmland in Designated Agricultural Districts	3.04	Figure 5 of the PSS establishes that an overwhelming portion of the proposed Project Site is currently being farmed for "cultivated crops" and "pasture/hay." To the extent that the Project seeks to develop Prime Farmland for non-agricultural purposes, the Applicant should address the Project's perceived noncompliance with Article 25AA of the Agriculture and Markets Law, specifically including how the Project will comply with the Declaration of Legislative Findings and Intent (See Ag&Mkts Law §300 et seq).	Impacts to agricultural land will be included in the Application in accordance with 16 NYCRR § 1001.22 and will be evaluated as part of the Article 10 process.
194	Town of Florida	Exhibit 4-9	Existing Land Use and Project Planning: Determination of Community Character	3.04	On page 21 of the PSS it states that the Application will include a "description of community character within the Study Area," and identify avoidance or mitigation measures that could potentially be implemented in order to minimize the impacts of the project on community character. The definition of community character as presented on page 21 of the PSS appears to be intentionally vague, overbroad and ambiguous. In fact, it isn't clear if community character will be evaluated from the perspective of Town of Florida residents, which it most assuredly should be.	The Application will address the requirements in 16 NYCRR Part 1001.4(p).
195	Town of Florida	Exhibit 4-10	Existing Land Use and Project Planning: Determination of Community Character	3.04	Therefore, the Applicant should indicate how it intends to identify and evaluate those community characteristics that the local community deems to be of particular significance and importance, and, therefore, must be maintained. In other words, the Applicant has to refer to, and comply with, the Comprehensive Plan.	See the response to the prior comment.
196	Town of Florida	Exhibit 4-11	Existing Land Use and Project Planning:	3.04	Additionally, the Applicant should incorporate into this section of the application both public sentiment and comments regarding the Project to better determine the specific aspects and features of the character of the community which are	The Application will incorporate comments received regarding community character during public involvement activities into the analysis of impacts of facility construction and operation

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			Determination of Community Character		appreciated by its residents in order to address the impacts that the Project will have on this subject matter and the specific mitigation measures that will be employed to substantially minimize or avoid adverse impacts.	on community character, as required by 16NYCRR Part 1001.4(p).
197	Town of Florida	Exhibit 4-12	Existing Land Use and Project Planning: Determination of Community Character	3.04	Finally, the Applicant should not rely solely on the tax classification codes for determining the current land usage as is currently proposed (<i>see</i> , PSS at 18), but rather should identify the actual uses as reconciled with the zoning designations and permitted uses in the local Zoning Ordinance.	For the Application, the land use will be further described and mapped based on site-specific investigations and documentation. To further define land uses on land classified by the New York State Office of Real Property Services as Vacant Land within the Project Area, the Applicant will inquire about current uses of vacant land through coordination with participating landowners.
198	Town of Florida	Exhibit 9-1	Applicable, Reasonable and Available Alternatives: Reasonable Alternative Locations	3.09	Pursuant to 16 NYCRR § 1001.9, the Applicant must identify other locations which are under its control, or the control of its " <i>affiliates</i> ." Accordingly, the Application should contain a thorough description and depiction of each site that is under the control of Applicant's parent companies and/or subsidiaries including its application under Case I 7-F-0599, for East Point Energy Center, LLC.	The Application, in accordance with 16 NYCRR § 1001.9, will include an identification, if any, of applicable, reasonable, and available alternative location sites for the proposed Project. The alternatives analysis will be limited to property under the Applicant's control (i.e., option, lease or ownership) in accordance with 16 NYCRR § 1001.9(a).
199	Town of Florida	Exhibit 9-2	Applicable, Reasonable and Available Alternatives: Reasonable Alternative Locations	3.09	For each one of NextEra's current or proposed project sites, the Applicant must complete a full evaluation and analysis of the feasibility of the site to replace or co-locate the Project. If the Project cannot be maintained in any alternative site, the Application must provide in specific detail why the proposed location is best suited.	See response to the prior comment.
200	Town of Florida	Exhibit 9-3	Applicable, Reasonable and Available Alternatives: Reasonable Alternative Locations	3.09	Additionally, the Applicant must undertake and provide an evaluation of the "no action/no build" alternative at the Project Site including a statement with the specific reasons why the project is better suited to promote public health and welfare than the currently existing and permitted uses.	The Application will provide a description and evaluation of the no action/no build alternative at the proposed Project location in accordance with 16 NYCRR § 1001.9(f).
201	Town of Florida	Exhibit 9-4	Applicable, Reasonable and Available Alternatives: Alternative Layouts	3.09	According to the PSS, the proposed solar energy facility will occupy approximately 550 acres of the roughly 1,220 acres that comprises the Project Area. Therefore, there is sufficient land available for the Applicant to evaluate numerous alternative locations and layouts for the siting of the proposed solar panel arrays within the Project Area.	A proposed Project layout will be presented in the Application along with a discussion of the alternative layouts considered reasonable and "feasible considering the objectives and capabilities" of the Project sponsor, in compliance with the Article 10 regulations.
202	Town of Florida	Exhibit 9-5	Applicable, Reasonable and Available Alternatives: Alternative Layouts	3.09	In addition to the criteria that is listed on pages 34 and 35 of the PSS, the Applicant should also incorporate the following factors into the assessment of alternative locations: potential future use of the proposed area; effect on soil productivity for agricultural purposes; limitations on use of Agricultural District 3 designations: <i>Prime Farmland if Drained, Farmland of Statewide Importance, and All Areas of Prime Farmland</i> ; visual impacts; noise and glare impacts; and impacts on neighboring property values.	See response to Comment 201.

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203	Town of Florida	Exhibit 9-6	Applicable, Reasonable and Available Alternatives: Alternative Layouts	3.09	It is important to note that the Town residents are particularly concerned with the visual impacts associated with the siting of the solar array panels. As such, the Applicant should conduct a site specific visual impact assessment for each of the identified alternative locations, and provide a detailed comparison/evaluation in the Article 10 application regarding the findings of the individualized visual impact assessments.	An evaluation of the comparative advantages and disadvantages of the proposed and alternative facility layouts will be included in the Application in accordance with 16 NYCRR §1001.9.
204	Town of Florida	Exhibit 9-7	Applicable, Reasonable and Available Alternatives: Alternative Layouts	3.09	As previously noted, the entire Project Area is located within Montgomery County Agricultural District 3. According to the PSS, the existing agricultural uses include cultivated crops (predominantly corn and soy beans), and a mixture of pasture and hay fields. However, only certain portions of the Project Area are being actively farmed, and therefore the Applicant should make a concerted effort to site the proposed solar panel arrays on land that is not currently being used for agricultural purposes. In addition, the solar panel arrays should be located on land that has already been disturbed or developed.	A description and evaluation of reasonable alternatives regarding general arrangement and design will be included in the Application, including the use of nonagricultural land that is under lease in the Project Area, as applicable.
205	Town of Florida	Exhibit 9-8	Applicable, Reasonable and Available Alternatives: Alternative Layouts	3.09	However, should it be necessary for the solar panel arrays to be sited on land that is being actively farmed, the Article 10 application should clearly indicate why it was necessary to utilize an actively farmed area, and what steps will be taken to return the area to active agricultural use following the decommissioning of the solar panel arrays.	See response to Comment 204. A description of proposed agricultural restoration techniques to be utilized during site restoration and decommissioning will be provided in Exhibit 29: Site Restoration and Decommissioning.
206	Town of Florida	Exhibit 13-1	Real Property	3.13	The Application should include full and un-redacted copies of each lease, license, and/or contract for the use of the lands consisting of the Project Site. In the event that the agreements contain contingencies or conditions precedent to obtaining the necessary access, rights, and interests, a statement as to how each contingency or condition precedent will be met and a corresponding timeline for execution needs to be included in the Application.	The requested information is not required to be filed under Article 10.
207	Town of Florida	Exhibit 13-2	Real Property	3.13	For each provision of the aforementioned agreements, identify in the Application which ones define, establish, and identify a potential breach of the same, together with any provisions to cure. This analysis must also include enforcement procedures, a statement describing the steps that will be taken by the Applicant to avoid each such delineated breach, the resources which will be set aside and available to cure any such breach, and the adverse impacts that a breach and subsequent enforcement will have on the Project.	See response to Comment 206.
208	Town of Florida	Exhibit 13-3	Real Property	3.13	Furthermore, the Applicant should consider the tax implications of converting agricultural land to non-farm use. Such a conversion will result in loss of the land's agricultural tax exemption and may even be subject to sanctions or penalties under New York State's Agricultural Districts Law. The Applicant should consider these impacts when evaluating and discussing real property in its Application. The Applicant should also describe how it intends to return any converted land back to qualified agricultural use and reinstate application of an agricultural assessment after the Project is decommissioned.	The Applicant will prepare Exhibit 13: Real Property in accordance with the requirements of 16 NYCRR §1001.13. Information on restoration techniques to convert land back to agricultural use will be included in Exhibit 29: Site Restoration and Decommissioning. Reinstatement of agricultural assessment will not be discussed in the Application as it is outside the scope of Article 10.
209	Town of Florida	Exhibit 15-1	Public Health and Safety	3.15	The PSS makes no mention of the potential use of pesticides, herbicides, or fertilizer by the Applicant for landscaping maintenance purposes in the vicinity of the solar arrays. However, in the event that the Applicant intends to utilize	In the event that the Applicant chooses to employ the use of herbicides or fertilizers, they will be approved for the intended use by the applicable governmental agency and information

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					pesticides, herbicides, or fertilizer in the Project Area, the chemicals that will be used should be identified and MSDS sheets for these chemical products must be included in the Article 10 application.	will be provided in the Application identifying typical types utilized and the reasoning for their use.
210	Town of Florida	Exhibit 15-2	Public Health and Safety	3.15	Furthermore, the Applicant should evaluate the potential detrimental impacts of the use of pesticides, herbicides, and fertilizers on the remaining Project site, neighboring residents, including their livestock or pets, as well as the groundwater quality in nearby private water supply wells and any identified aquifer(s).	In the event that the Applicant chooses to employ the use of governmental – approved herbicides or fertilizers, the Applicant will also present the applicable governmental analysis of such use on humans, livestock and ecological resources.
211	Town of Florida	Exhibit 24-1	Visual Impacts	3.24	Town of Florida residents are very concerned about the potential visual impacts associated with the scope and size of the proposed solar arrays. In particular, the viewshed of neighboring property owners whose houses and yards are situated at a topographically higher elevation than the proposed nearby solar panel arrays will be significantly negatively impacted unless appropriate visual impact mitigation measures are employed.	In accordance with 16 NYCRR §1001.24, a visual impact assessment (VIA) will be conducted to determine the extent and assess the significance of facility visibility. The Application will include proposed mitigation, as applicable, in accordance with 16 NYCRR §1001.24(a)(10).
212	Town of Florida	Exhibit 24-2	Visual Impacts	3.24	For this reason, it is imperative that individual, localized visual impact assessment studies be conducted around the perimeter of each proposed solar array. This request is in stark contrast to the verbiage on page 124 of the PSS which states "The definition of the Visual Study Area (VSA) is currently proposed to be two to five miles around the property boundaries of the Project Area and not around the general perimeter outline of the solar array themselves."	The Visual Study Area (VSA) represents the outer boundary of the area to be studied with regard to potential visual impacts. Within the VSA, potential visibility of the aboveground facilities will be assessed either by viewshed analysis or photosimulations.
213	Town of Florida	Exhibit 24-3	Visual Impacts	3.24	Therefore, the Applicant should thoroughly evaluate the visual impacts of the project from all residential neighboring properties, as this project could have significant, negative impacts on their viewshed and property values, if not sited properly. This PSS should have identified which neighboring properties and topographically higher elevation properties would be evaluated. This information must be incorporated into the Application.	The Applicant is still in the process of developing a proposed solar array layout, thus it would have been premature to identify viewpoints for the viewshed analysis. The Application will evaluate visibility of the Project and assess potential visual impacts within the VSA as required by the Article 10 regulations. See applicable responses herein to comments received from DPS.
214	Town of Florida	Exhibit 24-4	Visual Impacts	3.24	The PSS states on page 127 that the Applicant will perform an analysis of potential glare effects once the solar panel arrays have been constructed and are operational. However, as part of the Article 10 application, the Applicant should research alternative makes and models of solar panels and describe why the selected solar panel design will produce the least amount of glare and reflection. As stated above, the Applicant needs to analyze the potential visual and glare effects on neighboring property owners, as well as on vehicles travelling in close proximity to the solar arrays.	The Application will contain an analysis and description of potential glare-related effects during operation of the Project in accordance with 16 NYCRR §1001.24(a)(9). See applicable responses herein to comments 42 and 110 from DPS.
215	Town of Florida	Exhibit 24-5	Visual Impacts	3.24	Additionally, the Application should include a proposal of available mitigation strategies including but not limited to screening, alternative technologies, and panel color.	The Application will include proposed mitigation in accordance with 16 NYCRR §1001.24(a)(10).
216	Town of Florida	Exhibit 27-1	Socioeconomic Effects	3.27	The Applicant has not described any socioeconomic benefits that the Town would receive from the Project as the host community. The PSS states that the Project will only provide temporary jobs, despite taking away over 1,220 acres of property that could provide permanent employment by other industries.	The Project construction, operation, and maintenance will be analyzed to determine the socioeconomic effects, in compliance with 16 NYCRR §1001.27. This analysis will be included in the Application. It should be noted that while the Project Area consists of 1,220 acres, approximately 550 acres

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						will be utilized for development of the High River Energy Center and the remaining approximately 670 acres of land may be available for continuation of existing uses, such as agriculture
217	Town of Florida	Exhibit 27-2	Socioeconomic Effects	3.27	Furthermore, poor siting and other adverse effects on valuable environmental and cultural resources in the area would discourage tourism and potential new residents and homeowners. In its Application, the Applicant should consider how it intends to mitigate these significant adverse impacts. The Application should also include copies of any proposed PILOT agreements or similar arrangements which are under consideration. The consequences of this type of activity to the local and regional tax base must also be fully discussed and analyzed.	See response to Comment 215 above. The Applicant anticipates entering into a PILOT agreement and/or Host Community Agreement, but negotiation of those agreements are outside the scope of Article 10. The Applicant will continue to coordinate with municipal officials and provide an update in Exhibit 27 of the Application based upon publicly available information.
218	Town of Florida	Exhibit 31-1	Local Laws and Ordinances	3.31	The PSS correctly points out that the Town recently enacted a moratorium on construction of solar energy systems and equipment and solar energy facilities. (See, PSS at 153). To coincide with the Moratorium, the Town is in the process of amending its Zoning Ordinance as it pertains to Solar Energy Systems and Equipment.	No response required.
219	Town of Florida	Exhibit 31-2	Local Laws and Ordinances	3.31	The substantive amendments to the Zoning Ordinance will be applicable to the Project pursuant to 16 NYCRR § 1001.31. To the extent that the Applicant believes that any substantive requirement is unreasonably burdensome and seeks relief from the Siting Board, a thorough quantitative analysis, including an inability to yield a reasonable return, needs to be prepared.	The Applicant will abide by the Article 10 regulations.
220	Town of Florida	Exhibit 31-3	Local Laws and Ordinances	3.31	The Town appreciates the opportunity to express its comments and reserves the right to provide additional input on the PSS as the parties work on resolving the identified concerns.	No response required.
221	Citizens for Responsible Solar Farm Placement	Exhibit 2-1	Overview and Public Involvement	3.02	In its description of the solar array the Applicant should provide the manufacture's specification sheets and indicate whether the panels will be solar tracking.	The requested information will be included in the Application as applicable. To the extent the proposed panel has been selected the information will be provided in the Application. If the precise panel has not been selected, typical information for the proposed alternative panel will be presented.
222	Citizens for Responsible Solar Farm Placement	Exhibit 2-2	Overview and Public Involvement	3.02	The Applicant should indicate whether the solar panels contain toxic materials such as lead, cadmium telluride, copper indium selenide, and sulfur hexafluoride.	The requested information will be included in the Application as applicable.
223	Citizens for Responsible Solar Farm Placement	Exhibit 2-3	Overview and Public Involvement	3.02	The Applicant should discuss any potential health hazard that could occur if the panels break and toxic materials, if any, leach into the soil.	The requested information will be included in the Application as applicable.
224	Citizens for Responsible Solar Farm Placement	Exhibit 2-4	Overview and Public Involvement	3.02	The CRSFP is totally dissatisfied with the way the open house was conducted on August 29, 2018. The Applicant sought to break up attendees into separate groups rather than address questions from the attendees so that everyone present could hear the answers. The attendees requested this format and the Applicant refused to comply. Furthermore, the open house was held on the opening date of the County fair which likely prevented some residents from	Comment noted.

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					attending. Consequently, the CRSFP requests that any future open houses be held in a “town hall” question and answer format and that the dates chosen should be sensitive to events in the local community.	
225	Citizens for Responsible Solar Farm Placement	Exhibit 4-1	Existing Land Use and Project Planning	3.04	On page 16, the Applicant states, “The Application will also include a discussion describing how the siting, construction, and operation of the Project will avoid or otherwise minimize impacts, to the maximum extent practicable, to Prime Farmland, including a description of the proposed methods for soil stripping, storage and replacement upon the completion of construction, where disturbance to such areas cannot be avoided.” To the extent the siting, construction, and operation activities described would impact farmlands directly abutting the proposed solar farm, the Applicant should propose methods of compensation to such farmers in the event their farming operations are affected by such activities.	The proposed Project will not affect abutting farmland. The Application will include a preliminary Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with the New York State Specifications for Erosion and Sediment Control (SDESC) and the New York State Stormwater Management Design manual. The SWPPP will include an erosion and sediment control plan as required per the SPDES General Permit to limit the possibility of offsite impacts.
226	Citizens for Responsible Solar Farm Placement	Exhibit 4-2	Existing Land Use and Project Planning	3.04	On page 17, the Applicant states that the Town of Florida does not have an existing comprehensive plan. This is incorrect. The Town of Florida has an existing comprehensive plan which, among other things, states, “This program is designed to protect farming by protecting farmers from anti-nuisance ordinances, limiting promotion of non-farm development and limiting the acquisition of land by eminent domain.”	Correction noted.
227	Citizens for Responsible Solar Farm Placement	Exhibit 5-1	Electric Systems Effects	3.05	The CRSFP believes the most important standard, the NESC, is missing from the list of standards mentioned on page 22 of the PSS. If the Applicant believes the NESC standard is not applicable, it must state why in the Application.	The NESC standard will be included in the Application.
228	Citizens for Responsible Solar Farm Placement	Exhibit 8-1	Electric System Production Modeling	3.08	The Applicant should provide the 8760 solar profile used to estimate the capacity factor of the proposed Facility.	That information is not required to be disclosed under Article 10 and in any event is confidential.
229	Citizens for Responsible Solar Farm Placement	Exhibit 8-2	Electric System Production Modeling	3.08	The Applicant should describe how it intends to remove snow from the solar panels during the winter months given that snow cover in the project area usually lasts from December through the beginning of April.	The panels’ angular mounting allows most snow and ice to slide off the panels onto the ground once the sun rises and begins to warm the panels.
230	Citizens for Responsible Solar Farm Placement	Exhibit 8-3	Electric System Production Modeling	3.08	The Applicant should provide an estimate of the quantity of electricity expected to be lost because of snow cover on the solar panels.	The Application will include an analysis in accordance with 16 NYCRR §1001.8.
231	Citizens for Responsible Solar Farm Placement	Exhibit 9-1	Applicable, Reasonable and Available Alternatives	3.09	On page 33, the Applicant stated that High River Energy Center selected the proposed Project Area based on available land from willing landowners, among others. The Applicant should describe its interaction with adjacent landowners and farmers (other than those who are leasing or selling property to the Applicant) whose properties will be directly impacted by the solar farm and explain whether or not they expressed concerns or opposition to having a solar farm located in the immediate vicinity of their homes or farms.	Any public involvement and communication with landowners is included in the Project’s PIP meeting log that can be found on the Project website and the DPS DMM website. Further information will be provide in the Application.

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232	Citizens for Responsible Solar Farm Placement	Exhibit 9-2	Applicable, Reasonable and Available Alternatives	3.09	On page 34, the Applicant states, “Alternative generating technologies such as wind and natural gas, or other sources such as transmission or demand reducing alternatives, are not reasonable due to the award of the REC contract by NYSERDA to the Applicant for the construction and operation of a 90 MW solar facility <i>at the proposed site</i> [emphasis added].” The Applicant should clarify if the REC contract was awarded based on the site chosen or if it was based on the generating capability of the proposed solar farm, which could have been located elsewhere.	NYSERDA determines why a project is selected, not a bidder. The bid was for 90MWs at the proposed location.
233	Citizens for Responsible Solar Farm Placement	Exhibit 11-1	Preliminary Design Drawings	3.11	The Applicant should indicate how much of the buildable 550 acres will be covered by the solar panels and prevent rain from directly impacting the ground.	This information will be provided in the Application.
234	Citizens for Responsible Solar Farm Placement	Exhibit 11-2	Preliminary Design Drawings	3.11	Under Exhibit 11(c), the Applicant should provide grading, erosion and stormwater control plans showing how residences and farmland adjacent to the project area will be protected from soil erosion and stormwater runoff during construction and operation beyond what is experienced today. It should be noted that the steep slopes of the project area could lead to disastrous stormwater runoff affecting residential wells and septic systems in the area.	The Application will include a preliminary Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with the New York State Specifications for Erosion and Sediment Control (SSESC) and the New York State Stormwater Management Design manual. The SWPPP will include an erosion and sediment control plan as required per the SPDES General Permit to minimize, to the maximum extent practicable, soil erosion and sedimentation within water resources throughout the Project Area.
235	Citizens for Responsible Solar Farm Placement	Exhibit 15-1	Public Health and Safety	3.15	On page 52, the Applicant states that the Project will not cause public health or safety concerns. Such a statement is clearly premature and cannot be made without conducting studies evaluating the potential impacts of the project from possible glare, noise, soil erosion, soil contamination, groundwater contamination, well contamination, stormwater runoff, and wildfires.	The Applicant will address the requirements of 16 NYCRR Part 1001.15 in the Application.
236	Citizens for Responsible Solar Farm Placement	Exhibit 15-2	Public Health and Safety	3.15	The Applicant should list all herbicides to be used for vegetation management and fully describe potential soil, groundwater and water supply well contamination from their usage. It should be noted that there are many residential drinking water wells in the proximity of the project area.	If herbicide application is planned for the Project, the Applicant will address its potential impacts to soil, groundwater and identified water supply wells.
237	Citizens for Responsible Solar Farm Placement	Exhibit 15-3	Public Health and Safety	3.15	The Applicant should list all chemicals or salt products to be used for snow removal and fully describe potential soil, groundwater and well contamination from their usage.	To the extent chemical and salt products are used, the comment will be addressed in the Application.
238	Citizens for Responsible Solar Farm Placement	Exhibit 18-1	Safety and Security	3.18	On page 52, the Applicant states that it will provide a description of all contingency plans to be implemented in response to the occurrence of a fire emergency. The CRSFP is very concerned about the devastating impact a fire can have if it occurs during a period of sustained high winds. The project area is known to have greater than 20 miles per hour sustained wind for hours on end. The fact that the project area is surrounded by hay fields, a fire that occur during a period of high sustained high winds could have devastating impacts on residential buildings surrounding the project area. The CRSFP requests the Applicant address wildfire containment in its Application.	Contingency for potential of fire will be addressed in the Application. Relevant on-site equipment and system information will be provided to the appropriate emergency response agencies, including the local fire and police departments. The local entities, all on-site equipment, and any on-site safety control measures (i.e., fire extinguishers and their locations) will be included in the Draft Emergency Response Plan (ERP), which will be submitted with the Application. The fire department will be consulted to review

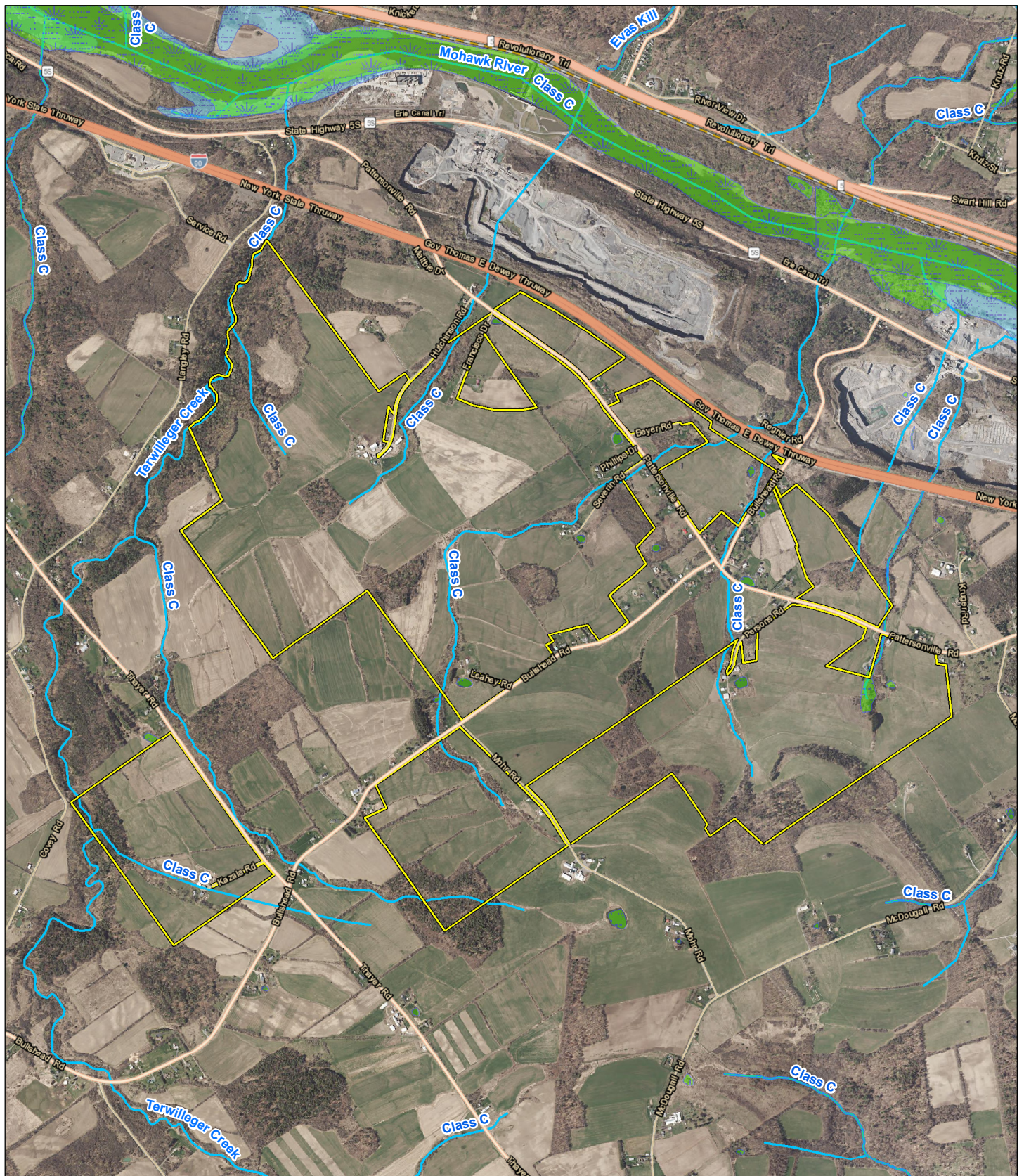
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						the draft ERP and preliminary plans, and their input will be solicited.
239	Citizens for Responsible Solar Farm Placement	Exhibit 18-2	Safety and Security	3.18	The Project Area is known for hosting sizeable wildlife population. The Applicant should conduct a full assessment of the impacts of fences on wildlife migration including pushing the wildlife onto residential property, nearby roads and the New York State Thruway, which is near the Project Area.	Only project components will be fenced. In accordance with the current Town of Florida regulations - Article VIII Supplementary Regulations, Section 45.5 Solar Energy Systems and Equipment (Utility-Scale Solar Collector System): <i>§ B 2 Setback</i> , Project accessory structures, including fencing, will have a minimum setback from any property line of 200 feet. See prior response to DPS comments on fencing contained herein.
240	Citizens for Responsible Solar Farm Placement	Exhibit 18-3	Safety and Security	3.18	The Applicant should provide an assessment of the effects of fences on the ability to safely operate farm equipment where the fences will be right up to the abutting property line.	In accordance with the current Town of Florida – Article VIII Supplementary Regulations, Section 45.5 Solar Energy Systems and Equipment (Utility-Scale Solar Collector System): <i>§ B 2 Setback</i> , Project accessory structures, including fencing, will have a minimum setback from any property line of 200 feet. There will be no effect on the ability to operate farming equipment on abutting properties.
241	Citizens for Responsible Solar Farm Placement	Exhibit 18-4	Safety and Security	3.18	The Applicant should conduct a full assessment of light pollution from security lights on residential buildings having direct line-of-sight visibility of the proposed solar farm.	Security lighting will be focused downward in order to minimize any impacts to wildlife and visual receptors. Lighting will be manually activated and lighting used will be the minimum levels needed to accomplish maintenance and will not be used when unnecessary.
242	Citizens for Responsible Solar Farm Placement	Exhibit 18-5	Safety and Security	3.18	The Applicant should describe whether the source of electrical power for the security lights and surveillance facilities at night will be from battery power or from National Grid.	The requested information will be included in the Application.
243	Citizens for Responsible Solar Farm Placement	Exhibit 19-1	Noise and Vibration	3.19	The CRSFP requests that construction activities be limited to business hours on Monday to Friday if the proposed project is approved for construction. The CRSFP opposes construction on Saturdays as proposed by the Applicant on page 65 of the PSS.	The Application will include a discussion of time frames for construction activities.
244	Citizens for Responsible Solar Farm Placement	Exhibit 19-2	Noise and Vibration	3.19	The CRSFP requests that applicable noise calculations be performed for all residences in proximity to the proposed project, specifically for residences located close to the collector substation and POI switchyard.	Noise impacts will be calculated in accordance with 16 NYCRR § 1001.19, including impacts on sensitive sound receptors in relation to the facility. Sensitive sound receptors will include neighboring residences.
245	Citizens for Responsible Solar Farm Placement	Exhibit 21-1	Geology, Seismology, and Soils	3.21	On page 89, the Applicant states “The Project will not result in significant impacts to geology, topography and soils. Only temporary, minor impacts to topography are expected as a result of construction activities. For example, <i>where arrays and access road sites are not located on completely level terrain</i> , some minor cut and fill or addition of fill may be required [emphasis added].” The CRSFP is baffled by this statement since almost none of the project area consists of completely level terrain. In fact, almost the entire project area has some degree of slope albeit some areas are more sloped than others. The	The requested information will be included in the Application.

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					Applicant must specifically explain why any impacts would be “temporary” and further describe in detail all anticipated actual impacts to topography.	
246	Citizens for Responsible Solar Farm Placement	Exhibit 21-2	Geology, Seismology, and Soils	3.21	On page 89, the Applicant states that it anticipates that the solar array racking systems will be supported by posts driven into the ground and will not require foundations. The CRSFP questions whether this is a realistic assumption given that the Applicant still has to do soil testing as indicated on page 96 where the Applicant states “The overall suitability of the soil conditions for construction will be analyzed based on the results of the preliminary geotechnical investigation. This investigation will include test borings at a subset of proposed solar array and substation locations and reviews of publicly available surface and subsurface soils, bedrock, and groundwater data.” Should foundations be required for the solar array racking systems, the Applicant should indicate what steps will be taken during decommissioning to return the soil to its preconstruction condition available for agriculture.	The requested information will be included in the Application, as applicable.
247	Citizens for Responsible Solar Farm Placement	Exhibit 22-1	Terrestrial Ecology and Wetlands	3.22	On page 106, the Applicant states, “The Application will describe potential direct and indirect impacts to mammal species reasonably likely to occur on or in the vicinity of the Study Area, including any potential mitigation and avoidance measures that will be undertaken, as required or appropriate.” As stated above, the CRSFP requests that the Applicant conduct a full assessment of the impacts of fences on wildlife migration including pushing the wildlife onto residential property, nearby roads and the New York State Thruway, which is near the Project Area.	See response to earlier comment by CRSFP on this topic. The Application will include a discussion of potential direct and indirect impacts to wildlife species, as noted, and an assessment of the impact of Project components on wildlife will be evaluated in accordance with 16 NYCRR §1001.22.
248	Citizens for Responsible Solar Farm Placement	Exhibit 22-2	Terrestrial Ecology and Wetlands	3.22	On page 106, the Applicant states, “The Application will include descriptions of potential direct and indirect impacts to avian species reasonably likely to occur on or in the vicinity of the Study Area, including any potential mitigation and avoidance measures that will be undertaken, as required or appropriate.” The CRSFP requests that the Applicant conduct a full assessment of the impacts of the solar panels and their potential glare on Canadian geese migration given that Canadian geese fly over the project area en masse during their annual migration.	See prior response to DPS comment herein on glare. The Application will address the requirements of 16 NYCRR.22 on avian species.
249	Citizens for Responsible Solar Farm Placement	Exhibit 23-1	Aquatic Ecology and Water Resources	3.23	On page 114, the Applicant states, “To identify water wells within the Project Area, a Freedom of Information Law (FOIL) request letter will be sent to the Montgomery County Department of Health and the NYSDEC to request access to all publicly available water well information. The Application will include information received from the NYSDEC and Montgomery County on water wells, including location, depth, yield, and use, if such data are available. Figure 12 provides preliminary identification of currently mapped water wells.” The CRSFP finds the identification of currently mapped water wells presented in Figure 12 to be woefully outdated even though it referenced the <i>NYSDEC, Bureau of Water Resource Management, 2016</i> as the source. The Applicant should rely on the residential mapping presented in Figure 4 for a better indication of well locations and should assume that each residential building in the project vicinity has at least one well. In addition to its FOIL request mentioned above, the Applicant should directly contact all residences located in the vicinity of the project by mail	Because the utilization of blasting techniques is not anticipated for the Project, impacts to wells in the area are also not anticipated. As such, if blasting is not proposed, in addition to the stated FOIL requests noted in the PSS, the request to NYSDOH will be made for data of existing groundwater wells within 500 feet of the Project Area. See prior responses herein to DPS and DEC comments on this topic.

Comment Number	Party	Party Comment Number	Topic	PSS Document Reference	Party Comment	Response
					seeking information on their water wells, including location, depth, yield, and use.	
250	Citizens for Responsible Solar Farm Placement	Exhibit 23-2	Aquatic Ecology and Water Resources	3.23	The Applicant should offer to pay for all homeowners' well water testing prior to project construction so homeowners will have a basis to compare their well water quality prior to construction and operation of the proposed solar facility.	The cited proposal is not required under Article 10. See responses to Comment numbered 233-236 and 249 above.
251	Citizens for Responsible Solar Farm Placement	Exhibit 23-3	Aquatic Ecology and Water Resources	3.23	On page 119, the Applicant states, "Preparation of the final SWPPP will require a level of detail that is not expected to be available until after the completion of the Application and final engineering." The CRSFP is very concerned that this statement seems to indicate that the Applicant is seeking approval of the Certificate of Environmental Compatibility and Public Need prior to full assessment of the potential effects of stormwater runoff on nearby property. Farmers whose farmlands directly abut and are located downslope of the proposed solar farm are very concerned about the possibility of soil erosion and stormwater runoff ruining their ability to farm their properties. The fact that solar panels will be covering soil that would have otherwise absorbed rainfall will worsen stormwater runoff. Farming is the livelihood of many farmers in the area and any impact to their farmlands can cause severe economic hardship on them.	As previously stated, in accordance with Article 10, the preliminary SWPPP submitted as part of the Application will include an erosion and sediment control plan as required per the SPDES General Permit to minimize, to the maximum extent practicable, soil erosion and sedimentation within water resources throughout the Project Area. The final SWPPP will be reviewed and approved before construction is commenced as part of the Compliance Filing.
252	Citizens for Responsible Solar Farm Placement	Exhibit 24-1	Visual Impacts	3.24	On page 126 it states that the Applicant will consult with DPS Staff and other stakeholders for their input on the selection of additional viewpoints for simulations per 16 NYCRR § 1001.24 (b)(4) and (b)(4)(v). The CRSFP requests that the Applicant provide actual leaf-off photographs as well as leaf-off photographic simulations of the solar farm from all residences having direct line-of-sight visibility of the proposed project. The CRSFP is willing to provide the Applicant names and addresses of impacted residences whose owners are willing to have photographs taken from their property. The Applicant should also contact by mail all homeowners having direct line-of-sight visibility of the project offering to do before and after photographic simulations of the solar farm from their residences, if it's agreeable to the homeowners.	The Applicant will provide the requested actual leaf-off photographs in addition to leaf-off photographic simulations from residences or representative viewpoints, as determined through additional consultations, having direct line-of-sight visibility of the proposed Project, and within the scope of Article 10 regulations.
253	Citizens for Responsible Solar Farm Placement	Exhibit 24-2	Visual Impacts	3.24	The CRSFP requests that the Applicant provide actual leaf-off photographs as well as leaf-off photographic simulations in panorama view of the solar farm from all local roads having direct line-of-sight visibility of the proposed project. The CRSFP will be happy to suggest viewpoint locations for the photographs and photographic simulations.	The Applicant will perform visual analyses as required in 16 NYCRR § 1001.24: Visual Impacts.
254	Citizens for Responsible Solar Farm Placement	Exhibit 24-3	Visual Impacts	3.24	The CRSFP requests that all photographic simulations include simulations of fences that will be used to prevent unauthorized access to the project area.	The Applicant will include fencing in applicable photographic simulations of the proposed Project.
255	Citizens for Responsible Solar Farm Placement	Exhibit 24-4	Visual Impacts	3.24	The CRSFP requests that the Applicant conduct glare analyses showing the impact on all residences having direct line-of-sight visibility of the proposed project. The CRSFP is willing to provide the Applicant names and addresses of impacted residences whose owners are willing to have measurements taken from their property that will be needed for the glare analyses. The Applicant	The Application will contain an analysis and description of potential glare related effects on residences having direct line-of-sight visibility of the proposed Project within the scope of Article 10 regulations.

Comment Number	Party	Party Comment Number	Topic	PSS Document Reference	Party Comment	Response
					should also contact by mail all homeowners having direct line-of-sight visibility of the project offering to do a glare analysis from their residences, if it's agreeable to the homeowners.	
256	Citizens for Responsible Solar Farm Placement	Exhibit 24-5	Visual Impacts	3.24	The picture below shows the glare on solar panels from a small-scale solar facility located on Route 30 in the Town of Florida. This picture should give a sense of potential impacts on residences having direct line-of-sight visibility of the proposed project bearing in mind that many residential buildings are in higher elevations than the panels and occupants will be looking down at the panels.	Comment noted.
257	Citizens for Responsible Solar Farm Placement	Exhibit 24-6	Visual Impacts	3.24	The CRSFP requests that the Applicant conduct glare analyses showing the impact on vehicular traffic that will have direct line-of-sight visibility of the proposed solar farm.	The Application will contain an analysis and description of potential glare related effects on vehicular traffic that will have direct line-of-sight visibility of the proposed project.
258	Citizens for Responsible Solar Farm Placement	Exhibit 27-1	Socioeconomic Effects	3.27	The CRSFP requests that the Applicant do a real estate assessment of the effects the proposed solar farm will have on residential property values, especially for those properties having direct line-of-site visibility of the solar farm. The CRSFP understands that owners of properties near the small-scale solar facility constructed in a commercial-strip on Route 30 in the Town of Florida (see picture below) have claimed that their property values have declined significantly since the solar farm was constructed. This area should be targeted to get information on the effects of solar farms on residential property values. The CRSFP wants to highlight the fact that residential owners near the proposed 1,220 acres utility-scale solar farm have invested their life's worth in their properties to enjoy the beautiful scenic view and rural setting and are very concerned that the proposed solar farm will destroy everything they have worked so hard to accomplish.	The requested analysis is not required by Article 10, nor its regulations.
259	Citizens for Responsible Solar Farm Placement	Exhibit 34-1	Electric Interconnections	3.34	The Applicant should state what benefits will incur to National Grid ratepayers by transferring the POI switchyard to National Grid to own, maintain, and operate considering future operating and maintenance expenses that have to be borne by National Grid ratepayers to maintain the switchyard.	The requested analysis is not required by Article 10, as the proposed transfer falls within the NYISO interconnection process.
260	Citizens for Responsible Solar Farm Placement	Exhibit 35-1	Electric and Magnetic Fields	3.35	The Applicant should conduct an EMF study to determine the electric and magnetic field strengths at the nearest residence due to the cumulative effects of the electric facilities in the collection substation and POI switchyard.	In accordance with 16 NYCRR § 1001.35(d), an EMF study will be conducted with calculation tables and field strength graphs for each right-of-way segment cross section identified, in accordance with the regulations and NYPSC EMF guidelines.

Attachment A
Revised Figure 13. Mapped Streams
and Wetlands in the Project Area



- Project Area
- NYSDEC Wetland
- NWI Wetland
- NYSDEC Classified Stream

Data: NYSDEC, USFWS NWI
 Base Map: NYS Office of Information Technology Services,
 GIS Program Office, 2017; Esri and its contributors

0 1,000 2,000
 Feet



**MAPPED STREAMS AND WETLANDS
 IN THE PROJECT AREA**
**HIGH RIVER
 ENERGY CENTER, LLC**
TOWN OF FLORIDA, NY

FIGURE 13 DECEMBER 2018

Map Produced by **TRC**

Attachment B
Visual Impact Rating Form

TRC Visual Impact Rating Form

This form is a simplified version of various federal agency visual impact rating systems. It includes concepts and applications sourced from:

- U.S. Bureau of Land Management (BLM), Handbook H-8431: Visual Contrast Rating, January 1986
- Visual Resources Assessment Procedure For U.S. Army Corps Of Engineers, March 1988
- National Park Service Visual Resources Inventory View Importance Rating Guide, 2016
- USDA Forest Service (USFS), United States Department of Agriculture Forest Service, Landscape Aesthetics: A Handbook for Scenery Management. USDA Forest Service Agriculture Handbook No. 701, 1995

Depending on the project location, a variety of visual impact assessment (VIA) guidance and established procedures exist as noted above that apply to management of federal lands that fall under a specific agency such as the U.S. Forest Service or Bureau of Land Management. These guidance documents vary in regards to agency specific rating systems or procedures and often begin with the evaluation of existing conditions such as scenic quality or presence of sensitive resource locations.

This form has been developed by TRC for efficient and streamlined use with projects that undergo state environmental permitting processes. It is assumed that visual resource inventories, terrain analyses, development of landscape similarity zones or viewshed analyses have already been performed in the project VIA according to state regulatory requirements or other visual policy. This form was developed to be used as a numerical rating system for the comparison of Existing Conditions (Before) vs. With Project (After) photosimulations of final selected viewpoint locations and is meant to accompany the project VIA.

How to Use the Visual Impact Rating Form

For evaluating visual impacts there are two parts to the form. Part 1 is *Visual Contrast Rating* which rates the Project as it contrasts against compositional visual elements of the viewpoint scene. This includes compositional contrasts against the existing and natural environment such as vegetation, water, sky, landform, or structures. The higher the rating total the higher the contrast. Part 2 is *Viewpoint Sensitivity Rating*. This section rates the sensitivity of the viewpoint location which inherently considers the importance of the viewpoint (if it falls within a visual resource area), duration of view, if it is a high use area, as well as general scenic quality. The higher the rating total, the more sensitive the viewpoint is.

The rating scale is as follows:

Rating Scale	
0	None
0.5	
1	Weak
1.5	
2	Moderate
2.5	
3	Strong

Part 1 Visual Contrast Rating

Form Contrast: Form in this sense generally means the shape of an object or unification of shapes massed together by perceived pattern or color. In many rural undeveloped areas, the landscape may consist of homogenous or visually restful views of large shapes or shapes of color belonging to expanses of open field or forested areas. New project elements may provide a contrast or interruption against existing homogenous shapes within the view (strong). Conversely, there may be much visual existing clutter comprised of multiform shapes found in developed or urban areas where newly introduced project elements may better be visually absorbed in the view (weak).

Line Contrast: Line generally refers to the perceived edges of shapes as well as the orientation of these line edges. An undeveloped area at distance may be mostly horizontal line comprised of distant ridges or forest treetops as well as forest and field interfaces. New project elements may disrupt some of the line or they may introduce new vertically oriented lines as such as from a transmission line or wind farm (strong).

Texture Contrast: Trees and their leaves or buildings at close proximity will offer higher detail (strong). Texture and the level of discernible detail decreases with distance (weak). Objects at distance may appear as one homogenous texture or shape.

Color Contrast: Does the project color contrast greatly against color in the existing view (strong)? Color contrast may occur with the terrestrial background or the sky.

Project Scale Contrast/Spatial Dominance: Is the project size and scale dominant (strong), co-dominant, or subordinate (weak) in the view in relation to the rest of the surroundings?

Broken Horizon Line: Does the project remain below the horizon line (weak) or is the horizon line broken by project elements (strong)?

Visual Acuity: Visual acuity is the acuteness or clarity of vision, most often related to the amount of discernible detail or contrast with distance. Atmospheric conditions may also decrease visual acuity, especially on hazy humid days.

Amount of Project Clearing Perceived: The With Project (After) simulation may show extensive clearing that has occurred compared to existing conditions, thereby showing a large visual change from the project (strong). In many cases, no clearing is required (none), or minimal clearing might be seen from a viewpoint location (weak or moderate).

Screening/Mitigation Needed: This category is treated in two ways. 1) Is the project at a particular viewpoint seen because of being mostly in the open which would require some type of vegetative or structural mitigation (strong) to obscure direct views? Conversely, is there some type of existing screening that blocks partial or whole views such as trees, buildings, or topography that act as visual impediments in the landscape (weak). Or 2) How important is it to mitigate at a certain area or how high is the visual absorption capacity? For example, there may be a clear unobstructed view of a new transmission structure in the view, but if there are existing transmission poles or cell towers, or distribution lines along the street in a more urban area providing similar utility development it may not be necessary to mitigate (weak). Is a substation being proposed where there is a clear view but within industrial development (weak)? Or, there may be visible modifications to an existing substation but proposed elements are

visually absorbed by the substation because of “like” components and thereby requires no mitigation (weak).

Part 2 Viewpoint Sensitivity Rating

Within a Visual Resource: Is the viewpoint located within a visual resource as listed in the Visual Resources Inventory section of the VIA? This is a yes or no question, therefore either a rating 0 (none) or 3 (strong) should be applied. If yes, then viewer expectations and sensitivity may be higher.

View of Other Visual Resources: Can you see a visual resource listed in the Visual Resources Inventory from the viewpoint location in combination with the project? This is a yes or no question, therefore either a rating 0 (none) or 3 (strong) should be applied.

A Listed/Known Scenic Resource of Visual Quality: Is the viewpoint located within a listed or known scenic area of visual quality? This is a yes or no question, therefore either a rating 0 (none) or 3 (strong) should be applied. If yes, this location would also be identified as a visual resource as listed in the Visual Resources Inventory section of the VIA. It is evaluated in the Viewpoint Sensitivity Rating because there are often town by-laws, master plans, or regional planning documents that call out specifically named locations that have been designated as a scenic viewing area and is important to note. It means that the location has added importance to the community and if yes, then viewer expectations and sensitivity are likely higher. This will be used infrequently.

Number of Viewers/High Use Activity: An area of high use and high number of viewer will incur a greater amount of visual impact to the community (strong). These areas may consist of high destination type locales visited by the public such as recreational areas, shopping centers, densely populated areas, or highways with large traffic counts. A roadway may not always be considered as high use. There may be viewpoints along local rural roadways that have relatively very low traffic counts. This category accounts for the immediate vicinity. For example the simulation might only show a roadway, but a resident may be very nearby or behind the viewer.

Duration of View: The duration of views is categorized as Long Duration (strong), Short Duration (weak) or Infrequent (weak). Residents or workers with views from the workplace or day long use at a picnic area would be a long duration view. Short duration views imply movement and are transient, such as passing the site on a highway, glimpsing a project from an open area on a hiking or snowmobile trail. A moderate duration view might be a destination type location such as a summit or historic landmark where the visitor seeks the location with purpose but only stays for a few hours. However care must be taken when attributing an area to a short duration view. There could be short duration views encountered frequently over distance, such as a snowmobile trail.

Presence of Existing Development: Is there much existing development consisting of commercial, utility, or industrial development or densely populated residential or urban neighborhoods in the photo or near vicinity? If so, then the sense of place or importance may be diminished and decreases viewer sensitivity as a place that does not have high value and should be rated as weak. Conversely, the lack of existing development contributes to the intactness of a more undisturbed natural environment a gives a sense of greater value.

Uniqueness of Landscape Compared to Rest of Study Area: Photographs for project simulations are generally taken within a designated study area. Landscape features or scenic quality in the study area shown in simulations may be found to be consistently similar or unvaried (weak). If the viewpoint shows a view that is unique to the area such as an outstanding water feature, a series of dramatic cliffs, or mountain views not typically found elsewhere in the vicinity then it should be rated as strong.

Presence of Water: Generally the presence of water implies greater scenic quality or importance. This is a yes or no question, therefore either a rating 0 (none) or 3 (strong) should be applied. If there is the presence of water and it is not very discernible in the view, then a rating of 2 (moderate) can be applied.

Assessing the Outcome of the Rating

The rating system and those developed by the other aforementioned agencies are designed to guide a subjective process (visual observation) objectively, by using straightforward common language that involves the discussion of compositional elements. A rating system is applied from low to high with the intent to provide consistent comparison between or across subject matter.

The simulations will show varying distance zones and landscape zones. The rating is also meant to provide comparison of the project within these zones as seen across the study area. The rating form is not meant as a public survey or to assess or appeal to how one feels about the development at a more emotional level.

However it should be noted that when evaluating the outcome of the ratings, a high rating of form or texture contrast for example, does not necessarily imply a negative or disturbing result. Nor may the project be offensive to the average person. As well, there may be visual impacts implied by the rating forms but they may not be adverse.

In many cases the building design or choice of building material can be aesthetic and visually pleasing to the viewer and/or remain consistent with other development in the area. With utility development for example, a battery storage facility that may have a high texture, line, or form rating that is proposed within a seaside environment may incorporate weathered cedar shakes, white trim, and dormers into the building design in order to remain similar to cape style houses in the area. Although compositionally it may have a high contrast rating against what is currently there, the project may be considered to be aesthetically pleasing and interesting to look at. Similarly, a converter building project in a rural area may elect to design the building to look like a red barn. Although the proposed building may provide a large form with new vertical elements against the current landscape, and its red color may contrast highly against either green vegetation or white winter snow, the design choice of a red barn could be considered aesthetically pleasing and suitable while also remaining consistent with other large development (farms) in the area. Or perhaps there are brick materials proposed as building materials or hardscape for a project which could be considered aesthetically pleasing and visually interesting. In the case of solar development, although a solar panel could provide color contrast, the look of a solar panel itself may not be displeasing. Although basic solar panel design cannot be changed, the project can be combined with vegetative mitigation of native flowering and pollinator species implemented and spaced in a naturalized manner resulting in overall aesthetic and interesting landscape screening.

The rating forms are not standalone nor are results provided without context. The rating results are typically accompanied by a summary discussion that considers project design aspects as noted in the above examples as well as how the overall project fits within the landscape.



TRC Visual Impact Rating Form

Project:	Date:	
Viewpoint Number:	Preparer:	
Viewpoint Location:		
Viewpoint Description:		
Landscape Similarity Zone:		
Viewer Type (check all that apply): <input type="checkbox"/> Resident <input type="checkbox"/> Commuter/Traveler <input type="checkbox"/> Recreational <input type="checkbox"/> Worker		
Seasonal Condition: <input type="checkbox"/> Leaf On <input type="checkbox"/> Leaf Off		
Visual Rating Element	Rating	Notes
Part 1 Visual Contrast Rating		
Form Contrast		
Line Contrast		
Texture Contrast		
Color Contrast		
Project Scale Contrast/Spatial Dominance		
Broken Horizon Line		
Visual Acuity		
Amount of Project Clearing Seen		
Screening/Mitigation Needed		
Total	0	
Part 2 Viewpoint Sensitivity Rating		
Within a Visual Resource*		
View of Other Visual Resource with Project*		
A Listed/Known Scenic Resource of Visual Quality*		
Number of Viewers (Low or High Use Activity)		
Duration of View		
Presence of Existing Development		
Uniqueness of Landscape Compared to Region		
Presence of Water		
Total	0	

* these visual rating elements are yes or no answers. Therefore, a rating of 0 or 3 should be applied

Rating Scale	
0	None
1	Weak
2	Moderate
3	Strong