



Office of
Renewable
Energy Siting

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December 17, 2021

Eric Will, Senior Development Manager
Riverside Solar, LLC
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Brooklyn, NY 11201
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RE: Matter No. 21-00752 - NOTICE OF INCOMPLETE APPLICATION
Executive Law §94-c Permit Application of Riverside
Solar, LLC, for the proposed Riverside Solar Project,
located in the Towns of Lyme and Brownville, Jefferson
County (100 MW Solar)

Dear Eric Will:

Based upon review of the above Permit Application submitted by Riverside Solar, LLC (Applicant) on October 15, 2021, the Office of Renewable Energy Siting (the Office or ORES) has determined that the Application, as submitted, is incomplete. A list of incompleteness and a description of the specific deficiencies are identified in **Attachment A** to this letter, pursuant to 19 NYCRR §900-4.1(d).

The Applicant should review the attached information and provide a supplemental response to the Office. The Permit Application shall remain incomplete until all requested information is received by the Office, and a partial submission of the requested material shall not change the incomplete status in compliance with 19 NYCRR §900-4.1(e). Failure to respond in writing to the Office's notice of incomplete application may result in the Application being deemed withdrawn without prejudice in compliance with 19 NYCRR §900-4.1(f).

Please note that the Applicant is required to serve a copy of its supplemental response on all entities entitled to receive a copy of the Application pursuant to 19 NYCRR §900-1.6. The Office is committed to responding as expeditiously as possible to your complete supplemental response.

cc: Service List

ATTACHMENT A**Areas of Incompleteness and Description of Specific Deficiencies
ORES Matter No. 21-00752 Riverside Solar Project**

Pursuant to 19 NYCRR §900-4.1(d), this notice includes a listing of all identified areas of incompleteness and a description of specific deficiencies requiring a written response from the Applicant.

Without limitation, the additional analyses and information requested herein are necessary to make findings and determinations that the proposed Solar Facility, together with applicable Uniform Standards and Conditions (USCs), site specific conditions, and pre-construction and post-construction compliance filings, would: a) comply with Executive Law §94-c and applicable provisions of the Office's regulations at 19 NYCRR Part 900; b) comply with substantive provisions of applicable State laws and regulations; c) comply with substantive provisions of applicable local laws and ordinances; d) avoid, minimize, or mitigate, to the maximum extent practicable, potential significant adverse environmental impacts of the Facility; e) achieve a net conservation benefit with respect to any impacted threatened or endangered species; and f) contribute to New York's Climate Leadership and Community Protection Act (CLCPA) targets by providing the estimated additional megawatts (MW) of renewable energy set forth in the Application, and provide the environmental benefits of offsetting the estimated number of tons of CO₂ and other emissions per year set forth in the Application.

General Requirements for Applications

1. 19 NYCRR §900-1.3(a) requires that the Applicant consult with local agencies and provide "[p]roof of pre-application meeting(s) conducted no less than 60 days before application filing." Please supplement Exhibit 2 to include this information.
2. 19 NYCRR §900-1.3(a)(1)-(a)(8) requires that the Applicant provide a description of the proposed facility, a map of the proposed facility site and other information. The Applicant provided a brief statement in Exhibit 2 about the content of the Local Agency Consultation meeting but did not include all

required information. Please supplement Exhibit 2 to include the required summaries, descriptions and figures provided to local agencies.

3. 19 NYCRR §900-1.3(b) requires that the Applicant meet with community members prior to filing an application and "[p]rovide notice of the meeting no sooner than thirty (30) days and no later than fourteen (14) days prior to the meeting in accordance with the publication requirements of section 900-1.6(c) of this Part." Please provide proof of notification regarding the community meeting held on March 2, 2021.
4. 19 NYCRR §900-1.3(c) requires that the application include "[c]opies of transcripts (if any), presentation materials, and a summary of questions raised and responses provided during the pre-application meeting(s)." In addition, if the "[applicant is unable to secure a meeting with a municipality, the application shall contain a detailed explanation of all of applicant's best efforts and reasonable attempts to secure such meeting, including, but not limited to, all written communications between the applicant and the municipality." The applicant provided the required materials and Q&A summary for the community meeting, but not for the meeting with the local agencies. Please provide the required information for the local agency meeting on February 26, 2021, and confirm that all local agencies were in attendance.
5. 19 NYCRR §900-1.3(d) requires that the application include "[c]opies of transcripts (if any), presentation materials, and a summary of questions raised and responses provided during the pre-application meeting(s)." The applicant provided the required Q&A summary for the community meeting, but not for the meeting with the local agencies. Please provide the required Q&A and other information for the local agency meeting on February 26, 2021 (or other applicable date), and confirm that all local agencies were in attendance.
6. 19 NYCRR §900-1.4(a)(4)(i)-(vi) requires the creation of a website that includes a description of "...[t]he proposed facility, its location, and the range of potential environmental and health impacts of the construction and operation of the facility;" a map of the proposed facility site; a statement detailing when and where the application may be examined; information on the availability of the local

agency account funds; an explanation of how and where persons can file a request to receive notices concerning the proposed facility; and information as to how to access relevant documents on the ORES website. Please revise the content of the website to include the required information (e.g. maps, impacts, request notices, potential impacts of the project) with links in a more prominent location to ensure the information is easily accessible to the public.

7. 19 NYCRR §900-2.1(e) requires that "[i]f the same information is required for more than one exhibit, it may be supplied in a single exhibit and cross-referenced in the other exhibit(s) where it is also required." When addressing the comments set forth herein, the Office respectfully requests that additional cross-references to other Exhibits and Appendices be included in the updated Application materials.

Exhibit 3 - Location of Facilities and Surrounding Land Use

1. Exhibit 3, page 41 states that "[t]here will be a total forested habitat loss of 82 acres." Please confirm that related facility site parcels are not currently enrolled in the 480a Forest Tax Law Program.
2. 19 NYCRR §900-2.4(a) requires the use of the "[l]atest or recent edition USGS maps (1:24,000 topographic edition, utilizing GIS mapping to the extent available)". Please revise Figure 3-1 using the appropriate 1:24,000 scale.
3. 19 NYCRR §900-2.4(a)(2) requires "[t]he proposed location of any off-site utility interconnections, including all electric transmission lines, communications lines, stormwater drainage lines... servicing the site of the facility." Page 2 of Exhibit 3 states that the Facility will have no need for stormwater drainage lines. However, Figure 3-1 depicts stormwater drainage lines in multiple locations within the Facility Site. Please clarify and confirm whether the stormwater drainage lines depicted on Figure 3-1 are proposed or existing.
4. 19 NYCRR §900-2.4(e) requires "[a] map of any existing overhead and underground major facilities for electric, gas or telecommunications transmission within the study area and a summary of any consultations with owners of major facilities for electric, gas or telecommunications that may be impacted

by the facility (crossing existing utilities or otherwise).” The narrative in Exhibit 3 states that Figure 3-3 shows major electric, gas, water, and fiber optic lines, however, the legend for Figure 3-3 only includes electric and fiber optic lines. Please add the gas/water lines to the figure or confirm that there are none within the facility site.

5. 19 NYCRR §900-2.4(k) requires “[m]aps showing recreational and other land uses within the study area that might be affected by the sight or sound of the construction or operation of the facility, interconnections and related facilities...” The map in Appendix 8-1, Figure 3 does not depict recreational resources. Please revise the map to include the snowmobile trail that traverses through the facility site, and cross-country ski trails which were only described in the narrative.

Exhibit 4 - Real Property

1. Figure 4-1 depicts portions of “landowner-imposed development restriction areas”. Please describe the restrictions imposed and how the Facility is designed to comply with the restriction.

Exhibit 5 - Design Drawings

1. 19 NYCRR §900-2.6(f)(1)(i)(c) and (f)(s)(iii) requires that general site plan drawings and typical details include information for any proposed splice vaults at solar facilities. Section (2)(iii) in Exhibit 5 states that splice vaults are provided, however, details indicate that splicing will be achieved through sectionized enclosures. Please update Exhibit 5 to describe splicing methods and proposed splicing structures shown on drawing PV-C.12.03; and provide approximate locations of sectionizing enclosures on updated site plans.

Exhibit 6 - Public Health, Safety, and Security

1. 19 NYCRR §900-2.7(c)(4) requires that the Safety Response Plan at Appendix 6-1 include “[c]ommunity notification procedures by contingency.” Please update section 4.0 of Appendix 6-1 to include community notification procedures, including municipal officials and landowners, by contingency.

2. 19 NYCRR §900-2.7(c)(7) requires that the Safety Response Plan at Appendix 6-1 include a statement that "[t]raining drills with emergency responders will be conducted at least once per year." Section 5 of the plan indicates that training will take place annually, but Section 3.3 states that training for state and local emergency response will only occur periodically over the life of the facility. Please clarify that training will occur on an annual basis.

Exhibit 7 - Noise and Vibration

The information provided in Exhibit 7 does not contain sufficient detail for the Office to complete its review in compliance with 19 NYCRR §900-2.8.

1. Please provide all noise and vibration modeling data as well as manufacturers cut-sheets for low-voltage transformers (LVTs) and tracking motors. Please update the modeling to include the LVTs and the DuraTrack tracking system identified in Appendix 2-2 and update any associated tables.
2. 19 NYCRR §900-2.8(j)(1) requires that "[t]he model shall use the ANSI/ASA S12.62-2012/ISO 9613-2:1996 (MOD) ... or the ISO-9613-2:1996 propagation standard ... for the main phases of construction, and from activities at any proposed batch plant area/laydown area." Exhibit 7, Section 7(j) (page 11) states that "[f]uture construction noise modeling was performed for the main phases of construction and from activities at the proposed batch plant/laydown area..." Noise modeling for the batch plant was not performed. Please assess the impact of construction noise from the batch plant, if any.
3. 19 NYCRR §900-2.8(j)(2) requires that "[t]he model shall include, at a minimum, all noise sources and construction sites that may operate simultaneously to meet the proposed construction schedule for the most critical timeframes of each phase." Please evaluate the cumulative effect of all construction activities and sites that will need to occur or operate simultaneously across the entire Project site to meet the proposed construction schedules and report the results, especially for road construction, trenching, inverter installation and piling.
4. 19 NYCRR §900-2.8(q)(2)(ii) requires that "[t]itles shall identify whether the tabular or graphical information

correspond to the "unmitigated" or "mitigated" results, if any mitigation measures are evaluated, and "cumulative" or "non-cumulative" for cumulative noise assessments." Please revise the titles in Tables 7-4, 7-5, 7-7, and 7-8, Appendix 7-4, and Appendix 7-5 and specify if the data provided in the tables applies to mitigated or unmitigated results.

Exhibit 8 - Visual Impacts

The information provided in Exhibit 8 does not contain sufficient detail for the Office to complete its review in compliance with 19 NYCRR §900-2.9.

1. 19 NYCRR §900-2.9(a) requires that the Applicant's VIA include a cumulative visual impact analysis. Please supplement the discussion at Exhibit 8 and the VIA at Appendix 8-1 to include separate discussion of how the proposed Facility is sited to avoid, minimize or mitigate potential cumulative visual impact(s) to the surrounding community, including discussion of other renewable energy facilities, potential VSRs and other resources.
2. 19 NYCRR §900-2.9(a) requires that the Applicant's VIA include a Visual Impacts Minimization and Mitigation Plan. Please supplement the VIA (Appendix 8-A) and Visual Impacts Minimization and Mitigation Plan (Appendix 8-B) by discussing the Applicant's evaluation of architectural design, visual offsets, relocation or rearranging of facility components, reduction of facility component profiles, alternative technologies, lighting options for work areas and safety requirements.
3. 19 NYCRR §900-2.9(a)(4) requires the Applicant to simulate "[t]he appearance of the facility upon completion, including building/structure size, architectural design, facade colors and texture, and site lighting." The simulations provided show solar arrays, but do not show buildings. Please revise accordingly.
4. 19 NYCRR §900-2.9(b)(1) requires "[a] line of sight profile shall also be done for resources of statewide concern located within the VIA study area." A line of sight (LOS) profile is only provided for the Chaumont Village Historic District and Lower Case Road. Please provide LOS profiles for identified

VSRs outside of the Chaumont Historic District and reference all VSRs in Table 4 - Visual Impact Rating Results.

5. The composite viewshed maps at VIA-Appendix 8-1 Attachment 2 (Maps) presents three figures (Landscape Similarity Zones, Overview of Aesthetic Resources and PV Panel Viewshed, and Potential Visibility and Aesthetic Resources for Solar Panels).
 - a. To facilitate review, please display Landscape similarity zones (Figure 1) on an aerial photo or topographic map for geographic reference.
 - b. Please include photo/simulation locations on Figures 2 and 3 (Overview of Aesthetic Resources and PV Panel Viewshed and Potential Visibility and Aesthetic Resources for Solar Panels).
6. 19 NYCRR §900-2.9(c)(1) requires that "[p]hotographic simulations of the facility shall be prepared from the representative viewpoints to demonstrate the post-construction appearance of the facility. Where vegetation screening is relied on for facility mitigation, leaf-off and leaf-on simulation shall be provided."
 - a. Agricultural crops are generally not a suitable form of mitigation. Application Exhibit 8, Appendix 8-1, Section 9.2.1.9. (Viewpoint 42: County Route 125) states "[t]he panels will not be visible from this vantage point once the crop within the agricultural field is established and has an opportunity to grow." Crop rotation is a common practice year to year so a field planted in corn may be replanted in soybeans or hay another year. Also, the growing season for most crops is April through November, and it is usually late in June to July that corn reaches its full height, so there is no mitigation quality from an agricultural crop during winter months when screening is needed most. Please describe how visibility of panels from Viewpoint 42 will be mitigated for all seasons.
 - b. Viewpoint No. 49 in the simulations provided in Application Appendix 8-1 is not created using leaf-off conditions. Consequently, both the leaf-off and leaf-on simulations for Viewpoint No. 49 represent existing

leaf-on conditions. Please provide representative photographs during leaf-off conditions for all simulations.

- 7.19 NYCRR §900-2.9(d)(8) requires “[p]lanting Plans which shall include the facility substation; energy storage structures; and the POI Switchyard; and for components of solar generating facilities as appropriate to facility setting.” Plant material selected for mitigation plantings must be adaptable to site conditions and resistant to herbivorous grazing. Thuja Occidentalis and Abies Balsamea will need to be closely monitored as the Cornell Cooperative Extension highlights these species as being frequently and heavily damaged by deer. Please describe the proposed plan for establishing mature growth of such species to provide the mitigation depicted in the simulations for the life of the project.
- 8.19 NYCRR §900-2.9(d)(9)(iii)(b) requires “[f]ull cutoff fixtures, with no drop-down optical elements (that can spread illumination and create glare) for permanent exterior lighting...” The VIA at section 10.0, Lighting, cross-references the Lighting Plan at Exhibit 5, Appendix 5-1. Please update the Lighting Plan at Sheet HV-P.13.01 to provide the manufacturer’s cut sheets and details for all proposed lighting fixtures.

Exhibit 9 - Cultural Resources

1. Please appropriately supplement the application to include the State Historic Preservation Office (SHPO) No Adverse Effect letter with conditions dated November 19, 2021. A confidential filing in compliance with 19 NYCRR §900-1.4(a)(6) is authorized to the extent required by applicable federal or state law. Please update the Office on the plan for addressing (or please address directly) any required modifications to other application exhibits (if any) that are required as a result of the combined determinations of the OPRHP/SHPO.
- 2.19 NYCRR §900-2.10(a)(5) requires an Unanticipated Discovery Plan. Please revise the Unanticipated Discovery Plan to include the following notification requirement: Permittee will promptly notify ORES Staff indicating details of any such discovery of possible archaeological or human remains.

Exhibit 11 - Terrestrial Ecology

- 1.19 NYCRR §900-2.12(b) requires "[a]n analysis of the temporary and permanent impact of the construction and operation of the facility and the interconnections on the vegetation identified.." The impact estimates in the narrative differ from the totals listed in Table 11-2. For example, 11(b) Impacts to Forest Land identifies 127.47 acres of proposed clearing, however, the estimate from Table 11-2 'Vegetation Type Construction and Operation Impacts' identifies 59.76 acres of proposed clearing. Please review and update these calculations and address any potential revisions or clarifications to the figures reported.
- 2.19 NYCRR §900-2.12(d) requires "[a] list of the species of mammals, birds, amphibians, terrestrial invertebrates, and reptiles that are likely to occur based on ecological communities present at, and bird and bat migration routes through, the facility, supplemented as necessary by site surveys, site observations and publicly available sources." The Applicant has provided lists of species in the following: Appendix 12-1: Wildlife Site Characterization Report; Table 11-3. Wildlife Species Likely to Occur and/or Observed in Vegetative Community Types; and 11(d) Wildlife Species Likely to Occur in Ecological Communities Onsite. Please provide a single consolidated list of species likely to occur in the Facility site.

Exhibit 12 - NYS Threatened or Endangered Species

- 1.19 NYCRR §900-2.13(f) requires "...[a] copy of a Net Conservation Benefit Plan prepared in compliance with section 900-6.4(o)..." Please update the NCBP provided at Exhibit 12, Appendix 12-5 to correspond to the ORES take estimate provided in Exhibit 12, Appendix 12-4.

Exhibit 13 - Water Resources and Aquatic Ecology

- 1.19 NYCRR §900-2.14(b) (1) requires "[a] map or series of maps showing delineated boundaries of all federal, state, and locally regulated surface waters present on the facility site and within one hundred (100) feet of areas to be disturbed by construction..." Delineated surface waters are shown in figures provided in the delineation report (Appendix 14-1)

but they are not shown on Figure 13-3. Please revise accordingly.

- 2.19 NYCRR §900-2.14(b)(5) requires "...[a] demonstration of avoidance and minimization of impacts to such NYS protected waters by siting all components more than fifty (50) feet from any delineated NYS protected waterbody." Page 8 of Water Resources and Aquatic Ecology, 13(b) Surface Water, (2) Surface Water Delineation Survey, states, "...[n]one of the waterbodies onsite are protected waterbodies." Please revise section 13(b)2 to reflect to reflect the previous jurisdictional determination that Horse Creek (S-NSD-1) is a navigable, NYS protected water. Please also supplement Exhibit 13 to include discussion of the feasibility of reconfiguring Project components to account for a 50-foot buffer from NYS protected waters. If minor project reconfiguration that will avoid the 50-foot buffer along Horse Creek (S-NSD-1) is not practicable, please thoroughly explain all efforts taken to avoid and minimize impacts as required under 19 NYCRR §900-2.14(b)(6)(i-vii).

Exhibit 14 - Wetlands

The information provided in Exhibit 14 does not contain sufficient detail for the Office to complete its review in compliance with 19 NYCRR §900-2.15.

- 1.19 NYCRR §900-2.15(a) requires "[a] map or series of maps showing jurisdictional boundaries of all federal, state and locally regulated wetlands and adjacent areas present on the facility site and within one hundred (100) feet of areas to be disturbed by construction..."
 - a. Please revise all mapping of state-jurisdictional wetlands in Figure 14-1 to include the 100-foot adjacent areas, and label each area as a "State-Regulated Adjacent Area." When completing this revision, please ensure that state, federal and local jurisdictional boundaries are discernable and consider the use of symbology instead of labels to present wetlands and their respective individual and/or coincident jurisdiction.
 - b. Please provide an updated polygon shapefile for the outer perimeter of PV array areas labeled, "PV Module

Areas" so the total acreage, including interstitial space, may be quantified. In addition, please provide polygon shapefiles that depict the following activities or project components: on-site substations; grubbing; undisturbed herbaceous vegetation clearing; and the limits of vegetation maintenance that will occur within and outside of fenced areas.

- c. Please confirm the total acreage of impacted State-regulated wetlands in Table 14-2 and clarify any inconsistencies between Exhibit 14, section 14(f) and elsewhere on this metric. For example, while the application shapefiles and Table 14-2 (ORES Wetland Impacts) describe approximately .797 acres of total impacts to State-regulated wetland W-BF-5, section 14(f) omits Applicant-defined "temporary" impacts and states that only 0.027 acres of New York State wetland W-BF-5 will be permanently impacted. Please revise the discussion of all proposed impacts to NYS-regulated wetlands to reflect the total area of all proposed impacts, without temporal classifications (i.e., 'temporary' or 'permanent'). Please also incorporate any additional impacts identified in the project component shapefiles requested above. Please ensure that discussions, tables, figures, and shapefile data relating to total area impacts to NYS-regulated wetlands are consistent.
- d. Please confirm the total acreage of impacted State-regulated adjacent areas in Table 14-1 and clarify any inconsistencies between Exhibit 14, section 14(f) and elsewhere on this metric. For example, section 14(f) indicates that only 3.547 acres of impacts are anticipated to state-regulated adjacent areas. However, per application shapefiles and Table 14-1 (Impacts to ORES Regulated Adjacent Areas), total impacts of 26.845 acres to adjacent areas are indicated. Additional adjacent areas may need to be accounted for per the updated shapefile data requested under 19 NYCRR §900-2.15(a), Comment 1 above. Please revise the estimates of all proposed impacts to state-regulated adjacent areas to reflect the total area of impact. Please ensure that all quantification and discussion, tables, figures, and shapefile data relating to adjacent area impacts are consistent.

2. 19 NYCRR §900-2.15(d) requires "[a]n analysis of all off-site wetlands within one hundred (100) feet beyond the limit of disturbance that may be hydrologically or ecologically influenced by development of the facility and the wetlands identified on the map required by subdivision (a) of this section, observed in the field where accessible to determine their general characteristics and relationship, if any, to delineated wetlands."

a. Please supplement Exhibit 14 to include additional analysis in compliance with 19 NYCRR §900-2.15(d), of the general characteristics of off-site wetlands and their relationship to delineated wetlands and reference to other application exhibits (if any). Exhibit 14, section 14(d), identifies twelve approximated offsite wetlands, one of which appears to have a hydrological connection to State jurisdictional wetlands.

3. 19 NYCRR § 900-2.15(e) requires "...[a] demonstration of avoidance of impacts to such wetlands and their one hundred (100)-foot adjacent areas by siting all components more than one hundred (100) feet from any delineated NYS wetlands." 19 NYCRR §900-2.15(f) further requires that if the Applicant cannot avoid impacts to all wetlands and adjacent areas, that an explanation be provided of all efforts made by the Applicant to minimize the impact(s) to wetlands and adjacent areas identified in wetlands surveys.

a. Please supplement the narrative at Exhibit 14, sections 14(e) and 14(f), to include additional detail demonstrating the Applicant's efforts to avoid and/or minimize impacts to all wetlands and adjacent areas identified in the Applicant's wetlands surveys (see also the Office's jurisdictional determination at Appendix 14-3). While the Office understands the conclusion the Applicant seeks to convey, specific examples with citations to other exhibits or plans are required to support the Applicant's efforts to avoid (or minimize impact to) these potential impacts.

i. 19 NYCRR § 900-2.15(f) (1) requires the Applicant to address "...[w]hy the facility design and siting cannot avoid NYS wetlands and adjacent areas, as applicable." Where Facility components and

construction activities cannot be located outside of state-jurisdictional wetlands and adjacent areas, please provide additional detail demonstrating why these impacts cannot be avoided (e.g., discussion of wetland W-BF-5 in section 14(f)).

ii. 19 NYCRR § 900-2.15(f)(2) requires the Applicant to address "[h]ow the facility design has minimized proposed impacts to NYS wetlands and adjacent areas, as applicable." Please provide site-specific discussion of minimization efforts taken in the siting of project components and construction activities in relation to impacted wetlands and adjacent areas (e.g., minimization efforts in the development of narrow wetland crossings and utilization of existing crossings).

iii. Please provide additional information on how the facility design and siting will maximize and/or improve the function and values provided by the remaining adjacent areas surrounding NYS wetlands, in compliance with 19 NYCRR § 900-2.15(f)(4). For example, applying a native seed planting mix post-construction can be viewed as a mitigative effort to account for impacts (rather than an effort to improve or maximize the functions and values of an adjacent area), and tree clearing is proposed in forested adjacent areas.

4. 19 NYCRR §900-2.15(g) requires that the Applicant provide a Wetland Restoration and Mitigation Plan as a pre-construction compliance filing pursuant to 19 NYCRR §900-10.2(f)(2). The Applicant will be revising the information pertaining to impacted wetlands and adjacent areas as noted above, including without limitation ensuring that all data sources and discussions relating to jurisdictional wetlands and adjacent area impacts are accurate and consistent throughout the application. The Class and Activity for each wetland/adjacent area will dictate the required mitigation ratio as indicated in Table 1 of 19 NYCRR §900-2.15. Please ensure that any proposed Wetland Restoration and Mitigation Plan complies with the comments set forth herein and below, and the parameters set forth in 19 NYCRR §§900-2.15(g)(2)(i), (ii), (iii), and (iv).

- a. Consistent with the comment above, please ensure that the proposed Wetland Restoration and Mitigation Plan reports the total area of all proposed impacts to State-regulated wetlands and adjacent areas, without temporal classifications (i.e., 'temporary' or 'permanent'). Please also include:
 - i. A description of the impacts requiring mitigation contained in Table 1 of 19 NYCRR §900-2.15, including a table that contains acreage impacted by each activity, broken down by wetland classification for each wetland or adjacent area.
 - ii. A description of the applicable mitigation ratios for each activity required in Table 1 of 19 NYCRR §900-2.15 and the proposed acreage of mitigation, broken down by creation, restoration, and enhancement.
- b. To the extent an Applicant-responsible wetland mitigation and/or adjacent area mitigation project is proposed, please include:
 - i. A description of the proposed or potential mitigation site(s), including a location map and a demonstration that each site is: subject to NYSDEC jurisdiction under ECL Article 24, within the same HUC 8 sub-basin as the impacts, and contiguous with an existing NYS-regulated wetland or within 50 meters of an existing NYS-regulated wetland.
 - ii. A description of the current condition of the proposed or potential mitigation site(s), including the extent of existing wetlands, distance to NYS mapped wetlands, vegetative characteristics, topography, and soil conditions.
 - iii. A narrative description of the proposed mitigation activities (e.g., removing existing fill in wetland, replanting adjacent area, etc.) and a conceptual description of the functional lift over existing conditions expected at the mitigation site(s).

- iv. Conceptual project plans for proposed or potential mitigation site(s) that show existing features and the approximate extent of mitigation activities.
- v. A conceptual plan for long term control and protection of the mitigation site(s) (e.g., easement, ownership, etc.).

Exhibit 15 - Agricultural Resources

The information provided in Exhibit 15 does not contain sufficient detail for the Office to complete its review in compliance with 19 NYCRR §900-2.16.

1. Figures and Appendices are incorrectly referenced throughout the Exhibit 15 text.
 - a. 19 NYCRR §900-2.16(b)(4) requires a map within the study area showing "[l]ocations of known or suspected sub-surface drainage systems (including outlets), surface drainages..." Figure 15-2, "Location of Drainage Features within the Facility Site" clearly shows agricultural surface drainage via aerial photography but does not call out the presence of the surface drainage practice. Please revise the Figure accordingly.
2. 19 NYCRR §900-2.16(c) requires "[a]n Agricultural Plan, consistent with the New York State Department of Agriculture and Markets Guidelines ... to the maximum extent practicable, to avoid, minimize, and mitigate agricultural impacts to active agricultural lands ... within NYS Agricultural Land Classified Mineral Soil Groups 1 through 4."
 - a. Exhibit 15, section (a)(8) states that "[o]f the 299 acres of soil within the Facility Site that are classified in MSG 1-4, 14.84 acres will be temporarily impacted, 92.32 acres will be permanently impacted, and 192.11 acres will be converted to solar generation rather than agricultural use for the life of the project." Please express the total impacts to MSG 1-4 within the Limits of Disturbance (LOD) in table form, utilizing data on MSG 1-4 within Towns of Lyme and Brownville, within Jefferson County, and within the State of New York. Please also provide additional information on how the Applicant has avoided, minimized

or mitigated siting impacts (most notably on MSG 1-4). For example, Exhibit 15, section (a)(7) recites that the Applicant has worked with landowners to site Facility components on the 628 acres of LOD, to minimize impacts and allow for continued agricultural operations in compatible areas of the larger 1,168 acre Facility Site. Table 15-2 indicates the selection of lands not in active agricultural use, and Figure 11.1 illustrates landowner-imposed restrictions. Please provide additional information on the factors leading to the avoidance, minimization or mitigation of potential impacts to agricultural resources.

3. 19 NYCRR §900-2.16(d) requires "[a] remediation plan to address inadvertent damages to surface or sub-surface drainage, including: (1) "[a] demonstration of the likelihood of impacts to surface or subsurface drainage and how the interruption of drainage may impact farmland within and outside of the facility site." Please provide supplemental information which adequately details how the interruption of drainage may impact farmland within and outside of the Facility.

Exhibit 16 - Effect on Transportation

1. 19 NYCRR §900-2.17 (b)(4) requires "[a] review of available load bearing and structural rating information for expected facility traffic routes (existing culverts to be traversed by construction vehicles shall also be considered in the analyses)." There is one bridge replacement planned (NY-12E Bridge - BIN 101020) in the Town of Lyme, one existing culvert (BIN C730157) with a NYSDOT rating of 2 (requires replacement) and two existing culverts (730084 & 730132) with NYSDOT ratings of 3 (significant repairs could be required) along the proposed construction/delivery routes. Please describe any consultations with the structure owners and evaluate whether any alternative routes to avoid the bridge and culverts exist. Please explain appropriate measures the Applicant will take if these features are to be traversed for delivery purposes and/or during Project construction.

Exhibit 17 - Consistency with Energy Planning Objectives

1. Please update Exhibit 17 to include an estimate of the environmental benefits of the proposed Facility in terms of the approximate offset (in tons) of CO₂ emissions per year.

Exhibit 18 - Socioeconomic Effects

1. 19 NYCRR §900-2.19(b) requires, among other things, "...[a]n estimate of annual direct non-payroll expenditures likely to be made in the host municipality(ies) (materials, services, rentals, and similar categories) during the period of construction." Exhibit 18 presents the annual non-payroll expenditures likely to be made during the construction period in Table 18-4 but does not adequately address which portion of those expenditures will be made specifically within the host municipality(ies). Please revise accordingly.
2. 19 NYCRR §900-2.19(c) requires, among other things, "...[a]n estimate of other expenditures likely to be made in the host municipality(ies) during a typical year of operation." Exhibit 18 presents the annual non-payroll expenditures likely to be made during the operational phase of the Facility in Table 18-6 but does not adequately address which portion of those expenditures will be made specifically within the host municipality(ies). Please revise accordingly.
3. 19 NYCRR §900-2.19(i) requires "[a]n analysis of whether all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance incident can be fulfilled by existing local emergency response capacity, and in that regard identifying any specific equipment or training deficiencies in local emergency response capacity (this analysis to be made after consultation with the affected local emergency response organizations)." Section (i) of Exhibit 18 indicates that the Applicant has not yet shared its Safety Response Plan (SRP) with the relevant emergency response teams. Please consult with the appropriate emergency response teams to assess whether they can fulfill the requirements of the SRP with the equipment and training they currently possess. Please describe if additional training or equipment would be needed in order to meet the requirements of the SRP and provide proof of consultation.

Exhibit 19 - Environmental Justice

- 1.19 NYCRR §900-2.20(a) requires, “[a]n identification and evaluation of significant and adverse disproportionate environmental impacts of the facility on an Environmental Justice (EJ) area...” Exhibit 19, section 19(a) identifies that there are four Census Tracts in the Study Area, but only three are identified in Table 19-1; the information for Census Tract 604, Block Group 3 is missing. Figure 19-1 shows the Facility and Impact Study Area (ISA) within a Potential Environmental Justice Area (PEJA) while the text says it is not. Please address the discrepancies and reconcile Exhibit 19 as appropriate.

Exhibit 23 - Site Restoration and Decommissioning

- 1.19 NYCRR §900-2.24(c) require “[a] gross and net decommissioning and site restoration estimate, the latter including projected salvage value (including reference to the salvage value data source), with line items (and associated dollar amounts) for decommissioning of all facility components removed four (4) feet below grade in agricultural land and three (3) feet below grade in non-agricultural land and removal and restoration of access road locations, where appropriate, based on the facility layout.”
 - a. Attachment A of Appendix 23-1 includes cited salvage values of component material that appear to be the national average estimates; however, research indicates that projected salvage value in New York State is lower than the estimated national salvage values (for example: aluminum). In addition to the national salvage value estimates of material, please provide associated salvage values pertaining to New York State and update the net decommissioning cost reflecting the updated salvage values.
 - b. Attachment A of Appendix 23-1 includes a line item regarding salvage value for PV module trim; however, there is no associated labor cost listed in the attachment. Please provide costs associated with removing the trim from the panels, and adjust all values including the gross and net decommissioning cost.

- c. Attachment A includes reference to 8 footnotes; however, the notes legend only provides definition of 6 footnotes. Please clarify and/or provide the 2 missing footnotes.

Exhibit 24 - Local Laws and Ordinances

The information provided in Exhibit 24 does not contain sufficient detail for the Office to complete its review in compliance with 19 NYCRR §900-2.25.

1. 19 NYCRR §900-2.25(a) requires “[a] list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the facility, which includes interconnection electric transmission lines, that are of a substantive nature, together with a statement that the location of the facility as proposed conforms to all such local substantive requirements, except any that the applicant requests that the Office elect not to apply. Copies of zoning, flood plain and similar maps, tables and/or documents shall be included in the exhibit when such are referenced in such local substantive requirements.” Please supplement Exhibit 24 and revise Table 24-1 to indicate whether the proposed Facility, as currently designed, conforms with the following substantive local requirements in the Towns of Brownville and Lyme:
 - a. Town of Brownville Solar Code Subsections 17, 18, and 19 (related to Decommissioning); and
 - b. Town of Lyme Solar Code Subsections E1, E2, E3 and F (all parts of subsection).

Please also provide the Town of Brownville Zoning Map.

2. Pursuant to 19 NYCRR §900-2.24(c), the Applicant requests that the Office “elect to not strictly apply” the Town of Lyme decommissioning requirements for security in the amount of 100% of the costs of removal without a salvage value reduction, and a 3% annual escalator (Town of Lyme Solar Law § E(2)(i)) (Exhibit 24 at p. 8). Please clarify the scope of the Applicant’s request (i.e., whether the Applicant requesting the Office to elect not to apply Solar Law § E(2)(i) in whole or in part) and provide an analysis demonstrating the financial and other burdens to Applicant if the Town of Lyme’s requirements were applicable, instead of

the Office's net decommissioning and site restoration estimate detailed at 19 NYCRR §§ 900-2.24 and 900-6.6 and if applicable to Applicant's request, the Office's 5-year cost adjustment requirement at 19 NYCRR §900-10.2(b)(2).

Exhibit 25 - Other Permits and Approvals

1. 19 NYCRR §900-2.26(a) requires "[a] list of any Federal or federally-delegated, or federal or state recognized Indian Nation, permit, consent, approval or license that will be required for the construction or operation of the facility, which shall specify the date on which an application for any such approval was made or the estimated date on which it will be made." Please provide a cross-reference to Exhibit 9 for information regarding SHPO consultation as well as appropriate cross-references where required permitting is discussed. Please discuss NYSDOT, FAA, or use of the Notice Criteria Tool in Exhibit 25 or reference to any other exhibits where this information might be discussed.