



APPENDIX 3-F REVISED

Coastal Assessment and Waterfront Assessment Consistency Tables

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
1		Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.	<p>The proposed Somerset Solar Facility (Facility) will be located on a group of parcels situated north and south of New York State (NYS) Route 18/Lake Road in the Town of Somerset. The parcels to the north are located within the coastal zone and consist primarily of agricultural fields and property comprising the grounds of the former Somerset coal-fired power plant (Somerset Station), which was constructed in the early 1980s, began operation in 1984, and ceased power production in March 2020. Portions of the former coal plant site will be repurposed for the Facility, including a coal storage pile and coal combustion residue (coal ash) landfill (Solid Waste Disposal Area [SWDA] II). The remainder of the Facility Site (i.e., the Limits of Disturbance or LOD) will be located on agricultural and other land situated south of NYS Route 18/Lake Road. However, only a small portion of the LOD south of Lake Road is in the coastal zone. See Office of Renewable Energy Siting (ORES) 94-c Application, Figure 3-9 for details. The surrounding areas consist of developed and disturbed industrial land, a coal ash landfill (SWDA I), railroad lines that were used formerly for deliveries to the inactive Somerset Station, a New York State Electric and Gas Corporation (NYSEG) 345 kilovolt (kV) transmission corridor, agricultural land, and residential properties. Lake Ontario forms portions of the northern boundary of the Facility Site.</p> <p>The Facility calls for the redevelopment of currently underutilized waterfront property in the coastal zone into a solar energy facility designed to generate 125 MW of carbon-free electricity. (Federal Consistency Assessment Form (FCAF) Question 1(c)). Previously developed areas of the former coal plant site have been utilized for infrastructure siting to the extent practicable, and the Applicant has strived to balance and minimize impacts to natural resources (wildlife and aquatic habitats), by siting infrastructure within open agricultural fields to minimize wetland and forest clearing impacts. Thus, the Facility Site layout avoids potential impacts to sensitive habitats (including wetlands) and adjacent residents to the maximum extent practicable. The Facility, as designed, is consistent with the policy of restoring, revitalizing and redeveloping deteriorated and underutilized waterfront areas for commercial purposes, in this case, renewable energy generation.</p>

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2	No	Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.	The proposed Facility will not have a significant effect on development of future or existing water dependent uses (FCAF Question 3(a)). The Facility does not include any water-dependent uses and the portion of LWRP overlap with the Facility also is not suitable for future water-dependent uses. The only water-dependent use for the LWRP identified in the revitalization plan for the Facility Site area is for the former coal plant which utilized lake water for cooling. As noted in the LWRP, the LWRA contains certain lands, some of which are located directly along the shoreline, that support, and are zoned for, non-water dependent agricultural uses. The slopes located adjacent to the Facility Site leading down to the shoreline of Lake Ontario are very steep and generally are not suitable for easy recreational access to the lake from this location. Thus, the Facility is consistent with this policy.
3	No	Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.	This policy is not applicable. (FCAF Question 2(g)).
4	No	Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.	This policy is not applicable (FCAF Question 1(l)).

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5	No	Encourage the location of development in areas where public services and facilities essential to such development are adequate.	<p>The Facility will not involve or result in the expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area (FCAF Question 3(b)).</p> <p>The Facility Site is not the site of significant public services or facilities. Moreover, the planned solar project will not require public services/facilities to operate. Accordingly, the policy of encouraging development in areas where public services and facilities essential to such development are adequate is not applicable to the Facility.</p>
6		Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	This policy is not applicable.
7	No	Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.	<p>The Facility will not be located in, or contiguous to, or have a significant effect upon significant fish or wildlife habitats (FCAF Question 2(c)).</p> <p>The 94-c Application includes a comprehensive assessment of the potential impact of the Facility on fish and wildlife and their habitats. See Exhibit 11, Terrestrial Ecology; Exhibit 12, Threatened and Endangered Species; and Exhibit 13, Water and Aquatic Ecology. The Facility will not impact fish habitat. Impacts to wildlife habitat associated with Facility construction and operation have been minimized through an informed design process, including positioning the LOD envelope away from sensitive resources to the maximum extent practicable. Although a portion of the LOD will experience post-construction habitat loss (e.g., access roads, stormwater filter strips, tree and brush clearing and grubbing, grading and inverter foundations), the majority of these impacts within the coastal zone will occur on lands associated with the former Somerset Station coal-fired power plant or agricultural land, both of which have been recently disturbed. To further minimize habitat impacts, linear Facility components have been co-located and previously disturbed areas (such as access roads) have been incorporated into the Facility design where practicable. The Facility is not located within any Significant Coastal Fish and Wildlife Habitat Areas designated by the New York Department of State</p>

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			<p>(NYSDOS) and/or New York State Department of Environmental Conservation (NYSDEC). In addition, no federally designated Critical Habitats were identified within the LOD or surrounding areas.</p> <p>Although much of the LOD within the coastal zone is located on lands associated with the former Somerset Station coal-fired power plant, some of the lands are currently in agricultural use and so are subject to disturbances associated with agricultural activities. Although these areas will experience temporary impacts associated with maintenance activities (i.e., mowing), replacing an agricultural monoculture with a diverse community of grasses will result in more diverse habitat conditions. Also, the areas of temporary disturbance will be allowed to return to the same or similar preconstruction vegetative state once the Facility is removed at the end of its useful life.</p> <p>As indicated previously, impacts to wildlife habitat associated with Facility construction and operation have been minimized through an informed design process. Although impacts to grassland bird habitat are unavoidable, the Applicant has proposed mitigation measures to address impacts to threatened and endangered grassland bird habitat, specifically for take of occupied wintering habitat for northern harrier (<i>Circus hudsonius</i>). The Applicant has developed a Net Conservation Benefit Plan for impacts to wintering habitat for northern harrier through establishment of approximately 23 acres of suitable wintering habitat to be conserved for the life of the Facility.</p> <p>As the above summary shows, the Applicant has designed the Facility to protect, preserve significant coastal fish and wildlife habitats so as to maintain their viability consistent with this Policy.</p>
8		Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause	This policy is not applicable.

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		significant sublethal or lethal effect on those resources.	
9	No	Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.	The proposed Facility will not have a significant effect on commercial or recreational use of fish and wildlife resources (FCAF Question 1(e)).
10	No	Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.	See Policy 9.
11	No (flooding) Yes (coastal erosion)	Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	<p>The proposed Facility will not involve or result in development within a designated flood area (FCAF Questions 1(a) and 1(b)).</p> <p>The Facility has been located to avoid floodplains to the maximum extent practicable. No special flood hazard areas occur within the LOD, which is located within the 0.2 percent annual chance flood hazard area (Zone X) as defined by the Federal Emergency Management Agency (FEMA). Zone X is characterized as experiencing a moderate to low risk from flooding.</p> <p>The Applicant has analyzed the erosion risk for the Facility Site, including consideration of the Coastal Erosion Hazard Area (CEHA) erosion rates, to determine whether the proposed setback from the CEHA is sufficiently protective over the projected operational life of the Facility. (FCAF Questions 1(a), 1(b) and 2(b)). The Applicant prepared maps which overlay NYSDEC</p>

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			<p>Natural Protective Feature Area (NPFA) and Structural Hazard Area (SHA) boundaries over the site plan for the Facility proposed as part of the original Application (see Appendix 5-A). Based on that review, the Applicant determined that certain features of the Facility and tree clearing activities in Area 1 of the Facility Site were inside the SHA limits. The Applicant revised the Facility design such that these Facility features (access road, fence line, laydown area) and tree clearing activities are no longer within the SHA. The closest distance between the SHA and infrastructure in Area 1 is 6 feet (fence post), with a distance of 1 foot between the LOD and the SHA limits (Appendix 5-A, Sheet PV-C.02.01). Additionally, tree/shrub clearing previously proposed within the SHA limits has been removed. In development Area 7 (Appendix 5-A, Sheet PV-C.02.07) no design changes were necessary as review of the CEHA and SHA limits in this area determined there is no overlap. The closest distance between the NPFA limit to fence line in Area 7 is approximately 44 feet, with the solar arrays located approximately 69 feet from the NPFA limit. This information was provided to NYSDEC (at the direction of NYSDOS) on July 19, 2023 for comment (Appendix 2-C).</p> <p>As the Facility layout has been adjusted to eliminate all infrastructure and work areas from the coastal erosion hazard area limits, a Coastal Erosion Hazardous Area Designation Variance from NYSDEC seeking a variance from 6 NYCRR 505.7(b), (c) and (d) is not required. As part of the Applicant's review process, setbacks identified in the design drawings were reviewed, which determined the setbacks provided are sufficiently protective over the operational life of the Facility in light of CEHA erosion rates. This analysis, as described above, shows adequate distance has been included in the Facility design and no infrastructure is located within SHA or CEHA boundaries as delineated by NYSDEC on 1988 maps. The updated design information has been provided to NYSDEC for review and they have acknowledged Facility infrastructure is located outside of these coastal erosion limits (see Appendix 2-C).</p> <p>The Preliminary Stormwater Pollution Prevention Plan (SWPPP) included as Appendix 13-C, and erosion and sedimentation controls and other best</p>

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			<p>management practices (BMPs) detailed in the Appendix 5-A engineering drawings of the Application have been designed to prevent stormwater runoff that could contribute to soil erosion and sedimentation of waterbodies. The SWPPP provides information on stormwater management practices, including erosion and sediment control (vegetative and structural measures, temporary and permanent measures), construction phasing and disturbance limits, waste management and spill prevention, and site inspection and maintenance. Pre- and post-development hydrology, in addition to evaluation of runoff and drainage patterns, are being analyzed as part of stormwater design in accordance with final Facility layout, and, if necessary, the SWPPP will be updated prior to construction. Prior to commencement of construction a Notice of Intent for Stormwater Discharges from Construction Activity will be submitted to NYSDEC, along with an updated version of the SWPPP, to seek coverage under the most recent State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The Preliminary SWPPP will be refined to incorporate final design details and identify the specific parties responsible for monitoring, recordkeeping, and compliance associated with the commitments reflected in the stormwater management system design and BMPs. Stabilization measures and restoration requirements for post-construction and the operational period of the Facility also are detailed in the Preliminary SWPPP. The Preliminary SWPPP will be finalized and approved by ORES and NYSDEC prior to initiation of construction activities as part of required compliance filings. Meadow habitat will be established throughout the site in the panel arrays and other disturbed areas to ensure long-term stabilization of site soils for the life of the Facility. Temporary measures will remain in place until areas are permanently stabilized. Once construction is complete and verified, a Notice of Termination will be filed for the General Permit coverage. Operations and Maintenance activities include routine inspections during the operations phase to ensure the established meadow habitat is functioning properly and site soils are stabilized. If needed, repairs or additional stabilization measures will be implemented.</p>

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			<p>The Applicant has initiated consultation with NYS Department of State in July 2023 regarding the Facility's location with the coastal zone and is coordinating receipt of a coastal consistency determination (see Appendix 2-C).</p> <p>The Facility will not be occupied and so does not pose a risk to human lives relating to flooding or erosion.</p>
12		Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.	The Facility does not involve or result in development on a beach, dune barrier island or other natural feature that provides protection against flooding or erosion (FCAF Question 2(f)).
13		The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	This policy is not applicable.
14		Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of	This policy is not applicable.

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		such activities or development, or at other locations.	
15	No	Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	The Facility will not involve or result in mining, excavation, filling or dredging in coastal waters (FCAF Question 1(h)).
16		Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.	This policy is not applicable.
17		Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.	See Policy 11 above. Non-structural erosion control measures will be included in the Facility's SWPPP required under the SPDES General Permit for Stormwater Discharges from Construction Activity.
18		To safeguard the vital economic, social and environmental	As discussed in conjunction with Policy 27 below, NYS has established stringent greenhouse gas emission reduction and renewable energy development goals

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		interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.	to help NYS address the threat posed by climate change. The review process for the proposed 125 MW solar project covers the economic, social and environmental interests of NYS in relation to this major project and is specifically designed to safeguard and give full consideration to these interests both generally and in relation to the NYS' valuable coastal resource areas.
19	No	Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities	<p>The Facility will not have a significant effect upon existing or potential public recreation opportunities (FCAF Question 1(d)).</p> <p>Note that the Facility will be located on land that was, is and will be privately owned, limiting public access. The Facility will not interfere with the public's use of existing publicly-available resources, including recreation resources and facilities. The Facility also will not interfere with existing public uses of the lake nearshore such as recreation or navigation. The siting of the Facility and its design will be protective of coastal resources and wildlife habitats as described under other policies.</p>
20		Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses	See Policy 19.
21		Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.	See Policies 2 and 19.
22		Development when located adjacent to the shore will	See Policy 19 above.

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		provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.	The Facility does not encompass water-related recreation or provide practical opportunities for recreational opportunities as an additional use of the site. Recreation activities are not compatible with the primary purpose of the development—construction/operation of a 125 MW solar facility.
23	No	Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.	<p>With the exception of the Babcock House, a National Register of Historic Places (NRHP)-eligible property, the Facility will not have a significant effect on structures, sites or districts of historic, archaeological or cultural significance to NYS or the nation (FCFAF Question 2(i)).</p> <p>The 94-c Application summarizes the status of the Applicant’s formal consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to develop the scope and methodology for cultural resources studies for the Facility as well its consultation with various federal recognized Indian nations. <i>See</i> Exhibit 9, Cultural Resources.</p> <p>With respect to archaeological impacts, the Applicant submitted Phase 1A and 1B archaeological survey reports to OPRHP. The Phase 1B survey was conducted within areas of modelled high archaeological sensitivity that overlapped with proposed Facility-related significant ground disturbances and consisted of shovel tests and pedestrian reconnaissance. The survey identified one historic period archaeological site located within an area of proposed tree and brush clearing and grubbing. However, based on the absence of stratigraphic separation within the culture bearing soil, the study concluded that the site did not possess potential research value and therefore was not eligible for listing in the NRHP or State Register of Historic Places (SRHP). OPRHP provided their concurrence with the Phase 1B findings on November 9, 2022, and no further archaeological investigations are required. An Unanticipated Discovery Plan has been prepared for the Facility to address any archaeological resources uncovered during construction of the Facility. <i>See</i> Exhibit 9, Cultural Resources and Appendix 9-F.</p>

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			<p>The Applicant’s consultant also completed a Historic Architecture Investigation for the Facility, which was provided to OPRHP on July 15, 2022. OPRHP provided a response on August 23, 2022, which included a request for additional information on visual buffers/landscaping plans, photographs, simulations and line-of-sight drawings to support their review of potential visual impacts to NRHP-eligible and NRHP-listed properties in the vicinity of the Facility, including the Babcock House and Smith Residence. A response package was submitted to OPRHP on October 4, 2022. OPRHP issued their determination on October 26, 2022 that the proposed Facility would have a significant visual impact on the setting of the Babcock House, as a result of introducing substantial visual elements out of character with the rural, lakeshore setting of the historic property. OPRHP also requested an alternatives analysis. To address OPRHP’s concerns, the Applicant revised the landscaping plan to provide additional rows of landscape plantings behind and to the west of the Babcock House to minimize visual impacts to this NRHP-eligible property. The Applicant also has consulted with Babcock House representatives to identify suitable mitigation to offset the visual impacts anticipated from the Facility through monetary donations to fund several Babcock House events and has provided a 2-acre parking area located west of the Babcock House to support these events at a location on the Facility Site (Figure 15-6). The Applicant also developed an alternatives analysis and submitted the requested information and proposed mitigation plan for the Babcock House to OPRHP on January 26, 2023. OPRHP issued their concurrence with the proposed mitigation plan (with conditions) on February 15, 2023. Based on the results of the consultation process with OPRHP and proposed mitigation that will be implemented to reduce visual impact affects to the Babcock House, the Applicant has mitigated potential visual and physically affects to historic architectural properties. Construction of the Facility will not require demolition or physical alteration of any NRHP-eligible, listed, or recommended eligible historic properties.</p>

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			<p>The consultant also evaluated the potential visual impact of the Facility on properties listed or eligible for listing on, the NRHP within the Area of Potential Effect (APE) (i.e., the area within 1 mile of the Facility) as part of the Visual Impact Assessment completed for the Facility. In summary, although there may be some positive visibility of the Facility from historic architectural properties within the APE, the Facility will not significantly affect the NRHP qualifying characteristics of any NRHP-recommended eligible architectural resources in the APE, and potential visual impacts to the Babcock House have been mitigated to reduce visual impact effects to this property. With consideration of the proposed mitigation plan for the Babcock House, OPRHP has determined that the Facility will not have an adverse impact on architectural resources.</p>
24	No	Prevent impairment of scenic resources of statewide significance.	<p>The Facility will not be located in, or contiguous to, or have a significant effect upon scenic resources of statewide significance (FCF Question 2(d)).</p> <p>The 94-c Application includes a comprehensive assessment of the potential visual impacts of the Facility on the local community, residents and protected or aesthetically valuable resources. See Exhibit 8, Visual Impacts. With respect to the prevention of impairment of scenic resources of statewide significance, the Applicant's consultant identified such resources within the Visual Study Area (VSA) (i.e., the 2-mile radius around the site) in accordance with the 94-c regulations and NYSDEC Program Policy DEP00-2, <i>Assessing and Mitigating Visual Impacts</i> (2000). Scenic resources identified within the VSA and discussed in Exhibit 8 include the Thirty-Mile Point Light House, Golden Hill State Park, and the Great Lakes Trail National Scenic Byway. One of these resources would have introduced views of the Facility: the National Scenic Byway, which coincides with Lake Road through the VSA. To mitigate potential adverse effects from these views, the Applicant is proposing to include new evergreen vegetation that would screen views from Lake Road toward the Facility. As a result of this mitigation measure, significant effects to this scenic resource will not occur. The landscaping plan for the Facility Site is provided in Appendix 5-A, Sheets PV-C.05.01–PV-C.05.04.</p>

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			<p>The Applicant has assessed the effects on scenic quality from the perspective of recreational boaters navigating offshore from the Facility from Lake Ontario. Photographic simulations have been prepared for potential views of the Facility from several Lake Ontario locations along the waterfront, looking south to the Facility, including potential view towards arrays proposed in the northwest corner of the Facility Site (adjacent to PV Array Area #1) and within the area of arrays proposed in the northeast corner of the Facility Site (adjacent to PV Array Area #8). Per Exhibit 8 and Appendix 8-A, the simulations show that views of the Facility from Lake Ontario will be limited and not significant.</p>
25	No	Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	<p>The Facility will not have a significant effect on the scenic quality of the coastal environment (FCAF Question 1(a)).</p> <p>As previously noted, the 94-c Application includes a comprehensive assessment of the potential visual impacts of the Facility on the local community, residents and protected or aesthetically valuable resources. See Exhibit 8, Visual Impacts. The visual analysis addressed both scenic resources of statewide significance and resources of local significance (e.g., local parks and recreation areas, lakes and rivers, major transportation corridors, and schools and colleges). Topographic and vegetated viewshed maps were created within the 2-mile VSA to identify potential visibility of the solar array and electrical-distribution equipment. The viewshed mapping was used to determine sensitive viewing areas, including recreational areas, residences, businesses, historic properties, and travelers with potential views of the Facility. Areas identified as being potentially visible on the topographic and vegetated viewshed maps were reviewed during field visits to confirm visibility. In addition, the Applicant reached out to the Town of Somerset, Niagara County, and others to obtain confirmation concerning appropriate viewpoint locations. The Applicant also commissioned the preparation of photographic simulations to determine the level of contrast between the existing landscape and the expected landscape</p>

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			<p>after the Facility is constructed. The analysis concluded that the Facility would result in a minor to moderate change to landscape conditions for certain viewers within the VSA, primarily motorists/cyclists traveling along NYS Route 18/Lake Road. The study also determined that Lake Ontario will have only limited views towards the Facility based on the screening effects of existing vegetation and topography. To mitigate visual impacts, the Applicant is proposing to install landscaping along portions of the Facility to screen views in areas where the Babcock House, adjacent residences and primary roads will have unobstructed views towards the Facility. In addition, the Applicant proposes to implement other measures to avoid, minimize, and mitigate visual impacts, as described for Policy 23 above for the Babcock House. Consistent with Policy 25, the Facility thus will not have a significant effect on the scenic quality of the coastal environment.</p>
26	Yes	Conserve and protect agricultural lands in the State's coastal area.	<p>The Facility is located in, or contiguous to, or will have a significant effect upon important agricultural lands (FCAF Question 2(e)). For the portion of the Facility Site located within the coastal zone, the United States Department of Agriculture Natural Resources Conservation Service Soil Survey has mapped approximately 237 acres as prime farmland soils, and approximately 7 acres as soils of farmland of statewide importance.</p> <p>The portion of solar panel arrays sited on agricultural lands, including those mapped as prime farmland and farmland of statewide importance, will have pile driven racking systems, which will result in minimal ground disturbance in those areas where grading is not required to meet racking tolerances. Where grading and excavation is proposed to meet racking tolerances identified by the manufacturer, or to provide required slope tolerances for other infrastructure, topsoil will be stripped, stockpiled, and returned for reuse within existing agricultural areas, which will reduce impacts and restoration requirements during decommissioning of the Facility. It is anticipated that electrical collection lines will be installed in such a way that impacts to active agricultural soils will be minimal.</p>

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			<p>The portion of the Facility Site within the coastal zone includes agricultural land located within Agricultural District 7. The land uses within the Facility Site were verified during field surveys. The portion of the Facility Site within the coastal zone includes agricultural land located within Agricultural District 7. The land uses within the Facility Site were verified during field surveys. Based on field verified data for the LOD approximately 190 acres of agricultural land is located in the coastal area.</p> <p>Over the past 5 years, the agricultural land present on the Facility Site has primarily been used for production of soybeans, grassland/pasture (including hay), and corn.</p> <p>Agricultural use and activities currently located within the Facility Site will cease once construction of the Facility begins. All agricultural lands located on the Facility Site are owned by the landowners and are currently being leased to tenant farmers. A majority of the agricultural lands that will be taken out of agricultural practice to build and operate the solar facility will be restored and made available for continued agricultural use after the Facility's useful life. However, during operations co-use of sheep grazing on a rotational basis within the Facility Site is proposed (Appendix 15-E).</p> <p>Soil health across agricultural lands on the Facility Site is expected to improve over the operating life of the Facility due to the absence of fertilizers, herbicides and pesticide inputs commonly associated with routine agricultural practices, and reduced frequency of soil disturbances associated with farming activities.</p> <p>The Applicant plans to follow the NYS Department of Agriculture and Markets <i>Guidelines for Solar Energy Projects-Construction Mitigation for Agricultural Lands</i> (2019) during construction of the Facility to ensure soil conditions are maintained in temporary disturbance areas. The Applicant also plans to hire an independent, third-party monitor to oversee compliance with agricultural conditions and requirements. Agricultural soils, including prime farmland soils</p>

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			<p>and farmland of statewide importance will be available for agricultural use after the useful life of the Facility (35 years).</p> <p>Thus, while the Facility will result in the temporary removal of land, including prime farmland and farmland of statewide importance, from agricultural use in the coastal area, portions of the disturbed lands are expected to be returned to agricultural use at the end of the Facility's useful life. A benefit to the overall health of the soil, currently impacted by agricultural use, is expected as a result of the Facility. The Facility thus is consistent with the Policy of conserving and protecting important agricultural lands in the NYS' coastal area.</p>
27	Yes	Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	<p>The Facility will involve the construction of a facility essential to the generation of energy. (FCF Question 1(g)).</p> <p>NYS' 2019 Climate Leadership and Community Protection Act (CLCPA) establishes greenhouse gas emission reduction and renewable energy goals designed to help address the threat of climate change. Among other things, the CLCPA calls for NYS to generate 70% of electricity from renewable sources by 2030 and for all electricity generation to be emission-free by 2040. The Somerset Solar Project is a part of efforts to achieve the CLCPA's GHG emission reduction and renewable energy goals.</p> <p>Although the solar facility does not need a shorefront location, siting a solar project on the site of the former Somerset Station coal-fired power plant is consistent with the NYS policy of encouraging renewable energy development on previously developed land such as brownfields. Also, the Facility Site is equipped with a substation that served the former coal-fired power plant. The presence of this important piece of infrastructure significantly reduces the potential impacts of connecting the solar facility to the existing electric grid.</p> <p>The Section 94-c proceedings conducted by the ORES are designed to assess both NYS' need for the Facility and the compatibility of the Facility with the environment. A decision by ORES approving the Facility will confirm NYS' determination both that NYS needs the electricity generated by the Facility to</p>

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
			help meet the goals of the CLCPA, and that the Facility is compatible with the environment and consistent with Policy 27.
28		Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.	The Facility will not interfere with the production of hydroelectric power, damage significant fish and wildlife or their habitats, or increase shoreline erosion or flooding.
29		The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.	This policy is not applicable.
30		Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.	The Facility will require a NYS water quality certification (WQC). (FCAP Question 3(d)), Discharges associated with the Facility are expected to conform to NYS and national water quality standards and thus are consistent with Policy 30.
31		State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and	This policy is not applicable.

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
		while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.	
32		Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	This policy is not applicable.
33		Best management practices will be used to ensure the control of stormwater drain runoff and combined sewer overflows draining into coastal waters.	The Facility will not impact combined sewer overflows. Stormwater associated with the Facility will be managed in accordance with a SWPPP under the SPDES General Permit for Stormwater Discharges from Construction Activity. (FCAF Question 1(j)). The SWPPP will incorporate BMPs for ensuring the control of stormwater runoff into coastal waters. Accordingly, the Facility is consistent with this Policy.
34		Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	This policy is not applicable.
35		Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife	This policy is not applicable. The Facility does not contemplate the dredging and filling of coastal waters.

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
		habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.	
36		Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	The volume of oil in the large power transformers located at the substation is expected to trigger the requirement for a Spill Prevention, Control and Countermeasures (SPCC) Plan under 40 CFR Part 112. The SPCC Plan will describe the procedures, methods, and equipment to be used to prevent the discharge of oil into or upon a water of the United States or adjoining shoreline as well as the measures for responding to a release should one occur. The SPCC Plan is designed to minimize the potential for oil releases and to expedite cleanup should such a release occur. Implementation of these measures will ensure that shipment and storage petroleum is conducted in a manner that will prevent or minimize spills to coastal waters and that all practicable efforts will be undertaken to expedite the cleanup of such discharges in the unlikely event they occur consistent with Policy 36. (FCAF Question 1(k)).
37		Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	As previously noted, stormwater associated with the Facility will be managed in accordance with a SWPPP developed under the SPDES General Permit for Stormwater Discharges from Construction Activity issued by the NYSDEC. Consistent with the SWPPP and stormwater general permit, BMPs will be used during Facility construction to reduce soil erosion and properly direct site drainage. These measures are consistent with Policy 37's goal of minimizing the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
38		The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.	The Applicant's 94-c Application included an assessment of the hydrologic character of the Facility Site, a private well survey, and identification of groundwater aquifers and groundwater recharge areas. See Exhibit 13, Water Resources. The review determined that there are no active public water supply wells located within 1,000 feet of the site and no NYSDEC-mapped aquifers extending beneath the Facility Site. The Applicant is taking various measures to protect groundwater during construction and operation of the Facility. Of particular note, where arrays are proposed in the coal storage pile and SWDA II landfill, ballasted foundations will be used to prevent damage to the protective

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
			<p>liner that has been installed underground for groundwater protection. In addition to avoiding direct work or disruption within the groundwater table, the Applicant will follow measures in the SWPPP developed under the SPDES General Permit for Stormwater Discharges from Construction Activity to protect the quality of both ground and surface water. Also, the transition away from agriculture during Facility operation will help keep excessive nutrients out of both surface and groundwater. As a result of these and other measures, construction and operation of the Facility is not anticipated to result in adverse impacts to ground or surface water quality or drinking water supplies, including primary source aquifers or municipal drinking water supplies. The Facility will not have any impact on the quantity of either ground or surface water. Consistent with Policy 38, the quality and quantity of surface water and groundwater supplies thus will be conserved and protected.</p>
39		<p>The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas, will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.</p>	<p>The Facility does not require the storage, treatment and disposal of solid wastes, including hazardous wastes, within coastal areas, and such activities will not be authorized as part of the Facility. (FCAF Question 1(k). However, some wastes will be generated during construction of the Facility (e.g., construction debris, cardboard, etc.); also, small quantities of solid waste will likely be generated during Facility maintenance. These materials will be managed on-site and disposed of off-site in accordance with all applicable federal, NYS and local laws. The solid waste generated at the Facility Site thus will be managed so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources, consistent with this Policy.</p>
40		<p>Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.</p>	<p>This policy is not applicable.</p> <p>The solar project will not discharge effluent into coastal waters. See Policies 33 and 37 above for a discussion of stormwater management concerns.</p>
41		<p>Land use or development in the coastal area will not cause</p>	<p>This policy is not applicable</p>

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
		national or State air quality standards to be violated.	
42		Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.	This policy is not applicable.
43		Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.	This policy is not applicable.
44		Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	<p>The Applicant has conducted an extensive analysis of the potential impact of the Facility on wetlands during which the Applicant's consultant delineated 43 wetlands within the Facility Site representing approximately 272.3 acres. See Exhibit 14, Wetland Ecology. (FCAF Question 2(a)). The Applicant used the delineation to place components where they would avoid and/or minimize impacts to NYS-jurisdictional wetlands. As a result of these efforts, permanent impacts to NYS-jurisdictional wetlands and U.S. Army Corps of Engineers (USACE) jurisdictional wetlands are anticipated to amount to less than 0.1 acres (i.e., 0.09 acres).</p> <p>Jurisdictional wetlands delineated within the Facility Site include 0.61 acre of NYS-jurisdictional wetlands and 4.03 acres of USACE-jurisdictional wetlands. Wetland impacts to NYS and USACE jurisdictional features will be less than 0.1 acres such that the Facility will qualify for coverage under a USACE Nationwide Permit and not require Pre-Construction Notification. Permanent impacts to jurisdictional wetlands total 0.09 acres, which represents impacts to 15% of the NYS-jurisdictional wetlands delineated on the Facility Site and 2% of the USACE-jurisdictional wetlands delineated on the Facility Site. Compared to the total acreage of wetlands delineated on the Facility Site (approximately 272</p>

**Coastal Consistency Review Table for the Somerset Solar Facility, Town of Somerset, Niagara County
New York Department of State Coastal Management Program, June 2017**

Policy Number	Policy Potentially Impacted by Activity (per CAF questions)	Policy	Applicability of/Consistency with Policy
			<p>acres), less than 0.001% of wetlands on the Facility Site will be permanently impacted by the Facility.</p> <p>Due to the limited amount of permanent impacts to federally regulated wetlands and waters, the Applicant is not required to submit a pre-construction notification to the USACE and no mitigation is required. Impacts to NYS-regulated wetlands (same 0.09 acres), require mitigation. The Applicant has developed a wetland mitigation plan, which will be approved in accordance with the applicable ORES regulations. Areas adjacent to wetlands that are disturbed will be restored in place using an appropriate native vegetation, wetland seed mix, if required, to minimize temporary impacts to wetlands. Mitigation requirements are anticipated to be at a 1:1 ratio, with a wetland mitigation requirement of 0.09 acres proposed to be conducted within an existing wetland located on the Site. Consistent with this Policy, and as evidenced by the minor amount of impacts to wetland habitat anticipated from development of the Facility, the Applicant has taken numerous measures to preserve freshwater wetlands and the benefits derived from these areas. There are no tidal wetlands on the Facility Site.</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somersset, Niagara County
2005 Town of Somersset Local Waterfront Revitalization Program (LWRP)**

Town of Somersset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
1	General: N/A Infrastructure: No Lakeshore Location: No Open Space: No	Foster a pattern of development in the coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a lakeshore location, and minimizes adverse effects of development.	<p>General: The Somersset Solar Facility (Facility) will involve the physical alteration of two or more acres in the Somersset Local Waterfront Revitalization Area (LWRA) (Waterfront Assessment Form [WAF] Question 2(b)). The consistency of the Facility in relation to this physical alteration is addressed throughout this consistency analysis.</p> <p>Infrastructure: The Facility will not involve or result in the expansion of existing public services or infrastructure in undeveloped or low density areas of the LWRA (WAF Question 2(c)). Essential public services and facilities do not presently exist at or near the site (WAF Question 3(a)(5)). The proposed location of the Facility is not currently the site of significant public services or facilities. Moreover, the planned solar project will not require public services/facilities to operate. Accordingly, the policy of encouraging a pattern of development that makes efficient use of infrastructure is not applicable to the Facility.</p> <p>Open Space: The Facility Site is not presently used by the community as open space (WAF Question 3(c)). See Policy 1.1.</p> <p>Lakeshore location: See Policy 1.2.</p>
1.1		Concentrate development and redevelopment in order to revitalize and enhance the waterfronts and strengthen the traditional rural waterfront focus of the community.	The Facility is a 125 megawatt (MW) solar facility, which will be located on a group of privately-owned parcels located both north and south of New York State (NYS) Route 18/Lake Road in the Town of Somersset. The parcels to the north consist primarily of agricultural fields and property comprising the grounds of the former Somersset coal-fired power plant (Somersset Station), which was constructed in the early 1980s, began operation in 1984, and ceased power production in March 2020. Portions of the former coal plant site will be repurposed for the Facility, including a coal storage pile and coal combustion residue (coal ash) landfill (Solid Waste Disposal Area [SWDA] II). The remainder of the Facility Site (i.e., the Limits of Disturbance or LOD) will be located on agricultural and other land situated south of NYS Route 18/Lake

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>Road. The surrounding areas of the Facility Site consist of developed and disturbed industrial land, a coal ash landfill (SWDA I), railroad lines that were used formerly for deliveries to the inactive Somerset coal-fired power plant, a New York State Electric and Gas Corporation (NYSEG) 345 kilovolt (kV) transmission corridor, agricultural land, and residential properties. Lake Ontario forms portions of the northern boundary of the Facility Site.</p> <p>The Facility will be located in the LWRA. See the Office of Renewable Energy Siting (ORES) 94-c Application, Figure 3-9 for details.</p> <p>The Facility calls for the redevelopment of currently underutilized waterfront property in the LWRA into a solar energy facility designed to generate 125 MW of carbon-free electricity. The Facility Site is situated in a manner that avoids potential impacts to sensitive habitats (including wetlands) and adjacent residents to the maximum extent practicable.</p>
1.2	No	Ensure that development or uses make beneficial use of their waterfront location.	The Facility will not have a significant effect on the development of future or existing water dependent uses (WAF Question 1(c)).
1.3		Maintain and enhance natural areas, recreation, open space and agricultural lands.	<p>Natural areas: See Policy 6.</p> <p>Recreation: See Policy 9.</p> <p>Open Space: See Policy 1.</p> <p>Agriculture: See Policy 12</p>
1.4		Minimize potential adverse land use, environmental and economic impacts that would result from proposed development.	Policy 13 calls for appropriate use and development of energy and specifically calls for promoting alternative energy sources that are self-sustaining, including solar energy generation (Policy 13.2). The NYS review process for the Facility discussed in Policy 13.3 specifically addresses issues relating to land use, environmental and economic impacts with the goal of minimizing these impacts.
1.5		Protect stable residential areas	The Facility has been designed to minimize impacts to existing residential areas. Specific measures include locating the solar arrays and related infrastructure away from residential properties; installing landscaping to minimize the visual impact of the Facility on nearby residences and installing

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			noise barrier/sound walls in areas to minimize noise impacts to sensitive noise receptors. A noise barrier wall is proposed at the Facility Substation and noise mitigation fencing is proposed along the boundary of one of the development areas located south of NYS Route 18. These mitigation features will ensure compliance with Town of Somerset and ORES noise requirements.
2	No	Preserve historic resources	With the exception of the Babcock House, a National Register of Historic Places (NRHP)-eligible property (see response to Policy 2.1 and 2.4 below), the Facility will not have a significant effect on structures, sites or districts of historic, archaeological or cultural significance to the municipality, NYS or nation (WAF Question 1(g)). See responses to Policies 2.1 to 2.4 below.
2.1	No	Maximize preservation and retention of historic resources	<p>The 94-c Application summarizes the status of the Applicant’s formal consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to develop the scope and methodology for cultural resources studies for the Facility as well its consultation with various federally recognized Indian nations. See Exhibit 9, Cultural Resources.</p> <p>As part of that investigation, the Applicant’s consultant completed a Historic Architecture Investigation for the Facility, which was provided to OPRHP on July 15, 2022. OPRHP provided a response on August 23, 2022, which included a request for additional information on visual buffers/landscaping plans, photographs, simulations and line of site drawings to support their review of potential visual impacts to NRHP-eligible and NRHP-listed properties in the vicinity of the Facility, including the Babcock House and Smith Residence. A response package was submitted to OPRHP on October 4, 2022. OPRHP issued their determination on October 26, 2022 that the proposed Facility would have a significant visual impact on the setting of Babcock House, as a result of introducing substantial visual elements out of character with the rural, lakeshore setting of the historic property. OPRHP also requested an alternatives analysis. To address OPRHP’s concerns, the Applicant has enhanced the density of the landscaping buffer proposed around the Babcock House where the property would have views of the</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>Facility and has coordinated with Babcock House representatives to identify suitable mitigation to offset the visual impacts anticipated from the Facility. The Applicant has offered to fund several Babcock House community events and has revised the layout to provide space for parking during these annual events (see Landowner Imposed Restrictions identified on Figure 15-6). The Applicant developed an alternatives analysis and submitted the requested information and proposed mitigation plan for the Babcock House to OPRHP on January 26, 2023. OPRHP issued their concurrence with the proposed mitigation plan (with conditions) on February 15, 2023. Based on the results of the consultation process with OPRHP and proposed mitigation that will be implemented to reduce visual impact effects to the Babcock House, the Applicant has mitigated potential visual and physical effects to historic architectural properties. Construction of the Facility will not require demolition or physical alteration of any NRHP-eligible, listed, or recommended eligible historic properties.</p> <p>The consultant also evaluated the potential visual impact of the Facility on properties listed or eligible for listing on the NRHP within the Area of Potential Effect (APE) (i.e., the area within 1 mile of the Facility) as part of the Visual Impact Assessment completed for the Facility. In summary, although there may be some positive visibility of the Facility from historic architectural properties within the APE, the Facility will not significantly affect the NRHP-qualifying characteristics of any NRHP-recommended eligible architectural resources in the APE, and potential visual impacts to the Babcock House have been mitigated to reduce visual impact effects to this property. With consideration of the proposed mitigation plan for the Babcock House, including the conditions outlined in their concurrence letter dated February 15, 2023 (see Appendix 9-A of the Application), OPRHP has determined the Facility will not have an adverse impact on architectural resources.</p>
2.2	No	Protect and preserve archaeological resources	With respect to archaeological impacts, the Applicant submitted Phase 1A and 1B archaeological survey reports to OPRHP. The Phase 1B survey was

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Sommerset, Niagara County
2005 Town of Sommerset Local Waterfront Revitalization Program (LWRP)**

Town of Sommerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>conducted within areas of modelled high archaeological sensitivity that overlapped with proposed Facility-related significant ground disturbances and consisted of shovel tests and pedestrian reconnaissance. The survey identified one historic period archaeological site located within an area of proposed tree/shrub clearing and grubbing. However, based on the absence of stratigraphic separation within the culture bearing soil, it was recommended the site did not possess potential research value and therefore was not eligible for listing in the NRHP or State Register of Historic Places (SRHP). OPRHP provided their concurrence with the Phase IB findings on November 9, 2022, and no further archaeological investigations are required. An Unanticipated Discovery Plan has been prepared for the Facility to address any archaeological resources uncovered during construction of the Facility and is included in Exhibit 9, with a contact list provided as Appendix 9-F of the Application.</p> <p>Based on the above, the Facility will not have a significant impact on archaeological resources.</p>
2.3		Preserve and enhance the historic Thirty Mile-Point lighthouse	This policy is not applicable.
2.4	No	Preserve and enhance the historic Babcock House Museum on Lake Road	<p>The Babcock House is located approximately 200 feet south and 160 feet east of the Facility Site within the Facility's Zone of Visual Impact and has been determined NRHP-eligible by OPRHP. Consistent with the discussion of Policy 2.1 above, construction/operation of the Facility will not directly impact the Babcock House. As noted for Policy 2.1 above, the Applicant has worked with Babcock House representatives and consulted with OPRHP to develop a mitigation plan that will serve to maintain and preserve the historic character of the Museum. Potential negative visual impacts to the Babcock House, such as from introducing new views into the local viewshed that are substantially different than currently exist, as a result of construction of the Facility, have been mitigated to address potential viewshed impacts. Through the proposed mitigation plan, the potential to diminish or alter the character-defining</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somersset, Niagara County
2005 Town of Somersset Local Waterfront Revitalization Program (LWRP)**

Town of Somersset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>qualities that make the property NRHP eligible have been minimized to the extent practicable.</p>
3	No	Enhance visual quality and protect outstanding scenic resources	<p>The Facility will not have a significant effect upon the scenic quality of the waterfront environment (WAF Question 1(b)). The Facility Site does not offer or include scenic views or vistas known to be important to the community (WAF Question 3(d)). The Facility Site is comprised of private lands and while partially screened views of Lake Ontario are present from two areas (currently used as agriculture fields) near the lakeshore, the Facility Site does not contain views or vistas accessible or recognized as important by the community.</p> <p>The 94-c Application includes a comprehensive assessment of the potential visual impacts of the Facility on the local community, residents and protected or aesthetically valuable resources. See Exhibit 8, Visual Impacts. The full Visual Impact Assessment report attached to Exhibit 8 acknowledges and addresses the LWRA. With regard to scenic resources, the LWRA recognizes “the dramatic vistas of Lake Ontario and its shoreline” (Town of Somersset, 2005¹). The nearest public locations to appreciate these views within the Visual Inventory and study areas (Barker Bi-Centennial Park and Golden Hill State Park) would be unaffected by installation of the Facility.</p> <p>The Applicant has assessed the effects on scenic quality from the perspective of recreational boaters navigating offshore from the Facility. Photographic simulations have been prepared for potential views of the Facility from several Lake Ontario locations along the waterfront, looking south to the Facility, including potential view towards arrays proposed in the northwest</p>

¹ Town of Somersset. 2005. Local Waterfront Revitalization Program. Adopted by the Town Board on August 9, 2005, approved by the Acting NYS Secretary of State Frank P. Milano, December 13, 2005; and concurrence received from the United States Office of Ocean and Coastal Resource Management on November 2, 2007. 164 pp.

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somersset, Niagara County
2005 Town of Somersset Local Waterfront Revitalization Program (LWRP)**

Town of Somersset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			corner of the Facility Site (adjacent to PV Array Area #1) and within the area of arrays proposed in the northeast corner of the Facility Site (adjacent to PV Array Area #8). Per Exhibit 8 and Appendix 8-A, the simulations show that views of the Facility from Lake Ontario will be limited and not significant.
3.1		Protect and improve visual quality throughout the waterfront	See Policy 3.
3.2		Protect aesthetic values associated with recognized areas of scenic quality.	See Policy 3.
4	No	Minimize loss of life, structures and natural resources from flooding and erosion	<p>The Facility will not involve or result in development within designated flood hazard areas (WAF Question 2(h)). The Facility is not located in a flood prone area (WAF Question 3(a)(7)).</p> <p>The Facility has been located to avoid floodplains to the maximum extent practicable. No special flood hazard areas occur within the LOD, which is located within the 0.2 percent annual chance flood hazard area (Zone X) as defined by the Federal Emergency Management Agency (FEMA). Zone X is characterized as experiencing a moderate to low risk from flooding.</p> <p>The Facility will not have a significant effect on the stability of the shoreline within the LWRA (WAF Question 1(d)). The Facility does not involve the physical alteration of land along the shoreline within the LWRA (WAF Question 2(a)). Facility infrastructure has been sited 77 feet or more from the top of slope of the Lake Ontario shoreline located adjacent to the Facility. The Facility does not involve development on a natural feature that provides protection against flooding and erosion within the LWRA (WAF Question 2(i)). The Facility will not be located on a site within the LWRA that is adjacent to the shore and located in an area of high erosion (WAF Question 3(a)(6)).</p> <p>The Applicant has analyzed the erosion risk for the Facility Site, including consideration of the Coastal Erosion Hazard Area (CEHA) erosion rates, to determine whether the proposed setback from the CEHA is sufficiently</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>protective over the projected operational life of the Facility. The Applicant prepared maps which overlay NYSDEC Natural Protective Feature Area (NPFA) and Structural Hazard Area (SHA) boundaries over the site plan for the Facility proposed as part of the original Application (see Appendix 5-A). Based on that review, the Applicant determined that certain features of the Facility and tree clearing activities in Area 1 of Facility Site were inside the SHA limits. The Applicant revised the Facility design such that these Facility features (access road, fence line, laydown area) and tree clearing activities are no longer within the SHA. The closest distance between the SHA and infrastructure in Area 1 is 6 feet (fence post), with a distance of 1 foot between the LOD and the SHA limits (Appendix 5-A, Sheet PV-C.02.01). Additionally, tree/shrub clearing previously proposed within the SHA limits has been removed. In development Area 7 (Appendix 5-A, Sheet PV-C.02.07) no design changes were necessary as review of the CEHA and SHA limits in this area determined there is no overlap. The closest distance between the NPFA limit and the fence line in Area 7 is approximately 44 feet, with the solar arrays located approximately 69 feet from the NPFA limit. This information was provided to NYSDEC (at the direction of NYSDOS) on July 19, 2023 for comments (Appendix 2-C).</p> <p>As part of this review process, the Applicant has assessed whether setbacks are sufficiently protective over the operational life of the Facility in light of CEHA erosion rates. This analysis shows adequate distance has been included in the Facility design and no infrastructure is located within SHA or CEHA boundaries as delineated by NYSDEC on 1988 maps. The updated design information has been provided to NYSDEC for review and they have acknowledged Facility infrastructure is located outside of these coastal erosion limits (see Appendix 2-C).</p> <p>As the above summary shows, the Applicant has minimized to potential for losses of life, structures and resources associated with coastal erosion.</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
4.1		Minimize losses of human life and property damage by locating structures and other development away from flooding and erosion hazards	See Policy 4.
4.2		Maintain erosion protection structures to protect public health and safety and reduce erosion hazards	See Policy 4.
4.3		Minimize loss of structures and natural resources in floodways	See Policy 4.
4.4		Preserve and restore natural protective features	<p>See Policy 4. T The Applicant has analyzed how the proposed tree/shrub clearing and construction of drainage features near the shoreline as depicted in Figure 3-11 will affect the preservation and restoration of natural protective features. As discussed in response to Policy 4 above, the Applicant overlaid the limits of the NYSDEC-mapped NFPA's over the site plan for the Facility and has made some minor adjustments to the layout to remove all infrastructure and related construction activities from occurring within the SHA. No infrastructure or related construction activities are proposed within the NFPA. Existing vegetation, including trees and shrubs located along the top of slope in Area 1, will be retained to provide long-term soil stabilization and preserve the natural protective features in this area. Accordingly, the Facility is consistent with the policy of preserving natural protective features.</p> <p>Activities proposed landward of the SHA limits in the Facility Site will result in temporary ground disturbance during construction. The Preliminary Stormwater Pollution Prevention Plan (SWPPP) included as Appendix 13-C, and erosion and sedimentation controls and other best management practices (BMPs) detailed in the Appendix 5-A engineering drawings of the Application have been designed to prevent stormwater runoff that could contribute to soil erosion and sedimentation of waterbodies. The SWPPP provides information on stormwater management practices, including erosion and sediment control (vegetative and structural measures, temporary</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>and permanent measures), construction phasing and disturbance limits, waste management and spill prevention, and site inspection and maintenance. Pre- and post-development hydrology, in addition to evaluation of runoff and drainage patterns, are being analyzed as part of stormwater design in accordance with final Facility layout, and, if necessary, the SWPPP will be updated prior to construction. Prior to commencement of construction a Notice of Intent for Stormwater Discharges from Construction Activity will be submitted to NYSDEC, along with an updated version of the SWPPP, to seek coverage under the most recent State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The Preliminary SWPPP will be refined to incorporate final design details and identify the specific parties responsible for monitoring, recordkeeping, and compliance associated with the commitments reflected in the stormwater management system design and BMPs. Stabilization measures and restoration requirements for post-construction and the operational period of the Facility also are detailed in the Preliminary SWPPP. The Preliminary SWPPP will be finalized and approved by ORES and NYSDEC prior to initiation of construction activities as part of required compliance filings. Meadow habitat will be established throughout the site in the panel arrays and other disturbed areas to ensure long-term stabilization of site soils for the life of the Facility. Temporary measures will remain in place until areas are permanently stabilized. Once construction is complete and verified, a Notice of Termination will be filed for the General Permit coverage. Operations and Maintenance activities include routine inspections during the operations phase to ensure the established meadow habitat is functioning properly and site soils are stabilized. If needed, repairs or additional stabilization measures will be implemented.</p>
4.5		Protect public lands and public trust lands and use of these lands when undertaking all erosion and flood control projects	This policy is not applicable.

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
4.6		Expend public funds for management or control of flooding or erosion hazards only in areas of the lakeshore that will result in proportionate public benefit.	This policy is not applicable.
5	<p>No: Ground and surface water</p> <p>Yes: Drainage/runoff</p>	Protect and improve water resources	<p>Groundwater/surface water: The Facility will not have a significant effect on ground or surface water quality (WAF Questions 1(e), 2(j)).</p> <p>The Facility will require a NYS water quality certification (WQC). Discharges associated with the Facility are expected to conform to NYS and national water quality standards. The Applicant's 94-c Application included an assessment of the hydrologic character of the Facility Site, a private well survey, and identification of groundwater aquifers and groundwater recharge areas and location of active groundwater level and monitoring wells that are within and adjacent to the Facility Site and are part of the former coal plant's groundwater monitoring program. See Exhibit 13, Water Resources. The review determined that there are no active public water supply wells located within 1,000 feet of the site and no New York State Department of Environmental Conservation (NYSDEC)-mapped aquifers extending beneath the Facility Site. The Applicant is taking various measures to protect groundwater during construction and operation of the Facility. Of particular note, where arrays are proposed in the coal storage pile and SWDA II landfill, ballasted foundations will be used to prevent damage to the protective liner that has been installed underground for groundwater protection. In addition to avoiding direct work or disruption within the groundwater table, the Applicant will follow measures in the Stormwater Pollution Prevention Plan (SWPPP) developed under the General Permit for Stormwater Discharges from Construction Activity to protect the quality of both ground and surface water. Also, the transition away from traditional row-crop agriculture during Facility operation will help keep excessive nutrients out of both surface and groundwater. As a result of these and other measures, construction and operation of the Facility is not anticipated to result in adverse impacts to</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>ground or surface water quality or drinking water supplies, including primary source aquifers or municipal drinking water supplies. The Facility will not have any impact on the quantity of either ground or surface water.</p> <p>Drainage/Runoff: The Facility will alter drainage flow patterns or surface water runoff to or from the site (WAF Question 3(l)). Best management practices will be used to control stormwater runoff into waterways (WAF Question 3(m)).</p> <p>Erosion control measures constituting best management practices will be included in the Facility's SWPPP required under New York's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. These measures will ensure that water resources are protected from any adverse impacts associated with possible changes in drainage/runoff and are consistent with the policy of protecting and improving water resources.</p>
5.1		Prohibit direct or indirect discharges that would cause or contribute to the contravention of water quality standards and targets.	See Policy 5.
5.2		Minimize nonpoint pollution of lake waters and manage activities causing nonpoint pollution	See Policy 5.
5.3		Protect and enhance surface water quality	See Policy 5.
5.4		Limit the potential for cumulative and secondary impact of watershed development and other activities on water quality and quantity	See Policy 5.
5.5		Protect and conserve water quality and quantity of potable water	See Policy 5. In addition, construction and operation of the Facility will not affect the quantity of potable water.

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
6		Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities	<p>The 94-c Application includes a comprehensive assessment of the potential impact of the Facility on fish and wildlife and their habitats. <i>See</i> Exhibit 11, Terrestrial Ecology; Exhibit 12, Threatened and Endangered Species; and Exhibit 13, Water and Aquatic. The proposed Facility will not impact fish habitat. Impacts to wildlife habitat associated with Facility construction and operation have been minimized through an informed design process, including positioning the LOD envelope away from sensitive resources to the maximum extent practicable. Although a portion of the LOD will experience post-construction habitat loss (e.g., access roads, stormwater filter strips, tree/shrub clearing and grubbing, selective tree/shrub cutting, grading and foundations for inverters and ballasted infrastructure), the majority of these impacts within the coastal zone will occur on lands formerly associated with the former Somerset Station coal-fired power plant or agricultural land. To further minimize habitat impacts, linear Facility components have been co-located, and previously disturbed areas (such as existing access roads and stormwater basins) have been incorporated into the Facility design where practicable. The Facility is not located within any Significant Coastal Fish and Wildlife Habitat Areas designated by the New York Department of State (NYSDOS) and/or NYSDEC. In addition, no federally designated Critical Habitats were identified within the LOC or surrounding areas.</p> <p>Although most of the LOD within the coastal zone located north of NYS Route 18 is on lands that are part of the former Somerset Station, some of these lands and other agricultural lands located south of NYS Route 18 are currently in agricultural use and so also are subject to routine disturbances associated with agricultural activities. Although these areas will experience temporary impacts associated with maintenance activities (i.e., mowing), replacing an agricultural monoculture with a diverse community of grasses will result in more diverse habitat conditions. Also, the areas of temporary disturbance will be allowed to return to the same or similar preconstruction vegetative state once the Facility is removed at the end of its useful life.</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somersset, Niagara County
2005 Town of Somersset Local Waterfront Revitalization Program (LWRP)**

Town of Somersset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>As the above summary shows, the Applicant has designed the Facility to protect, preserve significant coastal fish and wildlife habitats so as to maintain their viability consistent with LWRP policy.</p> <p>See Policy 6.3 for a discussion of wetlands.</p>
6.1		Protect locally significant waterfront fish and wildlife habitats	See Policy 6.
6.2		Support the restoration of locally significant fish and wildlife habitat wherever possible so as to foster their continued existence as natural, self-regulating systems.	See Policy 6.
6.3	No	Protect and restore freshwater wetlands	<p>Approximately 272 acres of wetlands and portions of 12 waterways have been delineated within the Facility Site. Jurisdictional wetlands within the Facility Site include 0.61 acre of NYS-jurisdictional wetlands and 4.03 acres of U.S. Army Corps of Engineers (USACE)-jurisdictional wetlands. Wetland impacts to NYS and USACE jurisdictional features will be less than 0.1 acres such that the Facility will qualify for coverage under a USACE Nationwide Permit and not require Pre-Construction Notification. Permanent impacts to jurisdictional wetlands total 0.09 acres, which represents impacts to 12% of the NYS-jurisdictional wetlands delineated on the Facility Site and 2% of the USACE-jurisdictional wetlands delineated on the Facility Site. Compared to the total acreage of wetlands delineated on the Facility Site (approximately 272 acres), this indicates that less than 0.001% of wetlands on the Facility Site will be permanently impacted by the Facility.</p> <p>The Facility will not increase/decrease the surface of any waterways in the LWRA (WAF Question 3(e)). The Facility will impact approximately 0.09 acre of designated freshwater wetland in the LWRA (WAF Question 3(k)).</p>
7	No	Protect and improve air quality	The Facility will not cause emissions that exceed federal or NYS air quality standards or generate significant amounts of nitrates or sulfates (WAF Question 3(n)).

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			Constructing the proposed 125 MW solar facility will reduce the NYS's need for fossil fuel-fired electricity generation and thus reduce emissions.
7.1		Control and abate existing, and prevent new air pollution	See Policy 7.
7.2		Limit discharges of atmospheric radioactive material to a level that is as low as practicable	This policy is not applicable.
7.3		Capture and recycle chlorofluorocarbon compounds during service and repair of air conditioning and refrigeration units to the greatest extent possible.	This policy is not applicable.
7.4		Limit sources of atmospheric deposition of pollutants to Lake Ontario, particularly from nitrogen sources.	See Policy 7.
8	No	Minimize environmental degradation in the waterfront area from solid waste and hazardous substances	The Facility does not involve waste discharges (WAF Question 3(f)), surface or subsurface liquid waste disposal (WAF Question 3(g)), or discharge of toxins, hazardous substances or other pollutants (WAF Question 3(j)). See Policy 5 for a discussion of runoff.
8.1	Yes	Manage solid waste (as defined under ECL § 27-0701 and 6 New York Codes, Rules and Regulations [NYCRR] Part 360-1.2) to protect public health and control pollution	The Facility will require the management of solid waste (WAF Question 2(h)). Note that the Facility does not require the storage, treatment and disposal of solid wastes, including hazardous wastes, within the LWRA, and such activities will not be authorized as part of the Facility. However, some wastes will be generated during construction of the Facility (e.g., construction debris, cardboard, etc.); also, small quantities of solid waste will likely be generated during Facility maintenance. These materials will be managed and disposed of off-site in accordance with all applicable federal, NYS and local laws.
8.2		Manage hazardous wastes to protect public health and control pollution	This policy is not applicable.

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
8.3		Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.	This policy is not applicable.
8.4	No	Prevent and remediate discharge of petroleum products	The Facility will not involve the shipment or storage of oil within the LWRA (WAP Question 3(i)).
8.5		Transport solid waste and hazardous substances and waste using routes and methods which protect the safety, well-being and general welfare of the public and the environmental resources of the state; and protects continued use of all transportation corridors.	See response to Policy 8.1. All solid waste generated during construction and maintenance of the Facility will be transported in accordance with all applicable federal, NYS and local waste transportation regulations.
8.6		Site solid and hazardous waste facilities to avoid potential degradation of lakeshore resources	This policy is not applicable.
9	No	Provide for public access to, and recreational use of, coastal waters, public lands, and public resources in the coastal area	<p>The Facility will not have a significant effect on existing or potential public recreation opportunities (WAF Question 1(f)) or involve or result in a reduction of existing or potential public access to or along the shore (WAF Question 2(f)). Also, the Facility will not provide waterfront-related recreation or public access to the shoreline (WAF Question 3(a)(1)-(2)) or supplant a recreation or maritime use (WAF Question 3(a)(4)). Finally, the Facility Site is not presently used by the community as an open space or recreation area (WAF Question 3(c)).</p> <p>The Facility will be located on land that was, is and will be privately owned, limiting public access. The proposed Facility will not interfere with the public's use of existing resources, including recreation resources and facilities. The Facility also will not interfere with existing public uses of the lake nearshore such as recreation or navigation.</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
9.1		Promote appropriate physical public access and recreation throughout the waterfront area	See Policy 9.
9.2		Provide public visual access to the lake or open space at all sites where physically practical	See Policy 3 and 9.
9.3		Preserve public interest in and use of lands and waters held in public trust by the state and other government levels	The Applicant has analyzed the existing Town parcel in the northeast portion of the Facility that connects Hartland Road to the interior of the former Somerset Station lands, and how the proposed Facility preserves this parcel for possible future access. Setbacks from the Town parcel includes a minimum of 20 feet between the fence line and the parcel boundary. Future public access would not be hindered, if identified as an allowable use in the future.
9.4		Provide access and recreation which is compatible with natural resource values	See Policy 9.
10	No	Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations and support efficient harbor operations.	The Facility does not require a waterfront site (WAF Question 3(a)(3)). There are currently no water-dependent uses on the Site.
10.1		Protect water-dependent uses	This policy is not applicable. See Policy 10.
10.2		Promote the siting of new water-dependent uses at suitable locations and provide for their safe operation	The portion of Facility Site within the LWRP is comprised of the site of the former Somerset Station coal plant, including a coal storage pile and coal combustion residue (coal ash) landfill, limiting its value as a site of new water-dependent uses. Furthermore, the slopes located adjacent to the Facility Site leading down to the shoreline of Lake Ontario are very steep and generally are not suitable for easy recreational access to the lake from this location.
10.3		Improve the economic viability of water-dependent uses	See Policy 10.2.

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

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10.4		Allow water-enhanced uses that complement or improve the viability of water-dependent uses	See Policy 10.2 The Facility does not include any water-dependent uses and the Facility Site is not suitable for future water-dependent uses. The only water-dependent use for the LWRP identified in the revitalization plan for the Facility Site area is for the former coal plant which utilized lake water for cooling. As noted in the LWRP, the LWRA contains certain lands, some of which are located directly along the shoreline, that support, and are zoned for, non-water dependent agricultural uses. Thus, the Facility is consistent with this policy.
11	No	Promote sustainable use of living marine resources	The Facility will not have a significant effect on commercial or recreational use of fish and wildlife resources (WAF Question 1(a)).
11.1		Provide for and promote the recreational use of marine fisheries	This policy is not applicable.
12		Protect agricultural lands	<p>The Facility Site contains agricultural land, located within Agricultural District 7, that also is within the LWRA. The land uses within the Facility Site were verified during field surveys. Over the past 5 years, the agricultural land present on the Facility Site has primarily been used for production of soybeans, grassland/pasture (including hay), and corn. To facilitate construction and operations of the Facility for the duration of its useful life (35 years), agricultural land within the Facility Site will be taken out of agricultural production and be used for solar energy components. Row-crop and pasture/hay agricultural use and activities currently located within the Facility Site will cease once construction of the Facility begins; however, during operations co-use of sheep grazing on a rotational basis within the Facility Site is proposed (Appendix 15-E).</p> <p>The portion of solar panel arrays sited on agricultural lands within the Facility Site will have pile driven racking systems, which will result in minimal ground disturbance in those areas where grading is not required to meet racking tolerances. Where grading and excavation is proposed to meet racking tolerances identified by the manufacturer, or to provide required slope tolerances for other infrastructure, topsoil will be stripped, stockpiled, and returned for reuse within existing agricultural areas, which will reduce</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
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Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
			<p>impacts and restoration requirements during decommissioning of the Facility. The Applicant plans to follow the NYS Department of Agriculture and Markets <i>Guidelines for Solar Energy Projects-Construction Mitigation for Agricultural Lands</i> (2019) during construction of the Facility to ensure soil conditions are maintained in temporary disturbance areas. The Applicant will implement the Drainage Remediation Plan provided in Appendix 15-B, which identifies steps to be taken to identify and address inadvertent damage to surface or sub-surface drainage within agricultural fields (i.e., drain tiles) and the procedures established to avoid, minimize, and remediate potential impacts to drain tiles that could result from the construction of the Facility. A drain tile repair detail sheet has been created and is included as Appendix 5-A, Sheet PV-C.08.03. The Applicant also plans to hire an independent, third-party monitor to oversee compliance with agricultural conditions and requirements.</p> <p>All agricultural lands located on the Facility Site, including those within the LWRP, are owned by the landowners and are currently being leased to tenant farmers. It is anticipated that electrical collection lines will be installed in such a way that impacts to active agricultural land will be minimal. A majority of the agricultural lands that will be taken out of row-crop and pasture/hay production to build and operate the solar facility will be restored and made available for continued agricultural use both during and after the Facility's useful life. Soil health across agricultural lands on the Facility Site is expected to improve over the operating life of the Facility due to the absence of fertilizers, herbicides and pesticide inputs commonly associated with routine agricultural practices, and reduced frequency of soil disturbances associated with row-crop farming activities. The co-use of sheep grazing during operations will allow the Facility to continue to support agricultural activities during its useful life.</p> <p>In summary, previously developed areas of the former coal plant site have been utilized for infrastructure siting to the extent practicable, and the</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
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			<p>Applicant has strived to balance and minimize impacts to natural resources (wildlife and aquatic habitats) by also siting infrastructure within open agricultural fields to minimize wetland and forest clearing impacts.</p> <p>Thus, while the Facility will result in the temporary removal of land from agricultural use in the LWRA, portions of the disturbed lands are expected to be returned to agricultural use both during operations and at the end of the Facility's useful life. A benefit to the overall health of the soil, currently impacted by agricultural row-crop uses, is expected because of the Facility, including planned co-use of sheep grazing. The Facility is thus consistent with the Policy of protecting agricultural lands in the LWRA.</p>
12.1		Protect existing agriculture and agricultural lands from conversion to other land uses that would eliminate agricultural production or potential agricultural production	See Policy 12
12.2		Establish and maintain favorable conditions that support existing or promote new lakeshore agricultural production.	See Policy 12.
12.3		Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land or agricultural production to other land uses.	See Policy 12.
12.4		Preserve scenic and open space values associated with agricultural lands	See Policies 3 and 12.
13	Yes	Promote appropriate use and development of energy and mineral resources	<p>The Facility involves construction of an energy facility that is not subject to Article VII or VIII of the Public Service Law (WAF Question 2(d)).</p> <p>The portion of the 125 MW solar energy facility that will be sited on the former site of Somerset Station coal-fired electric generating facility is consistent with the policy of promoting renewable energy development on previously developed land such as brownfields. Also, the Facility is consistent</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
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			<p>with—and essential to—meeting the goals of NYS’ 2019 Climate Leadership and Community Protection Act (CLCPA), which requires NYS to reduce greenhouse gas emissions 40% below 1990 levels by 2030 and 85% below 1990 levels by 2050. The CLCPA also requires that a minimum of 70% of statewide electricity generation be generated by renewable sources by 2030 and that statewide electricity generation be zero emissions by 2040.</p> <p>The Facility does not involve development of mineral resources.</p>
13.1		Conserve energy resources	See Policy 13.
13.2		Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation	See Policy 13.
13.3		Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities	See Policy 13. The Facility will be reviewed by the ORES under the procedures and standards established by the Accelerated Renewable Energy Growth and Community Benefit Act, codified at Executive Law 94-c. These procedures/standards are designed to ensure that the environmental impacts of renewable energy projects are properly assessed as part of the project review and are minimized to the extent practicable in light of NYS’ broader renewable energy goals.
13.4		Minimize adverse impacts from fuel storage facilities	See Policy 8.4.
13.5	Yes	Ensure that mining, excavation and dredging do not cause or increase erosion, any adverse effects on natural resources or degradation of visual resources.	<p>The Facility will involve excavation, which is required to install the solar arrays, racking, electrical collection lines, and other equipment (WAF Question 2(e)). Also, the Facility will involve or result in the removal of ground cover from the site (WAF Question 2(k)).</p> <p>Any degradation of visual resources associated with excavation will be temporary. See Policy 4 above for discussion of erosion. The excavation will not result in adverse effects to natural resources. See Policy 5 and 6. Consistent with this Policy, the Facility has been designed to ensure that excavation will not cause or increase erosion, or adversely affect natural</p>

**Coastal Consistency Review Table for the Sommerset Solar, LLC Facility, Town of Somerset, Niagara County
2005 Town of Somerset Local Waterfront Revitalization Program (LWRP)**

Town of Somerset LWRP Policy Number	Policy Potentially Impacted by Activity (per WAF questions)	Policy	Applicability of/Consistency with Policy
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			resources. Potential negative visual impacts to historic resources will be mitigated as described for Policy 2.4.
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