



Office of
Renewable
Energy Siting

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April 25, 2022

Eric Will, Senior Development Manager
Riverside Solar, LLC
195 Montague Street, 14th Floor, Suite 1461
Brooklyn, NY 11201
riversidesolar@aes.com

RE: Matter No. 21-00752 - NOTICE OF INCOMPLETE APPLICATION
Executive Law §94-c Permit Application of Riverside Solar,
LLC, for the proposed Riverside Solar Facility, located in
the Towns of Lyme and Brownville, Jefferson County (100 MW)

Dear Eric Will:

On December 17, 2021, a Notice of Incomplete Application (Notice) was issued by the Office of Renewable Energy Siting (the Office or ORES) after a preliminary review of the Permit Application submitted by Riverside Solar, LLC (Applicant) on August 10, 2021, (the Application).

On February 23, 2022, Riverside Solar, LLC filed a supplement to the Application. Additional information was also provided on April 21, 2022. Following review of these submissions, the Office has determined that the Application, as supplemented, remains incomplete. A short list of the areas of incompleteness and a description of the remaining deficiencies is set forth 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 supplement should include both a clean and redline version of all updated exhibits, and a full set of plans submitted electronically with revisions clouded. 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to respond in writing to the Office's notice of incomplete application may result in the Application being deemed withdrawn without prejudice in compliance with 19 NYCRR §900-4.1(f).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**

Based upon review of the supplemental Application materials and completeness consultation with the Applicant, the following revisions are required to render a determination on application completeness:

Exhibit 11 - Terrestrial Ecology

1. Table 11-2 indicates that there will be 59.76 acres of "forested land clearing," however, the "tree clearing" shapefile provided February 23, 2022, indicates there will be 127.41 acres of clearing. In addition, the shapefile includes 14.4 acres of "selective tree clearing" which is not addressed in Exhibit 11. Please review and update the tree clearing impact calculations and/or address any necessary revisions to the shapefiles to ensure consistency between the exhibit narrative and associated GIS data.

Exhibit 14 - Wetlands

1. Please supplement Exhibit 14 with discussion of project-specific, site-specific measures and considerations demonstrating how the Applicant has avoided or minimized impacts to the Adjacent Area of Wetland W-BF-5 to the maximum extent practicable, with reference to Figure 14-1.

Exhibit 15 - Agricultural Resources

1. The Office lacks sufficient information to make a determination on whether areas inside or outside of the proposed fence line and/or Limits of Disturbance (LOD) are suitable for agricultural co-utilization, which can be an acceptable form of mitigation for potential significant adverse impacts to agricultural resources. Please supplement the discussion at Exhibit 15, section 15(e), to provide additional details concerning the feasibility of implementing

agricultural co-utilization at the Facility Site. The assessment should, at a minimum, include:

- a. A map and acreage figure to demonstrate the available acreage under the Applicant's control that would be suitable for co-utilization operations with a focus on traditional row crops and hay, sheep or other grazing, the cultivation of pollinator-friendly plantings, the installation of apiaries, livestock or livestock products;
- b. A discussion of existing constraints (i.e., landowner-imposed development restrictions, state protected streams, jurisdictional wetlands, local and 94-c setbacks; existing land use, known T&E mitigation parcels, etc.); and
- c. Availability (or anticipated availability) of third-party operators to install, operate and maintain potential agricultural operations.

Exhibit 23 - Site Restoration and Decommissioning

1. Please update the Decommissioning Cost Analysis (Appendix 23-1) to include the additional information concerning salvage value estimates for tracker motors, LV wiring (insulated cable) and chain link fence (steel) at footnotes seven (7) and eight (8), which are referenced in the Table but not set forth at the bottom of each sheet.