

## JarquinWeatherbee, Sarah

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**From:** Street, Jennifer (DOS) <Jennifer.Street@dos.ny.gov>  
**Sent:** Wednesday, July 12, 2023 4:24 PM  
**To:** JarquinWeatherbee, Sarah; Herter, Jeff (DOS)  
**Cc:** Maraglio, Matthew (DOS); Wojtowicz, Stephanie A (DOS)  
**Subject:** RE: March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York

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Hi Sarah,

We have been able to locate the report that you reference but I want to make you aware that it was never finalized or adopted, and is not part of the Somerset LWRP.

A copy of the draft document can be obtained through a FOIL request at: <https://dos.ny.gov/foil>. In your request, make sure to state that you are requesting an electronic copy of the Draft March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York, and identify the Office of Planning, Development and Community Infrastructure. We should be able to get that out you quickly.

Sincerely,

**Jennifer L. Street**

Coastal Resources Specialist 3  
Chief, Consistency Review Unit - CZM  
New York State Coastal Management Program

**New York State Department of State**  
**Office of Planning, Development & Community Infrastructure**

99 Washington Avenue, Suite 1010, Albany, NY 12231

O: 518.474.7247 | C: 518.417.9235

[Jennifer.Street@dos.ny.gov](mailto:Jennifer.Street@dos.ny.gov)

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[www.dos.ny.gov](http://www.dos.ny.gov)

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**From:** JarquinWeatherbee, Sarah <Sarah.Weatherbee@tetrattech.com>  
**Sent:** Wednesday, July 12, 2023 9:35 AM  
**To:** Street, Jennifer (DOS) <Jennifer.Street@dos.ny.gov>; Herter, Jeff (DOS) <Jeff.Herter@dos.ny.gov>  
**Subject:** FW: March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York

Some people who received this message don't often get email from [sarah.weatherbee@tetrattech.com](mailto:sarah.weatherbee@tetrattech.com). [Learn why this is important](#)

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Hello,

I see that Matt is on vacation. Can either of you help me? I am looking for a copy of the March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York prepared by Wendall, in order to address ORES deficiency comments received on our 94-c Application (Matter No. 22-00026) for my client AES.  
Thank you!

**Sarah Weatherbee, PWS** | Renewable Energy Project Manager

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**From:** JarquinWeatherbee, Sarah  
**Sent:** Wednesday, July 12, 2023 9:33 AM  
**To:** [matthew.maraglio@dos.ny.gov](mailto:matthew.maraglio@dos.ny.gov)  
**Subject:** March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York

Hello Matt,  
I left a voicemail but wanted to follow up via email. Whichever works best for you. I am looking for a copy of the March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York prepared by Wendall, in order to address ORES deficiency comments received on our 94-c Application (Matter No. 22-00026) for my client AES. Please let me know if I can have access or receive a copy.  
Thanks in advance!

**Sarah Weatherbee, PWS** | Renewable Energy Project Manager

Pronouns: she, her, hers

Direct **+1 (207) 358-2400** | Mobile **+1 (727) 550-7598** | [Sarah.Weatherbee@TetraTech.com](mailto:Sarah.Weatherbee@TetraTech.com)

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## JarquinWeatherbee, Sarah

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**From:** NYS DOS FOIL Records Access Center <dosny@govqa.us>  
**Sent:** Thursday, July 13, 2023 9:10 AM  
**To:** JarquinWeatherbee, Sarah  
**Subject:** FOIL Records Request :: R000091-071323

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Dear Sarah Jarquin Weatherbee,

This message confirms receipt of your FOIL request. Your request was received in this office on 7/13/2023 and given the reference number R000091-071323 for tracking purposes. You requested:

**“Dear Records Access Officer: Please email the following records if possible: Draft March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York Jennifer L. Street , Coastal Resources Specialist 3, and I communicated on 7/12/23 and she indicated that we should identify the Office of Planning, Development and Community Infrastructure about this request, This is a time sensitive matter to address ORES deficiency comments received on our 94-c Application (Matter No. 22-00026) for the applicant (AES). We appreciate a timely response. Thank you in advance, Sarah Weatherbee”**

We will provide you with an acknowledgment letter within 5 business days.

Sincerely,

NYS Department of State

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To monitor the progress or update this request please log into the [FOIL Records Access Center](#).



## JarquinWeatherbee, Sarah

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**From:** NYS DOS FOIL Records Access Center <dosny@govqa.us>  
**Sent:** Wednesday, July 19, 2023 1:11 PM  
**To:** JarquinWeatherbee, Sarah  
**Subject:** Acknowledgment :: R000091-071323

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RE: FOIL Records Request of July 13, 2023, Reference # R000091-071323

Dear Sarah Jarquin Weatherbee,

The NYS Department of State received a FOIL request from you on July 13, 2023. You requested:

**"Dear Records Access Officer:**

**Please email the following records if possible:**

**Draft March 2021 Waterfront Park Feasibility Study & Master Plan for Somerset New York**

**Jennifer L. Street , Coastal Resources Specialist 3, and I communicated on 7/12/23 and she indicated that we should identify the Office of Planning, Development and Community Infrastructure about this request,**

**This is a time sensitive matter to address ORES deficiency comments received on our 94-c Application (Matter No. 22-00026) for the applicant (AES).**

**We appreciate a timely response.**

**Thank you in advance,  
Sarah Weatherbee"**

Your request has been forwarded to the appropriate program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble and review documents that may be responsive to your request. You can expect to receive a response related to your request by August 10, 2023.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

NYS Department of State

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To monitor the progress or update this request please log into the [FOIL Records Access Center](#)



## JarquinWeatherbee, Sarah

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**To:** Rivard, Linda  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

---

**From:** Newman, David (DOS) <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Sent:** Tuesday, August 1, 2023 11:37 AM  
**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Cc:** Krupitsky, Marika (DOS) <[Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov)>; Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

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Thank you for letting us know Linda,

We will await an updated package.

**David Newman**  
Coastal Resources Specialist 2

**New York State Department of State**  
**Office of Planning, Development & Community Infrastructure**  
99 Washington Avenue, Suite 1010, Albany, NY 12231  
518-474-9039 | [david.newman@dos.ny.gov](mailto:david.newman@dos.ny.gov)  
[www.dos.ny.gov](http://www.dos.ny.gov)

---

**From:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Sent:** Tuesday, August 1, 2023 11:29 AM  
**To:** Newman, David (DOS) <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Cc:** Krupitsky, Marika (DOS) <[Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov)>; Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

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David - I wanted to follow up with you to let you know that we will be addressing all the requirements you identified in your letter dated July 28, 2023. Please forgo preparing your initial comments until we resubmit the materials and forms you have requested. We anticipate sending the updated package of materials to you and Marika for review later this month.

Thank you,  
Linda

---

**From:** Newman, David (DOS) <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Sent:** Friday, July 28, 2023 2:12 PM  
**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Cc:** Krupitsky, Marika (DOS) <[Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov)>; Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>;  
[patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>;  
Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

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Dear Linda,

Please see the attached letter requesting necessary data and information that the Department of State would need to assess and undertake its review of the coastal zone effects for the proposed activity. As indicated in the letter the information provided to date is insufficient for the Department of State to undertake a formal review of the proposed federal permitting activity pursuant to 15 CFR 930 Subpart D. Specifically, 15 CFR § 930.58 outlines the necessary data and information that must be provided to the Department State before we would undertake a consistency review. Our website (<https://dos.ny.gov/federal-consistency-review-projects-requiring-federal-permits-or-authorizations>) also provides information for projects requiring federal permits or authorizations.

My suggestion would be allow us a few weeks to prepare comments based on the information you have provided. These comments would outline the types of data and information that we would likely need to fully evaluate the consistency of the proposed federal permitting activity with the enforceable policies of the New York State Coastal Management Program. The enforceable polices would be those of the Federally approved Town of Somerset Local Waterfront Revitalization Program (<https://dos.ny.gov/location/town-somerset-local-waterfront-revitalization-program>).

Please let me know how you intend to proceed and if we should forgo preparing comments until such time that you have provided all necessary data and information or if you would like us to prepare comments that could be addressed in your formal submission.

If you have any questions or would like to discuss further please let me know.

**David Newman**  
Coastal Resources Specialist 2

**New York State Department of State**  
**Office of Planning, Development & Community Infrastructure**  
99 Washington Avenue, Suite 1010, Albany, NY 12231  
518-474-9039 | [david.newman@dos.ny.gov](mailto:david.newman@dos.ny.gov)  
[www.dos.ny.gov](http://www.dos.ny.gov)

---

**From:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Sent:** Thursday, July 27, 2023 5:39 PM  
**To:** Newman, David (DOS) <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>;  
Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>; Krupitsky, Marika (DOS)  
<[Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

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David and Marika - Please note that the Facility wetland impacts are less than 0.1 acre and as such we anticipate to qualify for NWP 51, which would not require USACE Pre-Construction Notification. Considering that we would not have a USACE submittal, you may consider this request as initiation of the coastal consistency review for the project.

Please let us know if you have any questions or need additional information on the proposed project.

Thank you,  
Linda

---

**From:** Rivard, Linda  
**Sent:** Thursday, July 27, 2023 9:45 AM  
**To:** 'Newman, David (DOS)' <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>; Krupitsky, Marika (DOS) <[Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

David - We appreciate your update on the status of the review. We look forward to receiving NYSDOS comments on the proposed project.

Thank you,  
Linda

---

**From:** Newman, David (DOS) <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Sent:** Thursday, July 27, 2023 8:00 AM  
**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>; Krupitsky, Marika (DOS) <[Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

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Good morning Linda,

Thank you for your email. I will be passing the information you provided over to my colleague Marika Krupitsky to review and provide you with comments regarding data and information we would be looking for in a formal submission with your application to the Army Corps of Engineers.

**David Newman**  
Coastal Resources Specialist 2

**New York State Department of State**  
**Office of Planning, Development & Community Infrastructure**  
99 Washington Avenue, Suite 1010, Albany, NY 12231



---

**From:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Sent:** Thursday, July 27, 2023 7:37 AM  
**To:** Newman, David (DOS) <[David.Newman@dos.ny.gov](mailto:David.Newman@dos.ny.gov)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>  
**Subject:** RE: Somerset Solar Facility - Coastal Consistency Preview

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Good morning David,

Checking in to see if you have had a chance to review the materials provided for Somerset Solar. Please let us know if you have any questions or would like to discuss the project further with us.

Best,  
Linda

---

**From:** Rivard, Linda  
**Sent:** Thursday, July 20, 2023 5:29 PM  
**To:** [david.newman@dos.ny.gov](mailto:david.newman@dos.ny.gov)  
**Cc:** [peggy.grant@aes.com](mailto:peggy.grant@aes.com); [patrick.green@aes.com](mailto:patrick.green@aes.com); Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; Beth Morss <[BMorss@youngsommer.com](mailto:BMorss@youngsommer.com)>; Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>  
**Subject:** Somerset Solar Facility - Coastal Consistency Preview

David,

Thank you for offering to review the Somerset Solar Facility (Facility) plans in regard to the site being located within the state's designated coastal zone along the southern shore of Lake Ontario. The AES Corporation, Inc. (the Applicant) is proposing to develop a 125-megawatt solar facility on the site of the former coal plant, Somerset Station, located in the Town of Somerset, Niagara County. A 94-c permit application for major renewable energy facility (Application) was filed with the Office of Renewable Energy Siting (ORES) on April 7, 2023 ([Matter No. 22-00026](#)). We have received a set of deficiency comments from ORES, which we are currently working to address, with the intent to file our response to ORES in early August 2023.

Wetlands information for the Facility is attached, including Exhibit 14 that describes wetlands on the site and Figure 14-2 which shows the type of activities proposed in and around wetlands. A site plan of the layout is attached that provides the overall plans, which are allocated into 10 different development areas.

As noted in Exhibit 14, the Applicant has sited Facility infrastructure to avoid and minimize wetlands impacts to the maximum extent practicable (see Exhibit 14, section 14(f), Minimization of Impacts on NYS Wetlands and Adjacent Areas). Major activity within New York State-jurisdictional and U.S. Army Corps of Engineers (USACE) jurisdictional wetlands on the Facility Site is limited to 0.05 acres, with the expectation that the Facility will qualify for a Nationwide Permit (NWP) (likely NWP 51) and would comply with the NWP General and Regional Conditions, and New York State

Section 401 Water Quality Certification conditions during construction and operation. The wetland impacts table is provided as Table 14-1 of Exhibit 14 (see page 13 of the document, page 17 of the pdf).

As we are working through some layout adjustments to address ORES deficiency comments, we can send over the updated Exhibit 14 and overall site plan materials once they are finalized. However, impacts to wetlands will not noticeably change in the design based on any of the updated project data. The materials provided here for your review will be almost entirely consistent with the next design iteration in regard to wetlands and waterbody impacts.

Please reach out if you would like additional information on the Facility or would like to set up a call to discuss the Facility plans further.

Thank you,

Linda

**Linda Rivard** | Project Manager  
Mobile +1 (207) 205-7168 | [linda.rivard@tetrattech.com](mailto:linda.rivard@tetrattech.com)

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**DEPARTMENT OF STATE**

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KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

July 28, 2023

Linda Rivard  
Tetra Tech, Inc  
451 Presumpscot St.  
Portland, ME 04103  
[linda.rivard@tetratech.com](mailto:linda.rivard@tetratech.com)

Re: O-2023-0043  
U.S. Army Corps of Engineers/Buffalo District Permit  
Application – AES Corporation, Inc/Somerset Solar,  
LLC– Develop a 125 megawatt (MW) solar  
photovoltaic electric generating facility  
Town of Somerset, Niagara County  
**Request for Necessary Data and Information**

Dear Linda Rivard:

The Department of State received project information regarding the above matter on July 20, 2023 and received your email request for the “initiation of the coastal consistency review for the project.” However, pursuant to 15 CFR § 930.58, the following necessary data and information is required to enable the Department of State to adequately assess and undertake its review of the coastal zone effects of this proposed activity:

- X A copy of a completed and a signed Federal Consistency Assessment Form (FCAF) including the required written analysis of the proposed activity’s consistency with the relevant enforceable policies of the State’s Coastal Management Program. This form can be found on our website at: [https://dos.ny.gov/system/files/documents/2020/09/fcaf\\_fillable.pdf](https://dos.ny.gov/system/files/documents/2020/09/fcaf_fillable.pdf)
  
- X A copy of your application for federal agency authorization. We would accept any of the following documents:
  1. New York State Joint Application Form ([https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/jointapp.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/jointapp.pdf))
  2. U.S. Army Corps of Engineers Application for Department of the Army Permit – ENG Form 4345, or
  3. U.S. Army Corps of Engineers Nationwide Permit Pre-Construction Notification (PCN) – ENG Form 6082
  
- X A copy of all supporting documentation submitted with the federal application and the following information if it is not included in the above:
  - X a detailed description of the proposed activity including its associated facilities and coastal effects
  - location map showing where the activity will be conducted
  - site map drawn to scale and showing all components of the activity
  - X recent color photographs of the project site



**Department  
of State**

- X statement of the purpose of, and need for, the activity
- X identification of the owner(s) of all properties on which the activity will be conducted and of abutting property owners, both upland and underwater
- X written analysis of alternatives to the proposed activity considered by the applicant
- X A copy of the Final Environmental Impact Statement, if one is required by an involved federal or state agency
- X Copies of any applications for permits or other authorizations, and related correspondence, submitted to involved State agencies (e.g. DEC, OGS, SHPO, PSC, ORES).

Please provide the necessary information requested above as soon as possible. The Department of State will not commence its consistency review of the proposed activity until all necessary data and information is received. If the Department does not concur with the consistency certification provided for this proposed activity, the consistency provisions of the federal Coastal Zone Management Act prohibit federal agency authorization of the activity.

Please contact me at [david.newman@dos.ny.gov](mailto:david.newman@dos.ny.gov) or (518) 474-9039 and/or Marika Krupitsky at [Marika.Krupitsky@dos.ny.gov](mailto:Marika.Krupitsky@dos.ny.gov) if you have any questions regarding this matter. When communicating with us regarding this matter, please refer to Department of State file number O-2023-0043.

Sincerely,



David J. Newman  
Coastal Resources Specialist 2  
Office of Planning, Development and  
Community Infrastructure

## JarquinWeatherbee, Sarah

---

**From:** Rivard, Linda  
**Sent:** Wednesday, August 9, 2023 5:25 PM  
**To:** Geldard, Beth A (DEC); Thiel, Emily S (DEC)  
**Cc:** Peggy Grant; Morris, Doug1; patrick.green@aes.com; nathan.suttmeier@aes.com; Michael Sagan; Mario Rice; JarquinWeatherbee, Sarah  
**Subject:** RE: Somerset Solar Facility

Beth - we have reviewed the data and revised our engineering plans to adjust the NFPA limit based on the data you provided. While the limit did move closer inland towards the Facility Site, we still have all our infrastructure sited outside the NFPA limits. The closest infrastructure in Area 7 is 44 feet to the fence line, with the panels sited at least 69 feet south of the NFPA limit. The updated drawings will be available on the [project DMM site](#) in the next week or so, if you would like to review the full engineering package or other parts of the Application.

Thank you,

Linda



---

**From:** Rivard, Linda  
**Sent:** Friday, August 4, 2023 2:52 PM  
**To:** 'Geldard, Beth A (DEC)' <Beth.Geldard@dec.ny.gov>; Thiel, Emily S (DEC) <Emily.Thiel@dec.ny.gov>  
**Cc:** Peggy Grant <peggy.grant@aes.com>; Morris, Doug1 <DOUG.MORRIS1@tetrattech.com>; patrick.green@aes.com; nathan.suttmeier@aes.com; Michael Sagan <michael.sagan@aes.com>; Mario Rice <mario.rice@aes.com>  
**Subject:** RE: Somerset Solar Facility

Thank you Beth. We will conduct a review to see how things match up and let you know what we find.

---

**From:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>  
**Sent:** Friday, August 4, 2023 1:33 PM  
**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>; Thiel, Emily S (DEC) <[Emily.Thiel@dec.ny.gov](mailto:Emily.Thiel@dec.ny.gov)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); [nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>  
**Subject:** RE: Somerset Solar Facility

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Hi Linda,

Attached is the digital file for the Natural Protective Feature Area line in Area 7. There was not much development that could be georeferenced but I think it is close. It mostly followed the unofficial layer we have internally. Please note, there is a Structural Hazard Area mapped on the west end of CEHA map 3 of 8 that I did not add to the layer since it was well outside of the project area.

Please let me know if you have any trouble using the file.

Have a great weekend!

Beth

**Beth Geldard, P.E.**

Professional Engineer 1 (Environmental), Western Flood Protection and Dam Safety HUB, Division of Water

**New York State Department of Environmental Conservation**

6274 East Avon-Lima Road, Avon, NY 14414

P: (585) 226-5452 | F: (585) 226-9485 | [beth.geldard@dec.ny.gov](mailto:beth.geldard@dec.ny.gov)

**Please note, I am typically working from home on Thursdays and Fridays.**

---

**From:** Geldard, Beth A (DEC)

**Sent:** Wednesday, August 2, 2023 4:11 PM

**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>; Thiel, Emily S (DEC) <[Emily.Thiel@dec.ny.gov](mailto:Emily.Thiel@dec.ny.gov)>

**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); [nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>

**Subject:** RE: Somerset Solar Facility

Thank you for letting me know, Emily was not actually copied. Adding her now!

Emily, please see the two emails below. Would you be able to respond to the DEC jurisdictional determination questions?

---

**From:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>

**Sent:** Wednesday, August 2, 2023 3:28 PM

**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>

**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); [nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>

**Subject:** RE: Somerset Solar Facility

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Hi Linda,

I am copying Emily Thiel on this email. Emily works in the Albany permits office and is serving as the DEC projects manager for all 94-c projects in DEC Regions 7-9. The official jurisdictional determination for this project would need to come from the Albany permits office.

Regarding the CEHA layer, I do not have an accurate digital file already created for this site so I need to create the CEHA map overlay and digital file for you which usually takes a few hours. I plan on working on it this week and will get back to you with the file.

Thank you,  
Beth

**Beth Geldard, P.E.**

Professional Engineer 1 (Environmental), Western Flood Protection and Dam Safety HUB, Division of Water

**New York State Department of Environmental Conservation**

6274 East Avon-Lima Road, Avon, NY 14414

P: (585) 226-5452 | F: (585) 226-9485 | [beth.geldard@dec.ny.gov](mailto:beth.geldard@dec.ny.gov)

**Please note, I am typically working from home on Thursdays and Fridays.**

---

**From:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Sent:** Wednesday, August 2, 2023 2:08 PM  
**To:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com);  
[nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>  
**Subject:** RE: Somerset Solar Facility

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Hi Beth - left you a voice mail also, but was following up to see if we could get the digital file to align the NFPA line shown on our engineering drawings with your data (for Area 7).

Also, considering that we have adjusted the facility design to remove all infrastructure out of the CEHA, SHA and NFPA limits, can you confirm that a permit from NYSDEC is not required for the project, for work inside the coastal erosion hazard area (as we have none) and that a variance from the CEHA permitting requirements is not required.

Thank you,  
Linda

---

**From:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>  
**Sent:** Friday, July 21, 2023 3:27 PM  
**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com);  
[nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>  
**Subject:** RE: Somerset Solar Facility

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Hi Linda,

I can complete an overlay on my end and see what I come up with. I am off next week though, so it will be at least a week before I can get back to you.

Thank you,  
Beth

**Beth Geldard, P.E.**

Professional Engineer 1 (Environmental), Western Flood Protection and Dam Safety HUB, Division of Water

**New York State Department of Environmental Conservation**

6274 East Avon-Lima Road, Avon, NY 14414

P: (585) 226-5452 | F: (585) 226-9485 | [beth.geldard@dec.ny.gov](mailto:beth.geldard@dec.ny.gov)

**Please note, I am typically working from home on Thursdays and Fridays.**

---

**From:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Sent:** Friday, July 21, 2023 3:23 PM  
**To:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>  
**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com);  
[nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>  
**Subject:** RE: Somerset Solar Facility

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Beth - Thanks for the response.

We did have our engineers check the NPFA line in Area 7 also before we sent you the documents and find it's accurate to the 1988 map. Our methodology included importing the image into our CADD system and lining everything up with roads and other features that wouldn't have changed. We assumed the line was accurate to the shoreline proximity as of 1988 and that some level of erosion in this area has occurred since then. If acceptable to you and for making sure this line is accurately shown on the plans, is it possible for you to share your digital data for our use (to include appropriate citation as NYSDEC as the source)?

Thanks,  
Linda

---

**From:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>

**Sent:** Friday, July 21, 2023 2:58 PM

**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>

**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); [nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>

**Subject:** RE: Somerset Solar Facility

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Hi Linda,

Thank you for adjusting the project limits and providing updated plans for the Somerset Solar Facility. The location of the CEHA (NPFA and SHA lines) appears to be accurate for Area 1, but for Area 7 the NPFA is plotted north of the water's edge. Can you please double check to make sure the NPFA was plotted accurately for Area 7? I don't think we need to worry about development being within CEHA, but the jurisdiction should be accurately shown on the plans.

We have an approximate, unofficial digital CEHA layer we use internally as a guide and the NPFA line is shown to be slightly landward of the top edge of bluff in Area 7. Our digital lines are not always 100% accurate, but usually it isn't this far off.

Please let me know if you have any questions.

Have a great weekend!

Beth

**Beth Geldard, P.E.**

Professional Engineer 1 (Environmental), Western Flood Protection and Dam Safety HUB, Division of Water

**New York State Department of Environmental Conservation**

6274 East Avon-Lima Road, Avon, NY 14414

P: (585) 226-5452 | F: (585) 226-9485 | [beth.geldard@dec.ny.gov](mailto:beth.geldard@dec.ny.gov)

**Please note, I am typically working from home on Thursdays and Fridays.**



**From:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>

**Sent:** Wednesday, July 19, 2023 7:38 PM

**To:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>

**Cc:** Peggy Grant <[peggy.grant@aes.com](mailto:peggy.grant@aes.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; [patrick.green@aes.com](mailto:patrick.green@aes.com); [nathan.suttmeier@aes.com](mailto:nathan.suttmeier@aes.com); Michael Sagan <[michael.sagan@aes.com](mailto:michael.sagan@aes.com)>; Mario Rice <[mario.rice@aes.com](mailto:mario.rice@aes.com)>

**Subject:** FW: Somerset Solar Facility

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Beth,

On behalf of AES and as a follow-up response to the previous conversation you had with Peggy Grant regarding the Somerset Solar Facility, we are providing engineering drawings and shapefiles that identify adjustments made to the proposed solar project's design. The attached materials show the Coastal Erosion Hazard Area (CEHA) and Structural Hazard Area (SHA) limits as shown on the 1988 coastal erosion maps prepared by NYSDEC in relation to the limit of disturbance (LOD) and infrastructure locations for the facility.

Two development areas, Area 1 and Area 7, are located adjacent to the southern shore of Lake Ontario and in proximity to the CEHA and SHA limits (see Sheet PV-C.02.00 in the attached pdf).

- Area 1 area (see Sheet PV-C.02.01) - A review of the CEHA and SHA limits for Area 1 determined the original layout contained a minor amount of infrastructure overlap within the limits of the SHA. The design in this area has been adjusted to eliminate portions of the northern end of an access road, portions of a laydown area, and portions of the LOD and fencing within the SHA limits. The closest distance between the SHA and infrastructure in this area is 6 feet (fence post), with a distance of 1 foot between the LOD and the SHA limits.
- Area 7 area (see Sheet PV-C.02.07) - A review of the CEHA and SHA limits for Area 7 determined the layout and design does not overlap with this development area, such that revisions to the design plans were not necessary in this area (see Sheet PV-C.02.07). Note the CEHA and SHA line/limits in this area coincide. The closest distance between the Natural Protection Features Area (NPFA) limit to LOD in this area is approximately 170 feet.

We appreciate your review of this materials and look forward to discussing the Somerset Solar project with you further. Please reach out to us to discuss the facility in more detail or if you have any questions about the updated design plans.

Thank you,  
Linda

**Linda Rivard** | Project Manager  
Mobile +1 (207) 205-7168 | [linda.rivard@tetrattech.com](mailto:linda.rivard@tetrattech.com)

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---

**From:** Geldard, Beth A (DEC) <[Beth.Geldard@dec.ny.gov](mailto:Beth.Geldard@dec.ny.gov)>  
**Sent:** Monday, June 26, 2023 3:31 PM  
**To:** Peggy Grant <[peggy.grant@AES.COM](mailto:peggy.grant@AES.COM)>  
**Subject:** Somerset Solar Facility

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Hi Peggy,

It was great discussing the Somerset Solar project with you this afternoon. As mentioned, I would forward you information on how to plot the location of DEC's Coastal Erosion Hazard Area on the project plans. Please see below.

The lakeside limits of Area 1 and Area 7 may be partially located within a DEC regulated Coastal Erosion Hazard Area (CEHA). The CEHA is made up of two jurisdictions, the Natural Protective Feature Area and the Structural Hazard Area. All new development for the solar project, including any tree/shrub clearing, cutting, and grubbing, must be located outside (south) of the CEHA, as identified on the CEHA map. In order to confirm that all development associated with the solar project is outside of the CEHA, please plot the location of the CEHA (Natural Protective Feature Area line and the Structural Hazard Area line) on the project plans. This may be completed by scaling and taking various measurements off of the 1988 CEHA map or by overlaying the 1988 CEHA map on updated imagery.

The 1988 CEHA map to reference for Area 1 is Town of Somerset map 1 of 8 and 2 of 8. The map to reference for Area 7 is Town of Somerset map 3 of 8. The lines on the map are static and do not change as the shoreline recedes or accretes, or if the shoreline has been stabilized. The Natural Protective Feature Area is delineated on the CEHA map with a solid line and is regulated from the landward limit of the Natural Protective Feature Area line to a point where mean low water depth is 15 feet, or a horizontal distance of 1000 feet from the mean low water line, whichever is greater. The Structural Hazard Area line is delineated on the CEHA map with a dashed line and is regulated from the Natural Protective Feature Area line to the landward limit of the Structural Hazard Area line. Areas landward of the Structural Hazard Area (dashed line) on the map are outside of the CEHA. The lines on the map generally have a line thickness of 10-15 ft. Since DEC regulates up to the landward limit of the line, please be sure to plot the most landward limit of each line on the plans. All Coastal Erosion Hazard Area maps can be downloaded at: <https://www.dec.ny.gov/fs/projects/coastal/>

Please let me know if you have any questions.

Thank you,  
Beth

**Beth Geldard, P.E.**

Professional Engineer 1 (Environmental), Western Flood Protection and Dam Safety HUB, Division of Water

**New York State Department of Environmental Conservation**

6274 East Avon-Lima Road, Avon, NY 14414

P: (585) 226-5452 | F: (585) 226-9485 | [beth.geldard@dec.ny.gov](mailto:beth.geldard@dec.ny.gov)

**Please note, I am typically working from home on Thursdays and Fridays.**



## JarquinWeatherbee, Sarah

---

**To:** Rivard, Linda; Steven D. Wilson; Peggy Grant; Morris, Doug1; Waddle, Kelly; Recta, Mina  
**Subject:** RE: Somerset Solar Haul Route Map

---

**From:** [michaelflint@roadrunner.com](mailto:michaelflint@roadrunner.com) <[michaelflint@roadrunner.com](mailto:michaelflint@roadrunner.com)>

**Sent:** Wednesday, August 9, 2023 3:44 PM

**To:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>

**Subject:** RE: Somerset Solar Haul Route Map

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Linda, got it I can absolutely guarantee the routes on this map are all state routes except for the dotted route numbered 121. That road is a county road also known as Carmen Rd. So if this email will cover your question then use this as my answer and all roads in the Town of Somerset are not being used.

Respectfully

Michael Flint, Town of Somerset  
Highway Superintendent

-----  
From: "Rivard, Linda"

To: "[michaelflint@roadrunner.com](mailto:michaelflint@roadrunner.com)"

Cc: "Peggy Grant", "Steven D. Wilson", "Doug1", "Sarah"

Sent: Wednesday August 9 2023 3:35:06PM

Subject: RE: Somerset Solar Haul Route Map

Mike,

One more time, thanks for our patience. Here is the correct file showing the haul routes. Could you please review and confirm that none of the truck/haul routes shown are roads that are maintained by the Town of Somerset?

Appreciate it,

Linda

---

**From:** Rivard, Linda  
**Sent:** Wednesday, August 9, 2023 3:14 PM  
**To:** 'michaelflint@roadrunner.com' <[michaelflint@roadrunner.com](mailto:michaelflint@roadrunner.com)>  
**Cc:** [peggy.grant@aes.com](mailto:peggy.grant@aes.com); Steven D. Wilson <[swilson@youngsommer.com](mailto:swilson@youngsommer.com)>; Morris, Doug1 <[DOUG.MORRIS1@tetrattech.com](mailto:DOUG.MORRIS1@tetrattech.com)>; JarquinWeatherbee, Sarah <[Sarah.Weatherbee@tetrattech.com](mailto:Sarah.Weatherbee@tetrattech.com)>  
**Subject:** FW: Somerset Solar Haul Route Map

Michael,

Resending as I had your email address incorrect on my first try. Thank again for returning my call this afternoon.

Please see the attached maps that identify the proposed construction traffic routes proposed for the Somerset Solar Facility. Can you confirm that none of the truck/haul routes shown are roads that are maintained by the Town of Somerset?

Thank you,

Linda

P.S. please reply all on your response, as I will be out of office later this week and want to make sure my colleagues receive your response.

**Linda Rivard** | Project Manager

Mobile +1 (207) 205-7168 | [linda.rivard@tetrattech.com](mailto:linda.rivard@tetrattech.com)

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**From:** [Rivard, Linda](#)  
**To:** [Katherine.Alexander@niagaracounty.com](mailto:Katherine.Alexander@niagaracounty.com); [Dawn.Timm@niagaracounty.com](mailto:Dawn.Timm@niagaracounty.com); [Dean.Lapp@niagaracounty.com](mailto:Dean.Lapp@niagaracounty.com); [Richard.Wiesner@niagaracounty.com](mailto:Richard.Wiesner@niagaracounty.com)  
**Cc:** [David W. Koplas](#); [Garret A. Meal](#); [Sudak, Courtney](#); [JarquinWeatherbee, Sarah](#); [Peggy Grant](#); [Morris, Doug1](#); [Norman D. Allen](#)  
**Subject:** FW: Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)  
**Date:** Monday, July 31, 2023 4:37:20 PM  
**Attachments:** [Exhibit 16 Effect on Transportation.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[Appendix 16-A Transportation Data and Figures\\_rev2\\_20230730\\_redux.pdf](#)  
[Figure 2\\_1 Project Site\\_20230309.pdf](#)

---

Katherine, Dawn, Dean, and Richard,

Please see the attached information and notes below regarding a request for Road Use Agreement review for the Somerset Solar project. It was brought to my attention that you also should have been included on my original email with this information sent out this morning. Apologize for the oversight on this matter.

Please reach out to me if you would like to discuss the project further or need more information as part of your review.

Thank you,  
Linda

---

**From:** Rivard, Linda  
**Sent:** Monday, July 31, 2023 1:10 PM  
**To:** 'Garret A. Meal' <Garret.Meal@niagaracounty.com>; Sudak, Courtney <COURTNEY.SUDAK@tetrattech.com>  
**Cc:** David W. Koplas <David.Koplas@niagaracounty.com>; Norman D. Allen <Norman.Allen@niagaracounty.com>; JarquinWeatherbee, Sarah <Sarah.Weatherbee@tetrattech.com>; peggy.grant@aes.com  
**Subject:** RE: Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)

Garret, David, and Norman,

As requested, we are providing some figures, maps and supporting information related to the proposed Somerset Solar Facility, located in the Town of Somerset, Niagara County. The attached Exhibit 16 has transportation information prepared for the project, and Appendix 16-A includes truck haul routes and information regarding the roads and access routes anticipated to be used during construction. Figure 2-1 provides an overview of the Facility location and development areas. The state's Matter Master website for the project ([Case #22-00026](#)) contains a complete record of all the project's Application materials that have been submitted to the Office of Renewable Energy Siting (ORES) as part of our request for a 94-c permit for major renewable energy facility.

We are in the process of addressing deficiencies identified by ORES for our submitted Application.

We welcome your feedback on the anticipated road use agreements that will be required for the Facility.



Please reach out if you require additional information and if you would like to discuss this request with you further.

Thank you,  
Linda

P.S. we have received the information you provided in a separate email related to County's solar panel recycling requirements and will be incorporating that information into Exhibit 24 of the Application, which addresses Local Law requirements.

---

**From:** Garret A. Meal <[Garret.Meal@niagaracounty.com](mailto:Garret.Meal@niagaracounty.com)>  
**Sent:** Friday, July 28, 2023 10:59 AM  
**To:** Sudak, Courtney <[COURTNEY.SUDAK@tetrattech.com](mailto:COURTNEY.SUDAK@tetrattech.com)>  
**Cc:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>; David W. Koplas <[David.Koplas@niagaracounty.com](mailto:David.Koplas@niagaracounty.com)>; Norman D. Allen <[Norman.Allen@niagaracounty.com](mailto:Norman.Allen@niagaracounty.com)>  
**Subject:** RE: Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)

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Do you have a map of the project area and a summary of the proposed facilities?

***Garret A. Meal, P.E.***  
***Commissioner***

**Niagara County Department Of Public Works**  
Philo J. Brooks Building  
59 Park Avenue  
Lockport, New York 14094  
[716-439-7242](tel:716-439-7242)  
E-mail: [Garret.Meal@NiagaraCounty.com](mailto:Garret.Meal@NiagaraCounty.com)

---

**From:** Sudak, Courtney <[COURTNEY.SUDAK@tetrattech.com](mailto:COURTNEY.SUDAK@tetrattech.com)>  
**Sent:** Friday, July 28, 2023 10:52 AM  
**To:** Garret A. Meal <[Garret.Meal@niagaracounty.com](mailto:Garret.Meal@niagaracounty.com)>  
**Cc:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>; David W. Koplas <[David.Koplas@niagaracounty.com](mailto:David.Koplas@niagaracounty.com)>; Norman D. Allen <[Norman.Allen@niagaracounty.com](mailto:Norman.Allen@niagaracounty.com)>  
**Subject:** RE: Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)

**[EXTERNAL MESSAGE]**



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- Niagara County IT

Thank you very much, Garret! We will let ORES know the County is looking into this item.

David – please let us know if you need any project-related materials from the Developer to complete your review.

Thank you,  
Courtney

**Courtney E. Sudak, PE** | Project Manager

Pronouns: she, her, hers

Direct (508) 786-2267 | Main (508) 786-2200 | [courtney.sudak@tetrattech.com](mailto:courtney.sudak@tetrattech.com)

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**From:** Garret A. Meal <[Garret.Meal@niagaracounty.com](mailto:Garret.Meal@niagaracounty.com)>

**Sent:** Friday, July 28, 2023 10:48 AM

**To:** Sudak, Courtney <[COURTNEY.SUDAK@tetrattech.com](mailto:COURTNEY.SUDAK@tetrattech.com)>

**Cc:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>; David W. Koplas

<[David.Koplas@niagaracounty.com](mailto:David.Koplas@niagaracounty.com)>; Norman D. Allen <[Norman.Allen@niagaracounty.com](mailto:Norman.Allen@niagaracounty.com)>

**Subject:** RE: Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)

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I have passed this question along to the County Attorney's office for clarification and have not heard back yet. Since we have no information on this project, we will need more time to evaluate.

In the meantime, I will be out of the office from July 29-August 7. Our County Engineer Norman Allen will be available to respond if information comes through during that time.

***Garret A. Meal, P.E.***  
***Commissioner***

**Niagara County Department Of Public Works**

Philo J. Brooks Building

59 Park Avenue

Lockport, New York 14094

[716-439-7242](tel:716-439-7242)

E-mail: [Garret.Meal@NiagaraCounty.com](mailto:Garret.Meal@NiagaraCounty.com)

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**From:** Sudak, Courtney <[COURTNEY.SUDAK@tetrattech.com](mailto:COURTNEY.SUDAK@tetrattech.com)>

**Sent:** Friday, July 28, 2023 10:21 AM  
**To:** Garret A. Meal <[Garret.Meal@niagaracounty.com](mailto:Garret.Meal@niagaracounty.com)>  
**Cc:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Subject:** RE: Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)

**[EXTERNAL MESSAGE]**

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- Niagara County IT

Good Morning Garret,

I wanted to follow up with you on my email below. We need to submit a response to ORES on this item next week and were hoping you could confirm whether or not the County would require a Road Use Agreement for the Somerset Solar's construction phase operations.

We greatly appreciate your help in this matter. Please reach out if you have any questions.

Thank you!

**Courtney E. Sudak, PE** | Project Manager  
Pronouns: she, her, hers  
Direct (508) 786-2267 | Main (508) 786-2200 | [courtney.sudak@tetrattech.com](mailto:courtney.sudak@tetrattech.com)

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**From:** Sudak, Courtney  
**Sent:** Wednesday, July 26, 2023 11:33 AM  
**To:** [garret.meal@niagaracounty.com](mailto:garret.meal@niagaracounty.com)  
**Cc:** Rivard, Linda <[Linda.Rivard@tetrattech.com](mailto:Linda.Rivard@tetrattech.com)>  
**Subject:** Somerset Solar Facility - County Road Use Agreement (ORES Matter No. 22-00026)

Hi Garret,

I just left you a voicemail. Tetra Tech is a consultant for AES for the permitting of their proposed Somerset Solar Facility project in Niagara County. As part of their response to the project's 94-c Permit Application filing, the Office of Renewable Energy Siting (ORES) has asked us to determine if a road use agreement (RUA) will be required by the County for this project. Can you please confirm if an RUA will be required or provide the contact info if this request should be made to another County office? If you need additional information, please let me know.

Thank you in advance for your prompt response to this request.

Thank you!

**Courtney E. Sudak, PE** | Project Manager  
Pronouns: she, her, hers

Direct (508) 786-2267 | Main (508) 786-2200 | [courtney.sudak@tetrattech.com](mailto:courtney.sudak@tetrattech.com)

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100 Nickerson Road, Marlborough, MA 01752 | [tetrattech.com](http://tetrattech.com)

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