

RESPONSE TO COMMENTS ON THE PRELIMINARY SCOPING STATEMENT

North Side Energy Center

Towns of Massena, Brasher, and Norfolk
St. Lawrence County, New York

Case No.: 17-F-0598

Prepared for:

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July 2020

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Via Electronic Delivery

July 30, 2020

Hon. Michelle L. Phillips
Secretary
New York State Board on Electric Generation
Siting and the Environment
Three Empire State Plaza
Albany, NY 12223-1350

Re: Case 17-F-0598 – Application of North Side Energy Center, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Towns of Massena, Brasher, and Norfolk, St. Lawrence County.

Dear Secretary Phillips:

North Side Energy Center, LLC (“North Side”) is seeking authority from the New York State Board on Electric Generation Siting and the Environment (“Siting Board”) to construct a 180-megawatt (MW) photovoltaic solar major electric generating facility in the Towns of Massena, Brasher, and Norfolk, St. Lawrence County, New York (the “Project”) pursuant to Article 10 of the Public Service Law (“PSL”) and the Siting Board’s rules (16 NYCRR Part 1000 et seq.).

North Side filed its Preliminary Scoping Statement (“PSS”) on June 5, 2020. Comments on the PSS were due July 9, 2020. Pursuant to 16 NYCRR § 1000.5, North Side hereby timely files its response to comments received on the PSS. This response is being served on the individuals listed in Section 1000.5(c) of the Siting Board’s rules in the same manner prescribed for service of the PSS. North Side will also post a copy of its reply comments on the Project website (<https://www.northsideenergycenter.com/>).

Please contact me if you have any questions regarding this filing.

**Case 17-F-0598 – Application of North Side Energy Center, LLC
Service List
Response to Comments on Preliminary Scoping Statement**

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Comment Number	Agency	Agency Comment Number	Topic	PSS Document Reference	Agency Comment	Response
1.	DPS	Application Comments-1	General Comments - Application Language	All	In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR § 1001.1 <i>et seq.</i>	The Applicant will comply.
2.	DPS	Application Comments-2	General Comments - Application Language	All	Terminology used in pre-application and future application phases should be standardized.	The Applicant will comply.
3.	DPS	Application Comments-3	General Comments - Application Language	All	The Application should provide a list of acronyms as an appendix to the Table of Contents.	The requested information will be provided in the Application.
4.	DPS	Application Comments-4	General Comments - Citations	All	The Application should be carefully reviewed to ensure that all reference citations within the body of any exhibit are fully cited at the relevant list of reference documents.	The Applicant will comply.
5.	DPS	Application Comments-5	General Comments - Technical Clarity	All	There are inconsistent collection system discussions in numerous sections of the PSS, e.g., Section 3.11 refers to a “high voltage” collection system, whereas Section 3.34 –discusses “design of the 230 kV cable collection system” and states that “medium voltage will be collected with a system comprised of underground cables and possibly overhead collection lines that will transmit power to a proposed on-site collection substation.” The Applicant should ensure that in pre-application and future application phases, explanations of the collection system are consistent across exhibits. When responding to parties’ comments, please provide clarification of the general proposed configuration of the collection/interconnection system (i.e., describe whether collector system will consist of medium voltage cables (typically at 34.5 kV) and stepped-up to 230 kV conductors at the proposed collection substation, or provide an explanation of a “high voltage” collection system). Please also include the voltage of the proposed collection system cables (those cables traversing from array transformers to the collection substation).	Understood. The collection system will consist of 34.5 kV medium voltage underground cables, and potentially overhead collection lines, not high voltage. The voltage will then be stepped-up to 230 kV at the proposed collection substation. The Applicant will ensure consistency among collection system descriptions within the Application and in all future application phases.
6.	DPS	Exhibit 1-1	General Requirements - Public Contact and Project Information	Exhibit 1	DPS Staff advises that the Application should include hours of operation when the representative is available to the public.	The requested information will be provided in the Application.
7.	DPS	Exhibit 4-1	Existing Land Use and Project Planning	Exhibit 4	The Agricultural District map referenced on page 23 of the PSS should also include lands enrolled in conservation programs, NYS 480-a Forest Tax Law Program, or similar long-term program enrollments within or adjoining the Facility site.	The requested information will be provided, as applicable, on Exhibit 4 Agricultural District mapping included with the Application.
8.	DPS	Exhibit 4-2	Existing Land Use and Project Planning	Exhibit 4	DPS Staff requests that the Applicant provide complete copies (or links to online sources) of zoning and land use regulations (including attachments, tables, zoning maps) for the Towns of Massena, Brasher, and Norfolk (or, collectively, the Towns). The requested documents should be provided as appendices to the Application.	The Applicant will provide complete copies of zoning and land use regulations, as made publicly available online or in coordination with the Town, as appendices to the Application.
9.	DPS	Exhibit 4-3	Existing Land Use and Project Planning	Exhibit 4	Section 4(g) on page 27 of the PSS incorrectly states that there are no designated inland waterways or coastal areas within the Study Area of the Project. DPS Staff notes that, although there are no local waterfront revitalization programs adopted by the Towns within the Study Area, the Raquette River is a New York State designated inland waterway. Additionally, the Study Area includes a New York State designated coastal area. The Application should depict designated inland waterways and coastal area boundaries on mapping pursuant to 16 NYCRR § 1001.4(g) and provide an analysis of conformance with relevant provisions of the Coastal Zone Management Act pursuant to 16 NYCRR § 1001.4(l).	The Application will include mapping of the designated inland waterway, the Raquette River, and coastal area boundaries within the Project Study Area. As the Project Area does not contain any designated inland waterway or coastal area, conformance with the CZMA is not required.

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10.	DPS	Exhibit 4-4	Existing Land Use and Project Planning	Exhibit 4	The PSS Section 4(h) discussion of recreational and sensitive land uses mentions "scenic byways." See comments below in discussion of Exhibit 24 – Visual Resources, regarding mapping and location of federal and State designated Scenic Byways in the general project area.	Please defer to the response provided to the DPS in Agency Comment Number 24-1.
11.	DPS	Exhibit 4-5	Existing Land Use and Project Planning	Exhibit 4	DPS Staff advises that Exhibit 4(i) of the Application should provide a qualitative assessment of the compatibility of the proposed project with the St. Lawrence County Agricultural Development Plan (2016), the New York Open Space Plan (2016), the New York State Historic Preservation Plan (2015-2020), the Statewide Comprehensive Outdoor Recreation Plan (2014-2019), the New York State Office of Parks, Recreation and Historic Preservation Sustainability Plan (April 22, 2009), etc. Copies or links to online sources of local, State, and County planning documents used to assess the compatibility of the proposed Facility with existing, proposed, and allowed land uses should be provided.	The requested compatibility assessment will include the St. Lawrence County Agricultural Development Plan (2016) per 16 NYCRR § 1001.4 (j) to address existing, proposed, and allowed land uses within the Study Area. The regulation only requires examining local and regional plans, not statewide plans. The requested links to the local and regional plans will be provided.
12.	DPS	Exhibit 4-6	Existing Land Use and Project Planning	Exhibit 4	For Exhibit 4(m), (n), and (o), DPS Staff recommends using 0.5-meter resolution, natural color orthoimagery from the USDA's National Agriculture Imagery Program (NAIP) captured during the most recent growing season for aerial photograph mapping.	The Applicant will use 0.5-meter resolution, natural color orthoimagery from the USDA's NAIP most recent growing season for aerial photograph mapping related to Exhibit 4(m), (n), and (o).
13.	DPS	Exhibit 4-7	Existing Land Use and Project Planning	Exhibit 4	Analyses related to agricultural land use should: <ul style="list-style-type: none"> a. identify the extent of the Facility site parcels enrolled in the Agricultural District program, the year of enrollment, and the date such enrollment will expire if not renewed; b. address the compatibility of the facility with current agricultural uses, including grazing, timber production, maple syrup production, and forest crops production; and c. discuss facility layout alternatives that would allow for continued agricultural uses in areas with prime soils. 	<ul style="list-style-type: none"> a. The requested information will be provided in the Application so long as it is readily publicly available. b. The requested information will be provided in the Application, as applicable. c. As required by Article 10, discussion on how the Project will avoid or minimize to the maximum extent practicable the impacts to these agricultural soil designations will be evaluated in the Application. An alternatives analysis will be discussed in Exhibit 9 of the Application with respect to those considerations required per NYCRR § 1001.9.
14.	DPS	Exhibit 5-1	Electric Systems Effects	Exhibit 5	With respect to PSS Section 5(h), DPS Staff advises that the Applicant shall be responsible for operation and maintenance of the point of interconnection (POI) until the transfer of ownership to the New York Power Authority (NYPA) is complete.	Understood. The Applicant will state as such in the Application.
15.	DPS	Exhibit 8-1	Electric System Production Modeling	Exhibit 8	The Applicant should contact John Cary, 518-486-2892 or john.cary@dps.ny.gov, to discuss production modeling parameters and assumptions.	The Applicant will contact John Cary to discuss production modeling parameters and assumptions as recommended.
16.	DPS	Exhibit 11-1	Preliminary Design Drawings	Exhibit 11	DPS Staff recommends that the Applicant provide a completed North Side Energy Center Attachment 1, Map Sizes and Scales Sheet, in the response to PSS comments, regarding approximations of drawing scales to be used for Application content or provide an indication of general agreement with its content. This attachment contains a list of typical solar farm drawings and includes headings for anticipated corresponding extent limits, scales, and proposed drawing paper sizes.	The guidelines included in Attachment 1 will be incorporated and applied to maps and drawings submitted with the Application, as applicable and appropriate.
17.	DPS	Exhibit 11-2	Preliminary Design Drawings	Exhibit 11	Section 11(a) lists features to be provided in site plan drawings of the Application. In addition to those features listed, DPS Staff recommends that the site plans identify the approximate locations of the proposed low-medium transformers within the solar panel arrays.	The requested information will be provided in the Application.
18.	DPS	Exhibit 11-3	Preliminary Design Drawings	Exhibit 11	Section 11(g)(6) indicates that technical data sheets associated with solar panels to be used for the Facility will be provided in the Application. DPS Staff advises that the Application should also include general details of and technical data sheets for any proposed tracking system(s) and associated motors (including the approximate number of required motors) under consideration for the Facility.	Should it be determined that a tracking system will be used for the proposed Project, the requested information for typical tracker racking systems and their associated motors will be provided in the Application. The Final number of required motors is not known until final design.
19.	DPS	Exhibit 12-1	Construction	Exhibit 12	The Complaint Resolution Plan procedure should be expanded to also include information on <ul style="list-style-type: none"> (1) how and when the Applicant will communicate the complaint procedures to the public, 	The Applicant will provide a Complaint Resolution Plan in the Application. The Plan will include the requested details noted in Comment Number Exhibit 12-1 (1-4).

Comment Number	Agency	Agency Comment Number	Topic	PSS Document Reference	Agency Comment	Response
					(2) the process for gathering and analyzing information regarding the complaint, (3) steps to take when a complaint cannot be resolved, and (4) the procedure for logging, reviewing, and transmitting complaints, updates, and plans for resolution to DPS Staff and the Towns during construction and operation of the Facility.	
20.	DPS	Exhibit 12-2	Construction	Exhibit 12	The Applicant states it will make reasonable efforts to respond to all complaints quickly and resolve complaints in a timely manner. The Application should provide the anticipated turnaround time to acknowledge the complaint and the benchmark when the Applicant will determine that a complaint cannot be resolved and will be moved to the next stage, which includes notifying DPS of the unresolved complaint.	The requested information will be provided in the Application.
21.	DPS	Exhibit 19-1	Noise and Vibration	Exhibit 19	The Application should address all the requirements of 16 NYCRR § 1001.19. Please see DPS recommendations in Attachment 2. The parties will continue discussing the scope of studies during the pre-application PSS and stipulation phases.	The requested information will be provided in the Application.
22.	DPS	Exhibit 21-1	Geology, Seismology, and Soils	Exhibit 21	According to page 109 of the PSS, "The overall suitability of the soil conditions for construction will be analyzed based on the results of the preliminary geotechnical investigation. This investigation will include test borings at a subset of proposed solar array and substation locations and reviews of publicly available surface and subsurface soils, bedrock, and groundwater data." DPS Staff recommends that the selection of test boring locations consider existing mapping and other publicly available geologic data in order facilitate a more comprehensive characterization of the individual soil and bedrock units underlying the Facility Site. DPS Staff further recommends that one or more test borings be advanced at proposed horizontal directional drilling (HDD) location(s) in order to assess the feasibility of HDD operations and evaluate the potential frac-out risks.	The Applicant will consider existing mapping and other publicly available geologic data when determining test boring locations. Test borings will also be advanced at several locations throughout the Project Area to assess potential frac-out risks.
23.	DPS	Exhibit 21-2	Geology, Seismology, and Soils	Exhibit 21	If blasting is determined to be required, the Complaint Resolution Plan procedures should also address how complaints will be handled for those potentially affected by blasting operations.	The requested information will be provided, as applicable.
24.	DPS	Exhibit 22-1	Terrestrial Ecology and Wetlands	Exhibit 22	Note that a Species of Greatest Conservation Need (SGCN) designation is not exclusive of a species' listing as Threatened, Endangered, or Species of Special Concern. For example, a species may be listed as both Threatened and SGCN. The Applicant should ensure that this is reflected in discussions and tables of listed species.	Understood, the Applicant will reflect this distinction as applicable in the Application.
25.	DPS	Exhibit 22-2	Terrestrial Ecology and Wetlands	Exhibit 22	The proposed facility site lies within the Atlantic Flyway migratory bird route. The Application should discuss any potential impacts on migratory birds and the role of the facility area and surrounding area as migratory stopover habitat. DPS Staff recommends using the U.S. Fish and Wildlife Service (USFWS) IPaC list to identify migratory bird species that may be found in St. Lawrence County, particularly USFWS Birds of Conservation Concern.	Information concerning migratory birds gleaned from avian studies conducted, and consulting the USFWS list identified, will be provided in the Application in accordance with 16 NYCRR § 1001.22(d) and (e).
26.	DPS	Exhibit 22-3	Terrestrial Ecology and Wetlands	Exhibit 22	Section 22(h)(4) notes that the Applicant will coordinate with NYS Department of Environmental Conservation (NYSDEC) and U.S. Army Corps. of Engineers (USACE). Please include DPS Staff in any and all coordination with NYSDEC and USACE involving wetland and streams, including any field wetland verification meetings.	The Applicant will extend the invitation to DPS Staff to participate in the coordination efforts with NYSDEC and USACE involving wetlands and streams, including field wetland verification meetings.
27.	DPS	Exhibit 23-1	Aquatic Ecology and Water Resources	Exhibit 23	DPS Staff suggests that the groundwater well mapping described in Section 22(a)(2)(ii) of the PSS use a parcel-based map figure that distinguishes participating from non-participating parcels to identify the approximate and confirmed locations of public and private water wells. The related shapefiles should be provided to DPS Staff upon submittal of the Application.	The Applicant will utilize parcel-based mapping for groundwater well mapping and distinguish participating from non-participating parcels. Associated shapefiles will be provided to DPS staff upon submittal of the Application.
28.	DPS	Exhibit 23-2	Aquatic Ecology and Water Resources	Exhibit 23	In addition to the potable water well proposed conditions described on pages 158-159 of the PSS, the Application should also assess conditions (1) prohibiting blasting (if proposed) within 500 feet of existing, active potable water wells on non-	The requested information will be provided in the Application, if applicable.

Comment Number	Agency	Agency Comment Number	Topic	PSS Document Reference	Agency Comment	Response
					participating parcels; and (2) requiring pre- and post-blasting water quality testing for existing, active potable water wells within 1,000 feet of blasting on non-participating parcels.	
29.	DPS	Exhibit 23-3	Aquatic Ecology and Water Resources	Exhibit 23	The PSS indicates that a private well survey will be conducted. DPS Staff advises that information should be provided to the well owners concerning complaint notification and complaint resolutions procedures, in addition to the materials listed in Section 23(a)(4). DPS Staff further notes that landowners with active wells should be added to the Stakeholder List, if not already on the Stakeholder List.	The Applicant intends to provide the Complaint Resolution Plan to the Towns of Massena, Brasher, and Norfolk. A summary of the Complaint Resolution Plan will also be provided in newspapers, including local and community and general circulation newspapers, as will serve substantially to inform the public of such Complaint Resolution Plan. The Complaint Resolution Plan will also be provided on the Applicant's website and will be publicly available to the public at the Project's temporary construction office. Surveyed landowners with active wells will be added to the Stakeholder List.
30.	DPS	Exhibit 23-4	Aquatic Ecology and Water Resources	Exhibit 23	In addition to the items listed in Section 23(b), Exhibit 23(b) of Application should include: <ul style="list-style-type: none"> a. maps depicting the locations of anticipated crossings of NYS Protected Streams, Class C streams, NYS freshwater wetlands and adjacent areas and USACE regulated wetlands. The related shapefiles should be submitted to DPS Staff; b. an indication of whether the crossing will be done via open cut or a trenchless installation method for all underground lines, and an analysis demonstrating that a trenchless method is not feasible for all proposed open trench crossings; and c. identification of potential source(s) of water for construction uses, including for concrete batch plant, invasive species wash station(s), and fire control. The discussion should include a description of the collection and transport systems for water that will be used for construction, storage, and disposal methods for wastewater from construction activities (e.g., concrete washouts), and an estimate of the maximum daily water withdrawal rates anticipated for construction. 	The requested information will be included in the Application.
31.	DPS	Exhibit 24-1	Visual Impacts	Exhibit 24	The PSS Section labelled "Description of Resources to be Affected" includes mention of "scenic byways designated by federal or state governments" (p.168). DPS notes that several of the maps included in the PSS indicate "Military Trail Scenic Byway" and "Seaway Trail Scenic Byway" as either overlapping on Route 37 (PSS Figs. 3 & 5) or abutting at Route 37 (PSS Fig. 9). The mapping is confusing and does not portray accurately the location of the Great Lakes Seaway Trail or the Military Trail Scenic Byway. The Seaway Trail Scenic Byway is located in part on Route 131, along the Village of Massena St. Lawrence River waterfront, and then joins Route 37 for a short distance to the terminus of that Byway. Attachment 3 is a map of the eastern-most section of the Seaway Trail Scenic Byway, as published in the Seaway Trail Corridor Management Plan, which corresponds with the greater Project Study Area and is partly within the proposed 2-mile Visual Study Area. DPS recommends further evaluation of the specific location of these Scenic Byways and consideration of scenic resources and visibility of the proposed project on views from these designated resource areas.	The Applicant will further evaluate the locations of the Military Trail Scenic Byway and the Seaway Trail Scenic Byway with respect to visibility of the proposed Project from these resource areas in the Application.
32.	DPS	Exhibit 24-2	Visual Impacts	Exhibit 24	With respect to Section 24(a)(9), DPS staff advises that the Application should note that there may be reflection from the metal supports that form the racking system as galvanized steel or aluminum can be rather shiny until it is weathered.	The Applicant will consult with the design engineers to understand the level of expected reflections from the materials used for the racking system.
33.	DPS	Exhibit 24-3	Visual Impacts	Exhibit 24	DPS staff advises that if mitigation plantings are planned to be installed to screen Project elements, the Applicant should provide plant material that will be native, tolerant to herbivorous grazing, and adaptable to site and roadside conditions. DPS also recommends that the Applicant prepare an inspection and maintenance plan to ensure plant vigor and the success of the mitigation plantings for the life of the Project.	The Applicant, upon review of the specific municipal Land Use Code and Zoning law for species preference, and/or municipal consultations, will consider the use of recommended native plant and pollinator species. The Applicant will also propose plant material that is appropriate for the region and tolerant to the climate conditions and native wildlife species.

Comment Number	Agency	Agency Comment Number	Topic	PSS Document Reference	Agency Comment	Response
						The Applicant will prepare a plan that includes inspection and maintenance to ensure plant vigor and the success of the mitigation plantings. Landscape plantings will be inspected on an annual basis for the next 4 years (i.e., on an annual basis for the first 5 years of project operation) to confirm that the landscape plantings are functioning to provide visual screening per the Visual Mitigation Planting Plan.
34.	DPS	Exhibit 24-4	Visual Impacts	Exhibit 24	DPS staff requests that the Applicant submit Building/Structure data collected for each potentially eligible property to the Office of Parks, Recreation and Historic Preservation (OPRHP) and DPS for review prior to completing the viewpoint selection, in accordance with 16 NYCRR § 1001.24(b)(4)(vi).	The Applicant, as part of Exhibit 20 investigations, will perform an architectural field survey of previously recorded or newly identified eligible sites and reassess their current NRHP eligibility status. Such resources will be documented using OPRHP's CRIS Trekker. The architectural field survey methodology used will be approved by OPRHP and used in Exhibit 24. For Exhibit 24, the Applicant will also perform a search on the New York Cultural Resources Information System (CRIS) to develop a current listing of eligible Historic Sites with corresponding Unique Site Numbers (USNs), and addresses. These locations will be mapped in Exhibit 24. Data for current eligible sites are already collected on the CRIS system in the form of site plans, building data, pictures, and written forms and will be combined with the findings of the architectural survey.
35.	DPS	Exhibit 25-1	Effects on Transportation	Exhibit 25	With respect to Section 24(c)(3), DPS staff advises that the Applicant should provide a delineation of the approach and departure routes for vehicle traffic related to cut and fill activities.	The requested information will be provided in the Application.
36.	DPS	Exhibit 25-2	Effects on Transportation	Exhibit 25	The Massena International Airport is 0.6 miles from the northern site boundary (p. 172 – Visual Impacts – Character and Quality of the Existing Landscape). DPS advises that the Massena International Airport should be contacted as it is a civilian public airport and the construction of a major solar project within close proximity to runways could have a visual impact. (Note, paved runways measure 5,601 feet and 4,000 feet in length.)	The Applicant will consult with the Massena International Airport and the Application will assess any potential impacts resulting from visibility of the proposed Project from this resource area.
37.	DPS	Exhibit 31-1	Local Laws and Ordinances	Exhibit 31	Page 196 of the PSS states that the Towns of Massena and Norfolk are in the process of developing regulations to address large-scale solar facilities. If the municipality adopts additional laws, regulations, or codes, DPS Staff advises that supplemental analyses may be necessary following the submittal of the Application.	The Applicant will include a discussion and analysis of the municipal laws, regulations, and/or codes related to solar energy system development in effect at the time of Application submittal. The Applicant reserves all rights to address any local requirements adopted after the Application is filed.
38.	DPS	Appendix A-1	PIP Meeting Logs	Appendix A	With respect to Appendix A – PIP Meeting Log, DPS Staff advises that the Meeting Log should provide a summary of questions asked at outreach events and meetings. The Applicant should indicate how it addressed or plans to address the questions.	The Applicant will provide a summary of questions asked at outreach events and meetings, and how the Applicant addressed or plans to address the questions on the Project website.
39.	DPS	Appendix D-1	Stakeholder List	Appendix D	The Stakeholder List should include the following individuals: a. Michelle Phillips, Secretary to the Siting Board; b. Noreena Chaudari, Assistant Counsel, Office of General Counsel; c. Andrew Davis, Chief, Office of Electric, Gas and Water.	The Applicant will include the requested individuals on the Project Stakeholder List.
40.	DPS	Appendix D-2	Stakeholder List	Appendix D	DPS Staff advises that the Stakeholder List should include a point of contact for each stakeholder.	The Applicant will include a point of contact for stakeholders that have specified to address a primary point of contact.
41.	DPS	Application Comments-1	GIS Map Deliverables	All	Proposed Map Sizes and Scales for Article 10 Application For Printed Maps (for full-size copies of drawing sets) Note: Please Reference full-page table in North Side PSS Comments from DPS Titled "Attachment 1" (pg. 8 in PDF of comments)	The Applicant will follow the guidance for GIS files as outlined by DPS.

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42.	DPS	Exhibit 19-1	Noise & Vibration	Exhibit 19	Please provide qualifications of the preparer(s) of the study and an identification and description of methodologies, standards, and guidelines as an appendix.	The requested information will be provided in the Application.
43.	DPS	Exhibit 19-2	Noise & Vibration	Exhibit 19	<ul style="list-style-type: none"> i) The Application should include map(s) in digital format of the Sound Study area that should extend, at a minimum, as required by any law or regulation; 1,500 feet from the edge of the facility area; or until the 30-dBA noise contour is reached, whichever is greater. ii) The map should show all sensitive sound receptors and boundary lines (differentiating participating and non-participating parcels), and noise sources within the Sound Study Area (including transformer(s), inverters, and other noise sources, if any). iii) Please submit full-size hard copy maps (22"x34") in 1:12,000 scale to DPS Staff with the Application. iv) All residences should be included as sensitive sound receptors regardless of participation in the project (e.g., participating, potentially participating, and non-participating residences) or occupancy (e.g., year-round, seasonal use). v) Only properties that have a signed contract with the Applicant prior to the date of filing the Application should be identified as "participating." Other properties may be designated either as "non-participating" or "potentially participating." Updates with ID-tax numbers may be filed after the Application is filed. vi) Other noise sensitive receptors should include libraries, parks, camps, summer camps, places of worship, cemeteries, and Federal and State Lands. vii) Seasonal receptors should include, at a minimum, cabins and hunting camps, identified by property tax codes, and any other seasonal residences with septic systems/running water within the Sound Study Area. viii) The Applicant should coordinate with landowners and local authorities to identify any existing or proposed sound sensitive receptor within the Study Area. 	The requested information will be provided in the Application.
44.	DPS	Exhibit 19-3	Noise & Vibration	Exhibit 19	Conduct sound collections by following the most relevant and applicable portions of the most recent versions of ANSI/ASA standards for measurement of sounds. For recommendations on a protocol for conducting the ambient pre-construction baseline noise conditions, see "Cumulative Noise Impacts" section below.	The requested information will be provided in the Application.
45.	DPS	Exhibit 19-4	Noise & Vibration	Exhibit 19	<ul style="list-style-type: none"> i) DPS Staff advises that the Application should follow, at a minimum, the guidelines and recommendations of the FHWA Highway Construction Noise Handbook (Reference 1) that are applicable to the project. Although developed mainly for roadway projects, the handbook is applicable to many construction projects and provides guidance in measuring, predicting, and mitigating construction noise and developing noise criteria. ii) Please consult the noise database for construction equipment listed in Reference 1 and determine whether those emissions, or any other, resemble the noise emissions of the construction equipment that is proposed to be used for the Project. iii) The Application should include a discussion of time frames for construction activities indicating seasons of the year, days of the week, hours of the day, and whether construction activities will be performed during evening time (6:00 p.m. to 10 p.m.), nighttime (after 10:00 p.m. or before 7:00 a.m.), during weekends (Saturdays or Sundays), or national holidays. 	The requested information will be provided in the Application.

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					iv) Use a computer noise modeling software that incorporates the ISO-9613-2 propagation standard for the main phases of construction (e.g., clearing, foundation, and installation of solar panels and transformers). v) DPS Staff recommends the Outdoor Propagation Standard contained in Reference 2. vi) The Application should report construction sound level contours within the Sound Study area (graphical format) and sound levels at the most impacted receptors (in tabular format). <i>Reference 1: FHWA Highway Construction Noise Handbook (FHWA-HEP-06015).</i> <i>Reference 2: ANSI/ASA S12.92-2012/ISO 9613-2:1996 (MOD) or ISO 9613-2.</i>	
46.	DPS	Exhibit 19-5	Noise & Vibration	Exhibit 19	i) Use the ISO-9613-2 standard along with proper assumptions for ground absorption factor (G), with no meteorological correction (Cmet). ii) Discuss ground absorption values and sound power level assumptions for computer noise modeling (under ISO 9613-2 propagation standard) during the PSS and Stipulation phases and in the Application. DPS-Staff recommends the use of G=0.5 or lower for lands and G=1.0 for water bodies. iii) Please include, as part of the scope and in the Application, a discussion on the accuracy of computer noise modeling when using the ISO 9613-2 propagation standard. (For a discussion about the accuracy and limitations of the ISO 9613-2 standard, consult at a minimum, section 9 of Reference 2). iv) If any corrections are applied to any model results, both corrected and uncorrected results should be presented along with a discussion, documentation, and justification for any corrections. <i>Reference 2: ANSI/ASA S12.92-2012/ISO 9613-2:1996 (MOD) or ISO 9613-2.</i>	i.) The requested information will be provided in the Application. ii.) The requested information will be provided in the Application, however as written in the PSS, the Applicant will use G=0 for water bodies. iii.) The requested information will be provided in the Application. iv.) The requested information will be provided in the Application.
47.	DPS	Exhibit 19-6	Noise & Vibration	Exhibit 19	DPS Staff recommends assuming a temperature of 10 Celsius degrees and 70% Relative Humidity. These assumptions generally yield the lowest sound absorption provided by the air.	The requested information will be provided in the Application.
48.	DPS	Exhibit 19-7	Noise & Vibration	Exhibit 19	Please specify range of frequencies to be evaluated. Noise computer software typically includes full-octave band sound frequencies from 31.5 Hz up to 8,000 Hz.	The requested information will be provided in the Application.
49.	DPS	Exhibit 19-8	Noise & Vibration	Exhibit 19	Estimate tonality values by using the simplified definition of prominent tones as recommended for Exhibit 19 Appendix A (b) (3) and the attenuations provided by the ANSI/ASA S12.92-2012/ISO 9613-2:1996 (MOD) propagation Standard (See reference 2). (<i>See n.b. below</i>) <i>Reference 2: ANSI/ASA S12.92-2012/ISO 9613-2:1996 (MOD) or ISO 9613-2</i> <i>n.b.: Electrical tonal noise sources should be assumed audible and prominent at the closest residential receptors, unless demonstrated otherwise.</i>	The requested information will be provided in the Application.
50.	DPS	Exhibit 19-9	Noise & Vibration	Exhibit 19	Include this analysis only if there will be any amplitude modulated sounds. The PSS should propose a methodology for evaluation of low frequency noise, if any. (Consider using the outdoor criteria established in reference 3). <i>Reference 3: Annex D of ANSI Standard S12.9-2005/Part 4 for minimization of annoyance and prevention of vibrations, rumbles and rattles.</i>	The requested information will be provided in the Application.
51.	DPS	Exhibit 19-10	Noise & Vibration	Exhibit 19	i) The PSS should specify how the information obtained from the baseline pre-construction ambient noise survey will be processed to	The requested information will be provided in the Application.

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					<p>evaluate the L90 statistical noise descriptors required by 16 NYCRR §1001.19(f).</p> <p>ii) DPS Staff recommends following the provisions of Reference 4 to calculate and report the L90 and Leq values. (See <i>n.b. below</i>)</p> <p><i>Reference 4: ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 (Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas).</i></p> <p><i>n.b.: Alternatively, the L90 noise descriptor for the daytime, nighttime, summer, winter, and for a year (see 16 NYCRR § 1001.19(f) for details) can be determined by reprocessing short time collections of the Leq noise descriptor (e.g., 1 sec.) after exclusions are applied. Although it may be conservative, the L90 can also be estimated by calculating the percentile 10 of all short-time L90 samples (e.g., Percentile 10 of all L90-10 minute samples)</i></p>	
52.	DPS	Exhibit 19-11	Noise & Vibration	Exhibit 19	<p>i) Note that NYCRR §1001.19(f) requires evaluation of the L10 and L50 noise descriptors during “normal operating conditions” and for that reason DPS recommends excluding the periods of time when the facility will not be operating (typically nighttime) from calculation of the future operational noise levels L10 and L50. (See <i>n.b. below</i>)</p> <p>ii) DPS Staff advises that, typically, if the noise sources operate at maximum noise conditions for 10% of the time or more, the L10 may be approximately equivalent to the maximum sound pressure levels calculated with the maximum sound power levels from the noise sources.</p> <p>iii) The L50 can be conservatively assumed to be equal to the L10.</p> <p><i>n.b.: If the Applicant believes that including of periods of time when the facility will not be operating is necessary for determination of any other descriptor needed, either for the analysis of a specific topic, methodology, guideline or regulation, the issue should be discussed during the PSS and Stipulation phases.</i></p>	The requested information will be provided in the Application.
53.	DPS	Exhibit 19-12	Noise & Vibration	Exhibit 19	<p>i) DPS recommends consideration of the following guidelines and standards:</p> <p>(1) The recommendation is not to exceed a 40 dBA-Leq-1-year nighttime outdoor sound level. See, Reference 5.</p> <p>(2) The recommendations are: 45 dBA Leq 8-hour-nighttime maximum outdoor sound level in a year, 35 dBA Leq-16-hour indoor daytime, and 30 dBA Leq-8-hour indoor nighttime sound level. See Reference 6.</p> <p>(3) Adjustment factor for tonality equivalent to 5 dB. See Reference 7.</p> <p>(4) Annoyance to low frequency sounds is minimal when sound levels at the 16, 31.5 and 63 Hz. full-octave bands are lower than 65 dB (linear- unweighted). See, Reference 3. (See <i>n.b. 1 below</i>)</p> <p>ii) The New York State Public Service Commission standards for transmission facilities and substations generally require designs to minimize environmental impacts and not to exceed a maximum noise level of 40 dBA Leq without prominent tones, or 35-dBA if a prominent tone occurs or is likely to occur (for both daytime and nighttime). (See <i>n.b. 2 below</i>)</p> <p>iii) As of today’s date, New York State Siting Board Orders for Wind Generating Facilities establish a maximum noise level of 40 dBA Leq-</p>	<p>i)(1) The scope will be limited to those specified in the PSS and will not include any long term or indoor noise goals as recommended.</p> <p>i)(2) The scope will be limited to those specified in the PSS and will not include any long term or indoor noise goals as recommended.</p> <p>i)(3) The requested information will be provided in the Application.</p> <p>i)(4) The requested information will be provided in the Application.</p>

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					<p>1-hour from Substation noise sources subject to a 5 dBA penalty if a prominent tone is present. (for both daytime and nighttime).</p> <p>iv) For a discussion of complaint potential criteria see section (k)(3) below.</p> <p><i>Reference 3: Annex D of ANSI Standard S12.9-2005/Part 4 for minimization of annoyance and prevention of vibrations, rumbles and rattles.</i></p> <p><i>Reference 5: Night Noise Guidelines for Europe, World Health Organization Regional Office for Europe, Denmark, 2009. (WHO-2009)</i></p> <p><i>Reference 6: Guidelines for Community Noise, World Health Organization, Geneva, 1999 (WHO-1999).</i></p> <p><i>Reference 7: Table 2 of ANSI S12.9-2005/ Part 4.</i></p> <p><i>n.b. 1: Please note that under previous Article X regulations, generating facilities were designed to minimize environmental noise impacts and not to exceed an MCNR (Modified Composite Noise Rating) level of "C" that corresponds to a level of reaction between "No Reaction" and "Sporadic Complaints." This resulted in Power Generating Facilities designed for maximum noise levels of 42-dBA (daytime and nighttime) or lower at suburban and rural-residential areas. See section (k)(3) and reference 10 for details. (Reference 10: MCNR Method. Electric Power Plant Environmental Noise Guide. Edison Electric Institute. Bolt Beranek and Newman Inc. Report 3636. Second Edition. 1983.)</i></p> <p><i>n.b. 2: More recently electrical substations and transformers have been approved by the PSC with modeled sound levels of 35-dBA or lower at all residential receptors (See, Case 10-T-0080, Application of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for the Construction of a New 115 kV Electric Transmission Line from Spier Falls, Saratoga County to Rotterdam, Schenectady County, Lasher Road Substation Amendment).</i></p>	
54.	DPS	Exhibit 19-13	Noise & Vibration	Exhibit 19	Evaluation of conformance with identified noise standards, goals, thresholds and local requirements at all sensitive receptors and boundary lines should be included in the scope. Results should be presented in tabular format (for sensitive sound receptors) and in graphical format (sound contours for property lines).	The requested information will be provided in the Application.
55.	DPS	Exhibit 19-14	Noise & Vibration	Exhibit 19	The PSS should specify how the degree of compliance with local laws on noise, if any, will be evaluated including noise descriptors (e.g., L10, Leq), time frame of evaluation (e.g., 10-minutes, 1-hour). This should include a discussion of the parameters, assumptions or corrections that should be used for sound level predictions. DPS notes that the assumptions or corrections for computer noise modeling for evaluation of local laws may be different than for other relevant criteria.	The requested information will be provided in the Application.
56.	DPS	Exhibit 19-15	Noise & Vibration	Exhibit 19	Please report estimates of the number of residences (or population) that will be exposed to noise levels that exceed any identified limit, threshold, goal, guideline or recommendation in the Application.	The requested information will be provided in the Application.
57.	DPS	Exhibit 19-16	Noise & Vibration	Exhibit 19	i) Participant and non-participant lands and its boundary lines should be indicated and differentiated in the map and sound contour drawings. Degree of compliance with noise design goals at the boundary lines of the facility should be stated in the Application.	The requested information will be provided in the Application.

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					ii) Sensitive sound receptors should be identified with land/tax ID numbers in tables and on sound contour drawings.	
58.	DPS	Exhibit 19-17	Noise & Vibration	Exhibit 19	i) DPS Staff advises that the Application should list general examples of noise mitigation measures that may be applied to address reasonable complaints from construction noise. ii) Please include a Protocol to address potential complaints for construction in the Application.	The requested information will be provided in the Application.
59.	DPS	Exhibit 19-18	Noise & Vibration	Exhibit 19	i) The Application should list general examples of reasonable noise abatement measures available for the final design and operation of the facility. ii) Results of this identification and evaluation should be included in this exhibit or in 16 NYCRR § 1001.9 Exhibit 9: Alternatives.	The requested information will be provided in the Application.
60.	DPS	Exhibit 19-19	Noise & Vibration	Exhibit 19	Use OSHA 29 CFR 1910.95 and WHO-1999 (Reference 6) for sensitive sound receptors. (See <i>n.b. below</i>) <i>Reference 6: Guidelines for Community Noise, World Health Organization, Geneva, 1999 (WHO-1999).</i> <i>n.b.: WHO-1999 recommends a limit of 70 dBA Leq-24-hour for long-term operational sound levels; and 120 and 140 dB peak sound levels for impulsive sounds (e.g., blasting) for children and adults respectively.</i>	The requested information will be provided in the Application.
61.	DPS	Exhibit 19-20	Noise & Vibration	Exhibit 19	Follow the criteria included in WHO 1999 guidelines (Reference 6) as well as the USEPA-1974 document (References 8 and 9). <i>Reference 6: Guidelines for Community Noise, World Health Organization, Geneva, 1999 (WHO-1999).</i> <i>Reference 8: Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. U.S. Environmental Protection Agency. March 1974.</i> <i>Reference 9: Protective Noise Levels. Condensed Version of EPA Levels Document. November 1978. EPA 550/9-79-100.</i>	The requested information will be provided in the Application.
62.	DPS	Exhibit 19-21	Noise & Vibration	Exhibit 19	Community complaints should be evaluated by using the MCNR methodology as detailed in Reference 10 and in consideration of the discussion included in Reference 11. <i>Reference 10: MCNR Method. Electric Power Plant Environmental Noise Guide. Edison Electric Institute. Bolt Beranek and Newman Inc. Report 3636. Second Edition. 1983.</i> <i>Reference 11: Recommended Noise Criteria for Siting Industrial Facilities Near Residential Communities with Extremely Low Ambient Sound Levels. David Hessler. NOISE-CON 2005. Minneapolis, Minnesota. October 17- 19, 2005.</i>	The requested information will be provided in the Application.
63.	DPS	Exhibit 19-22	Noise & Vibration	Exhibit 19	Please include evaluation of the potential for some construction activities (such as blasting, excavation, horizontal directional drilling (HDD) or rock hammering, if any) to produce any cracks, settlements, or structural damage on any existing proximal buildings or infrastructure, as well as any residences and historical buildings. DPS Staff also recommends using the FHWA Highway Construction Noise Handbook (Reference 1) for the discussion of noise and vibration impacts from blasting, if any. <i>Reference 1: FHWA Highway Construction Noise Handbook (FHWA-HEP-06015).</i>	The requested information will be provided in the Application.

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64.	DPS	Exhibit 19-23	Noise & Vibration	Exhibit 19	The Application should address the potential to create perceptible vibrations or infrasound due to construction and operation of the facilities that may affect technological, industrial, or medical activities.	The requested information will be provided in the Application.
65.	DPS	Exhibit 19-24	Noise & Vibration	Exhibit 19	DPS Staff recommends following the recommendations indicated for Exhibit 19(b); and References 12 and 20. <i>Reference 12: Procedures for Outdoor Measurement of Sound Pressure Level. ANSI S12.18-1994 (Reaffirmed June 15, 2009).</i> <i>Reference 20: ANSI S.12.9-2013 Part 3 (Quantities and Procedures for Description of Environmental Sound. Part 3. Short-Term Measurements with an Observer Present).</i>	The requested information will be provided in the Application.
66.	DPS	Exhibit 19-25	Noise & Vibration	Exhibit 19	Sound power level information from the relevant equipment manufacturers should be included in the Application. If sound power level information is not available from the manufacturers, it can be estimated using acoustical formulae. The methodologies for estimation and results should be described in the Application. If sound power level information is based on actual sound readings from a similar piece of equipment, the procedure for determination should be described along with a discussion of similarities and differences regarding the proposed equipment and whether any corrections to the input data or output results were applied and if so, provide justification.	The requested information will be provided in the Application.
67.	DPS	Exhibit 19-26	Noise & Vibration	Exhibit 19	i) The Application should provide input data such as: sound power levels from the noise sources; source location coordinates, ground elevations, and heights; receptor location coordinates, ground elevations, and heights; Ground absorption factors (G); Temperature and relative humidity; and other data as included in the computer model. ii) The Application should specify that GIS files used for computer noise modeling including noise source and receptor locations, topography, and boundary lines should be forwarded to DPS Staff in digital media, if requested.	The requested information will be provided in the Application.
68.	DPS	Exhibit 19-27	Noise & Vibration	Exhibit 19	CUMULATIVE NOISE IMPACTS The noise analysis should include noise impacts from the proposed Facility in conjunction with any existing or proposed noise sources in the vicinity, which may be performed in the following way: i) Determine the cumulative sound impacts from the proposed Facility in conjunction with any noise sources of any adjacent existing or proposed Solar Facility within a 3,000-foot radius from any Facility noise source, on any sound sensitive receptors in the vicinity by using computer noise modeling. <i>(See n.b. Below)</i> ii) In a cumulative noise impact analysis, any goal, limit, or identified threshold should be evaluated in combination with the noise contributions from any other existing and proposed noise sources in the vicinity. <i>n.b.: Sound levels or noise information can be obtained from publicly available noise studies (sound contours or forecasted sound levels). If noise studies or noise information are not publicly available, sound levels from these projects may be modeled based on publicly available project layouts and sound power levels specifications. If sound power levels specifications are not available, they can be estimated based on acoustical formulae; Sound emissions from existing noise sources can be analyzed by comparing representative "ambient" (existing noise sources plus background sounds) and "background" (background sounds only)</i>	The requested information will be provided in the Application.

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					<i>noise monitor locations. Noise contributions from existing noise sources may be estimated by using energy based (logarithmic) subtractions of residual "background" L90 sound levels from the "ambient" noise levels at a broadband and fractional band basis.</i>	
69.	DPS	Exhibit 19-28	Noise & Vibration	Exhibit 19	<p>Recommendations for Evaluation of Ambient Pre-Construction Baseline Noise Conditions</p> <ol style="list-style-type: none"> 1) The sound survey should follow a protocol that includes the following recommendations: <ol style="list-style-type: none"> a. Sound instrumentation: Use type 1 or type 2 sound level meters (SLM's) and type 1 acoustical calibrators (sensitivity checkers). b. Sound floor should be equal to or lower than: 10-dB at 1/3 octave-bands, 12- dB at full-octave bands, and 20-dBA for broadband sounds. <i>(See n.b. 1 below)</i> c. Wind screens: Use 7"-diameter-foam or equivalent. d. Temperature of operation for SLM's: From 20 to 110 Fahrenheit degrees, at a minimum. <i>(See n.b. 2 below)</i> e. Relative humidity ranges for SLM's: from 20 to 90%, approximately. <i>(See n.b. 3 below)</i> f. Calibration recommendations: Acoustical calibrator/sensitivity checker: 1- year; SLM's: 2-years, maximum. g. Meter settings: Use "fast" response or as specified in local laws, if any. h. Positions to be evaluated: Select the most representative potentially impacted receptors. i. Noise descriptors to be collected: At a minimum collect L90, L50, and Leq. Lmin and Lmax may help identifying exclusions. j. Range of sound frequencies to be measured: 20 to 10,000 Hz. for 1/3 octave bands; 31.5 to 8,000 Hz. for full-octave bands. k. Weather conditions to be tested: Test from low (2 miles per hour or lower) to average wind conditions. l. Testing conditions to be excluded: periods of rain, thunderstorms, wet-road conditions, snow-fall, wind speed exceeding 5 meters per second (11 miles per hour) at the sound microphone. m. Proposed schedules and time frames: test during winter and summer, alternatively during the leaf-on and leaf-off seasons. Collect, at a minimum, 48 hours of valid data on each season (after exclusions). n. Testing methodologies, standards, and procedures: See References 13, 14, and 15. o. Sounds with strong low frequency noise content: identify, if any. p. Provisions for analysis of results, reporting, and documentation: A report of ambient pre-construction baseline noise conditions can be included as an Appendix to the Application including sound instrumentation specifications, certificates of calibration, summary of weather conditions during the survey, tested locations and results. 2) A weighted sound levels: Include, at a minimum, 1/3 sound frequencies from 20 Hz. up to 10,000 Hz. and full-octave band frequencies from 31.5 Hz. up to 8,000 Hz. 3) Prominent tones: DPS Staff recommends using the simplified definition for identification of existing prominent tones, if any, as follows: A prominent discrete tone is identified as present if it is audible and the time-average sound pressure level (Leq) in the one-third-octave band of interest exceeds the arithmetic average of the time-average sound pressure level 	The requested information will be provided in the Application.

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					<p>(Leq) for the two adjacent one- third-octave bands by any of the following constant level differences: 15 dB in low-frequency one-third-octave bands (from 25 up to 125 Hz);8 dB in middle- frequency one-third-octave bands (from 160 up to 400 Hz); or, 5 dB in high- frequency one-third-octave bands (from 500 up to 10,000 Hz). See References 15 and 16.</p> <p>4) Representative potentially impacted noise receptors.</p> <ul style="list-style-type: none"> a. Include the most critical and representative locations considering proximity to the new proposed noise sources and existing soundscapes. b. Residential measurement locations are preferred rather than other locations that could be affected by sound from farming, dairy, construction, industrial, commercial, or human activities. c. Sound collections within wooded areas are not recommended, given the potential for contamination with leaf sounds and rustles. d. Open areas, far from wind flow obstacles, are preferred for wind speed monitoring locations. e. Sound measurement positions should be selected to: <ul style="list-style-type: none"> i. Minimize the influence of traffic noise from local roads: Measurement positions should be no closer than 15 meters (50 feet) from the center of any roadway; ii. Avoid or minimize the influence of any mechanical or electrical noise sources such as air conditioners, air condensers, heaters, boilers, fans, pumps, transformers, lighting, etc.; iii. Avoid or minimize the influence of sounds from flowing or moving water; iv. Minimize the influence of reflections of any buildings and other small reflective surfaces as follows: Sound microphones shall not be located closer than 7.5 mts. (25 ft.) from any reflective surface; Sound microphones shall not be located closer than 1.5 mts. (5 ft.) from any reflecting object with small dimensions such as small trees, posts, bushes, etc. v. The sound level microphone height should be 1.5 ± 0.10 meters above ground elevation (5 feet ± 4 inches). vi. Report GPS or GIS coordinates of selected measurement locations, satellite pictures, and photos for all tested locations; include justifications for location selection and specify whether selected locations are representative of potentially impacted receptors, in the Application. <p>5) Collection of measurement data recorded in winter and summer and during day and night as a function of time and frequency.</p> <ul style="list-style-type: none"> a. Collect pre-construction ambient noise levels at 1/3 octave bands from 20 to 10,000 Hz. b. Broad-Band A-weighted sound levels should be reported in graphs plotted as a function of time at each evaluated position showing exclusions (due to wind speed, temperature, relative humidity, rain fall or thunderstorms/snowstorms). c. Plot sound levels as a function of 1/3 octave and 1/1 band frequencies for the L90 noise descriptor (for winter, summer, daytime and nighttime), including minimum, maximum and average levels for each evaluated location. <p>6) Suitable and suitably calibrated sound level meters (SLM's) and octave band frequency spectrum analyzer. Sound instrumentation for ambient</p>	

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					<p>sound surveys should at a minimum, comply with the standards at references 17, 18, and 19.</p> <p>7) Filtering the ambient pre-construction baseline sound level to exclude seasonal and intermittent noise.</p> <ul style="list-style-type: none"> a. Use of the A-Weighted noise compensated (ANS-weighted network) as recommended in reference 4 regardless of the season (for both winter and summer). Report ANS results only. b. Use portable weather station(s) at sound measurement locations to continuously document, at a minimum: temperature; relative humidity; wind direction; and rain fall (precipitation). Weather information can be supplemented with information from the closest/most representative nearby airport or Mesonet station, unless the weather conditions differ substantially from those found at the site at the time of the sound surveys. c. Sound data collected should be excluded if collected: <ul style="list-style-type: none"> i. At temperature and relative humidity out of the range of operation of sound instrumentation; ii. at wind speed exceeding 5 m/sec. (11 m.p.h.) at the sound microphones (or at 2+/- 0.20 meters above the ground); or iii. under rain, thunderstorms, wet-road, and snow-fall conditions. <p><i>Reference 4: ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 (Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas).</i></p> <p><i>Reference 13: ANSI S.12.9-1992 Part 2 (R2013) (Quantities and Procedures for Description of Environmental Sound. Part 2. Measurement of Long-term, wide area sound).</i></p> <p><i>Reference 14: ANSI S1.13 2005 (R March 5, 2010) (Measurement of Sound Pressure Levels in Air).</i></p> <p><i>Reference 15: ANSI Standard S12.9- 2005/Part 4 Annex C Sounds with Tonal Content.</i></p> <p><i>Reference 16: Percentiles of Normal Hearing-Threshold Distribution Under Free-Field Listening Conditions in Numerical Form. Kenji Kurakata, Tazu Mizunami, and Kuzama Matsushita. Acoust. Sci. & Tech. 26, 5 (2005). For hearing threshold use P5 (for a 95% confidence level) Table 2, third column.</i></p> <p><i>Reference 17: ANSI S1.43-1997 (R March 16, 2007). Specifications for Integrating- Averaging Sound Level Meters.</i></p> <p><i>Reference 18: ANSI S1.11-2004 (R June 15, 2009) Specification for Octave-Band Analog and Digital Filters.</i></p> <p><i>Reference 19: ANSI S1.40-2006 (R October 27, 2011) (Revision of ANSI 1.40-1984) Specifications and Verification Procedures for Sound Calibrators.</i></p> <p><i>n.b. 1: Sound levels in rural areas in New York State can be very low (e.g., as low as 20- dBA, approximately).</i></p>	

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					<p><i>n.b. 2: Air temperatures in New York State can be very low in winter (below-zero Fahrenheit degrees).</i></p> <p><i>n.b. 3: Relative humidity in New York State fluctuates from very low values (e.g., 20% or lower) up to high humidity air (e.g., 95% or more).</i></p>	
70.	DEC	Application Comments-1	Deliverable Requirements (Reports)	All	<p>NYSDEC requests that all draft and final reports, including wildlife survey reports (avian, bat, etc.), habitat, and wetland/stream surveys prepared for the Project be submitted to NYSDEC on an as-produced basis. Early receipt of such reports will facilitate timely discussions between NYSDEC and the Applicant regarding the sufficiency of studies or analyses that will be submitted in support of the Application.</p> <p>An adequate report will include maps and shapefiles depicting the location(s), observation date(s), species, and behavior(s) of all threatened and endangered (T&E) species and species of special concern (SSC) individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility site. Final reports incorporating comments provided by NYSDEC and US Fish and Wildlife Service (USFWS) (if federally listed species may be impacted), along with any other supplemental material or information requested by these agencies, should be included with the Application.</p> <p>All information and material described in Exhibit 22, including all associated attachments and appendices, should be provided to NYSDEC in full and un-redacted at the time the Application is submitted.</p>	<p>Draft and final reports are not required to be provided by Article 10 nor its implementing regulations before an Application is filed. Nevertheless, the Applicant will make reasonable efforts to provide selected final reports to DEC under applicable confidentiality protections as soon as practicable.</p>
71.	DEC	Application Comments-2	Deliverable Requirements (GIS Files)	GIS Files	<p>NYSDEC requests shapefiles (.shp) suitable for use in GIS software via ESRI's ArcGIS suite of software (for example, ArcMap) depicting the following be submitted to NYSDEC as soon as possible.</p> <p>The location of all Project components including (separately):</p> <ul style="list-style-type: none"> • Extent of Facility site • Parcels under control • Solar panel array locations • Alternate panel location, if any • New access and maintenance roads • Existing roads that will be widened/altered • Electric collection and transmission lines (specified above ground and/or underground) • Security fence lines • Laydown and storage area(s) • O & M buildings • Substation(s) • Any other temporary or permanent infrastructure constructed in support of the Facility • Limits of temporary disturbance • Limits of permanent disturbance, including all forested areas to be cleared • Areas of vegetation clearing • Wetland/stream and adjacent area delineations for the Project area and for areas within 500 feet of all potential limits of disturbance • Vernal pool locations • Stream crossing locations, labeled by type of crossing and whether permanent or temporary • Buffer areas along riparian corridors • Invasive species locations • Plant community mapping/vegetative cover types 	<p>Please see the response to 70 above. Additionally, GIS shapefiles will be included with the Application as noted in the responses below.</p>

Comment Number	Agency	Agency Comment Number	Topic	PSS Document Reference	Agency Comment	Response
					<ul style="list-style-type: none"> Breeding bird survey transect locations Winter raptor stationary points and driving routes/stops Any other available wildlife survey information not mentioned above State-listed and special concern species observations for all wildlife surveys (not just point observed from, but the location of the individual on the landscape, including dates, species, flight paths, behaviors, and survey type documented during 	
72.	DEC	Exhibit 22-1	Terrestrial Ecology and Wetlands (Wetland Determinations)	Exhibit 22	<p>NYSDEC notes that there are numerous regulated freshwater wetland areas on the Facility site subject to regulation under Article 24 of the ECL, as well as smaller wetlands identified in the National Wetlands Inventory.</p> <p>NYSDEC recommends the Project Sponsor schedule field visits with NYSDEC and US Army Corps of Engineers (USACE) staff prior to the submission of an Application to review final wetland delineations, make determinations as to what wetlands are jurisdictional for which agency, and evaluate resulting impact calculations. NYSDEC requests that all information, including maps and GIS files of delineated wetlands, be provided to NYSDEC as soon as delineations are completed and preferably before the Application is submitted, to allow for NYSDEC to determine the full extent of State wetland jurisdiction. As mentioned in the PSS some of the wetland delineations are 2-3 years old. Normally wetland delineations are considered to be valid by the NYSDEC for a period of 5 years, therefore program staff would like to review field delineations using all the information and data that have been collected so far, as soon as possible.</p> <p>While NYSDEC does not have any records documenting State-listed grassland bird species breeding or wintering within the Project area, the Project and surrounding area contains some habitat suitable for use by grassland bird species, including agricultural fields that may be utilized by wintering raptors. Habitat suitable for grassland birds, including State-listed species, may be present in the Project area.</p> <p>NYSDEC was not aware that breeding bird surveys were conducted in 2018 or winter raptor surveys in 2018-2019, and therefore did not review proposed work plans prior to surveys being conducted and have not yet seen results of any on-site wildlife surveys. (See <i>n.b. below</i>) The Project is adjacent to several areas of known occupied habitat of two other State-listed threatened species, Blanding's turtle and eastern sand darter. Wetland and nesting habitat assessments in upland areas within the Project will be needed to evaluate potential impacts to Blanding's turtle. NYSDEC encourages the Applicant to communicate and meet with NYSDEC staff to discuss the need for and scope of surveys and potential impacts to State-listed species.</p> <p><i>n.b.: NYSDEC should have the ability to review wildlife survey plans to determine the effectiveness of the methodology proposed in such plans. See Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for a Proposed Wind Energy Facility Project, Located in Allegany, Cattaraugus, and Wyoming Counties, New York, in the Towns of Arcade, Centerville, Farmersville, Freedom, and Rushford, Case No. 17-F-0282, pp. 52-53.</i></p>	<p>The Applicant will schedule site visits with the USACE and NYSDEC prior to the submittal of the Article 10 Application, understanding that agency field visits can be constrained by seasonality and agency staff availability. Any jurisdictional determinations timely received from NYSDEC will be addressed in the Application. The Applicant will provide the NYSDEC with all wetland and waterbody delineation data gathered to date for review.</p> <p>The Applicant notes that the NYSDEC prefers to review wildlife survey plans. TRC's survey protocols were based on the NYSDEC Survey Protocol for State-listed Wintering Grassland Raptor Species, Draft 2015 to determine the presence and Project Area use by State-listed threatened/endangered grassland raptor species during the winter season. Additionally, Tetra Tech used NYSDEC standardized protocols to determine presence and site use by any state-listed threatened (T), endangered (E), and special concern (SC) grassland bird species during the 2018 breeding season. The methodology followed standardized protocols described in NYSDEC Draft Survey Protocol for State-listed Breeding Grassland Bird Species (NYSDEC 2015). The surveys also took into account comments received from NYSDEC on surveys that affiliates of the Applicant have performed for other projects. The Applicant will provide the results of the breeding bird survey and winter raptor surveys prior to submittal of the Application.</p> <p>The Applicant will coordinate with the NYSDEC to discuss the suitability of habitat at the Project Area for Blanding's turtle and eastern sand darter.</p>
73.	DEC	Exhibit 22-2	Terrestrial Ecology and Wetlands (Plant Communities)	Exhibit 22	An identification and description of the type of plant communities present on the facility site, the interconnections, and adjacent properties based upon field observations and data collection consistent with the nature of the site and access availability to adjacent properties.	The Application will include a description of plant communities, areas of invasive species concentration, and ecological communities within the Project Area and adjacent properties (based upon on-site and roadside surveys). The Application will also include a list of all plant species observed on-site in the

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					<p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> A narrative description of the following: <ul style="list-style-type: none"> Approximate locations and extent of identified plant communities, including areas of invasive species concentrations. All ecological communities identified within parcels that will host Facility components as well as adjacent parcels. A list of all plant species observed during on-site field investigations and incidentally while in the Facility site, including the date(s) each species was observed. The sources of information should include on-site surveys, roadside surveys from adjacent parcels, review of recent aerial imagery and National Land Cover Data information. 	Project Area during field investigations, including date(s) each species was observed.
74.	DEC	Exhibit 22-3	Terrestrial Ecology and Wetlands (Construction and Operation Impact)	Exhibit 22	<p>An analysis of the temporary and permanent impact of the construction and operation of the facility and the interconnections on the vegetation identified, including a mapped depiction of the vegetation areas showing the areas to be removed or disturbed, and including a plan to identify the presence of invasive species and to prevent the introduction and/or spread of invasive species.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> A summary impact table that quantifies the number of acres of each plant community type impacted. <ul style="list-style-type: none"> Vegetation impacts include any temporary and permanent impacts, and indirect impacts to existing, non-invasive plant communities, particularly grasslands, interior forests, wetlands, shrublands, and young successional forests. Permanent impact calculations should include: (1) all areas disturbed by Facility components; (2) all tree clearing for construction of the Facility; (3) permanent conversion of one plant community type to another. A discussion and evaluation of fragmentation to grasslands and forested habitat. Maps and GIS files depicting the limits of disturbance (all areas of vegetation clearing and ground disturbance) overlaid with approximate locations and extent of identified plant communities, including areas of invasive species concentrations. A list of all non-native invasive plant, vertebrate, invertebrate, fungal, algal, and cyanobacteria species observed during site-specific field investigations, incidentally while on site for other purposes, and known to occur within the Facility. GIS files of any concentrations of non-native invasive plant species. An Invasive Species Prevention and Management Plan (ISPMP) that addresses all of the species listed in 6 NYCRR Part 575 and includes: <ul style="list-style-type: none"> A summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (i.e., a baseline survey), including the transmission line corridor. An action plan for pre-construction management of non-native invasive species, including thresholds for action. Specific methods to be used to ensure that packing material, imported fill and fill leaving the Facility site will be free of non-native invasive species material, seeds, and parts to the extent practicable. Specification on how fill materials to be placed within the Facility site will be free of non-native invasive species material, seeds, and parts, by source inspection or other method, or only used 	<p>The Application will include the requested table and a discussion, maps and GIS files for temporary and permanent impacts to plant communities and permanent impact calculations will be done to include all areas disturbed by Facility Components, tree clearing for construction, and permanent conversion of plant community types, and fragmentation of grasslands and forested habitat.</p> <p>The Application will include maps and GIS files for the information requested.</p> <p>An Invasive Species Management Plan (the Plan) will be prepared and included in the Application. Invasive species addressed in the Plan will be those that were both identified in the invasive species concentration areas during the delineation effort as well as those listed in 6 NYCRR Part 575 within the Project Area. The Plan will include measures to help prevent the introduction of, and control the spread of, these species. Management and control measures included in the Plan will vary depending on invasive species type listed within the identified concentration area during the field efforts. Items referenced in parts i. through xi. of the comment will be addressed as determined necessary by NYCRR § 1001.22(p).</p>

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					<p>within areas already containing those specific non-native invasive plant and invertebrate species infestation.</p> <ul style="list-style-type: none"> ○ A detailed description of specific Facility site grading, erosion and sediment control methods that will be used to prevent the introduction, spread, or proliferation of all non-native invasive species to the extent practicable. ○ Details of procedures for preventing the spread of invasive invertebrates and diseases, and a discussion of how the Applicant will comply with the State quarantine and protective zones, where applicable. ○ Implementation plans for ensuring that equipment and personnel arrive at and depart from the Facility site clean and free of all non-native invasive species material, seeds, and parts. The protocol for inspection of equipment arriving at the Facility Site should be provided in the Application. ○ A detailed description of cleaning procedures for removing non-native invasive species material, seeds, and parts from equipment and personnel, and properly disposing of materials known to be or suspected of being infested. ○ The detailed description of the Best Management Practices (BMPs) or procedures that will be implemented, and the education measures that will be used to educate workers. ○ The detailed description of a post-construction monitoring and corrective action plan (covering at least a five-year period), to achieve the ISPMP's goals of no new invasive species in the Facility area and no new locations of existing invasive species in the Facility area. This post-construction and corrective action plan should contain survey measures and procedures for revising the ISPMP in the event that the goals of the ISPMP are not met within a specified timeframe. ○ The anticipated methods and procedures used to treat invasive species that have been introduced or spread as a result of the construction, operation or maintenance of the facility (based on comparisons against the baseline survey). ○ Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate. 	
75.	DEC	Exhibit 22-4	Terrestrial Ecology and Wetlands (Reasonable Avoidance Measures)	Exhibit 22	<p>An identification and evaluation of reasonable avoidance measures or, where impacts are unavoidable, minimization and mitigation measures, including the use of alternative technologies, regarding vegetation impacts identified.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> • A discussion of avoidance and minimization measures showing how, to the maximum extent practicable, linear Facility components such as access roads and interconnection lines will be co-located with existing features and with each other, and all solar arrays, buildings, storage areas, and other structures will be constructed in areas already developed or disturbed. • A discussion of mitigation measures including how post-construction vegetative restoration (for example, reseeding disturbed areas with appropriate native seed mix or planting native woody species, as necessary) will be used to recreate or enhance wildlife habitat. 	<p>The information requested in the first bullet of the comment will be included in the Application.</p> <p>The Application will include a discussion of mitigation measures which will include post-construction vegetative restoration.</p>
76.	DEC	Exhibit 22-5	Terrestrial Ecology and Wetlands	Exhibit 22	A characterization of the facility site and any areas to be disturbed for interconnections as to the vegetation, wildlife (including mammals, birds, amphibians, terrestrial invertebrates, and reptiles) and wildlife habitats, that occur	Consistent with the requirements of the Article 10 regulations, the Application will contain the requested information and maps on aquatic and terrestrial vegetation, wildlife, and wildlife habitats

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			(Interconnection Disturbances)		<p>in, on, or in the vicinity, based on reconnaissance or multi-season surveys and data collection appropriate to the nature of the site, supplemented by available data from the New York Natural Heritage Program, New York State (NYS) Amphibian and Reptile Atlas Project, the NYS Breeding Bird Atlas and range maps, Breeding Bird Survey Routes, Christmas Bird Counts and other similar reference sources, including an identification and depiction of any Significant Coastal Fish and Wildlife Habitat Areas designated by DOS/DEC and any unusual habitats or significant natural communities that could support state or federally or State listed endangered or threatened species or species of special concern.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> • A characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats within the Facility site, including a narrative description, detailed location map, and discussion of potential impacts for each of the following: • Habitats that are known to support or could potentially support State-listed threatened and endangered (T&E) species, State species of special concern (SSC) and State species of greatest conservation need (SGCN). • Calcareous shoreline outcrops and karst features, if applicable. • Identification and delineation of vernal pools, including surrounding upland habitat, within 500 feet of all proposed areas of disturbance, verified under appropriate seasonal conditions. If vernal pools are identified, the Application should include: <ul style="list-style-type: none"> • Ecological characterization data. • Detailed location maps. • Results of site-specific surveys for amphibians and reptile species conducted under appropriate seasonal conditions and developed in consultation with NYSDEC. • Potential impacts that may occur to vernal pools and the species that utilize them. • A characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats as documented during on-site field investigations (for example, ecological cover type assessments, habitat assessments, wildlife surveys, and delineation of wetlands, streams and other regulated waters). • Locations of bat hibernacula and maternity roosts located within the study area based on available data from the USFWS, NYNHP, NYSDEC, and any studies conducted by the Applicant. If the Applicant identifies bat hibernacula or maternity roosts within the study area, or five miles from any Facility component or boundary, the location and distance to each identified hibernaculum and roost should be provided separately and confidentially to NYSDEC as soon as possible. 	<p>within the Project Area. The Application will also contain discussion of other habitat which could potentially support federally or NYS-listed T&E species, SSC, SGCN, within the Project Area. The Applicant will coordinate with the USFWS, NYSDEC Staff, and the NHP database to document known occurrences of bat species in the Study Area and provide relevant, applicable information to the NYSDEC. The Application will also identify Calcareous shoreline outcrops and karst features, if applicable.</p> <p>Information requested on amphibians and reptiles based on the New York State Amphibian and Reptile Atlas Project (Herp Atlas), database records obtained from NHP, NYSDEC and USFWS, assessments of suitable habitat within the Facility Area, and any field observations made on-site and in the vicinity of the Project will be provided in the Application. The Applicant will provide location maps and ecological characterization data for all vernal pools located within 100 feet of related disturbances on all Project parcels, consistent with Article 10 regulations. Any part of the 100-foot survey area which falls outside of Project parcels will be estimated within 100 feet of the limits of disturbance. Impacts, if any, to vernal pools identified during the field survey as a result of the Project, will be identified and assessed in the Application.</p> <p>A characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats as documented during on-site field investigations will be included in the Application.</p> <p>Locations of bat hibernacula and maternity roosts identified by the Applicant within the Study Area will be provided separately and confidentially to the NYSDEC staff. The Applicant will coordinate with the USFWS, NYSDEC staff, and the NHP database to document known occurrences of bat species in the Study Area and provide relevant, applicable information to the NYSDEC.</p>
77.	DEC	Exhibit 22-6	Terrestrial Ecology and Wetlands (Animal Species)	Exhibit 22	<p>A list of the species of mammals, birds, amphibians, terrestrial invertebrates, and reptiles reasonably likely to occur on, or in the vicinity of the facility site and areas to be disturbed for interconnections based on site observations and supplemented by publicly available sources.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> • At a minimum, the list of species should be developed from the following sources: NYNHP; NYSDEC; USFWS; local bird/wildlife experts; Herp Atlas; Breeding Bird Atlas; Breeding Bird Surveys; Christmas Bird Counts; Hawk Migration Association of North America; eBird; The Nature Conservancy surveys/reports; The Kingbird publication; and documentation from on-site field investigations (for example, ecological cover type assessments, habitat assessments, wildlife surveys, and delineation of wetlands, streams, and other regulated waters). 	<p>The Applicant will utilize reasonably available public information, including consideration of the indicated data sources, to document an inventory of information on plant or wildlife species known or likely to occur in the Project Area.</p>

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					<ul style="list-style-type: none"> The list should also specify whether each species was observed, known to occur within the Facility site, and/or is predicted to occur based on habitat characteristics and historical records. 	
78.	DEC	Exhibit 22-7	Terrestrial Ecology and Wetlands (Construction Impacts on Environment)	Exhibit 22	<p>An analysis of the impact of the construction and operation, including air emissions if any, of the facility and interconnections on vegetation, wildlife, wildlife habitats, and wildlife travel corridors, including a detailed assessment of direct and indirect impacts and identification and evaluation of the expected environmental impacts of the facility on declining species, Species of Greatest Conservation Need (SGCN), and species protected by State and Federal law and the habitats of such species. Given the provisions of §3-0301(2)(r) of the Environmental Conservation Law and § 15 of the Public Service Law, information that identifies the locations of habitats of such species or any other species or unique combination of species of flora or fauna where the destruction of such habitat or the removal of such species there from [sic] would impair their ability to survive, shall not be disclosed to the public, and shall only be disclosed to the parties to a proceeding pursuant to an appropriate protective order.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> Identification, evaluation, and assessment of direct and indirect impacts to federally and State-listed T&E species and their habitats, SSC, and SGCN. <ul style="list-style-type: none"> The NYSDEC Central Office and Regional Wildlife Office should be contacted to obtain the most recent breeding, wintering, and habitat data for State-listed species. The USFWS Field Office in Cortland, New York should be contacted to obtain the most recent breeding, wintering, and habitat data for federally listed and protected species. Prior to commencing wildlife surveys, the USFWS and NYSDEC should be contacted for guidance on any further studies that may be required to evaluate the potential impacts the Facility could have on federally listed and protected, and State-listed T&E species, respectively. A discussion of the extent, methodology and results of all avian, bat and other wildlife surveys conducted by the Project Sponsor or its agents within or in the vicinity of the Facility site. This shall include a wetland habitat assessment and upland nesting habitat assessment for Blanding's turtle to identify all wetland and upland habitat areas that may support this species, and details on avoidance and minimization measures for any such areas that may be temporarily or permanently impacted by the Project. An analysis of construction and operational impacts to wildlife concentration areas, migration corridors, and wildlife habitat resulting from habitat fragmentation. An analysis of incidental injury and mortality to wildlife, including the displacement of wildlife from preferred habitat and habitat disturbance and loss associated with vegetation clearing, caused by construction activity, vehicular movement, and earth-moving activities. An analysis of impacts to wildlife, including functional loss and degradation of habitat, forest and grassland fragmentation, and wildlife displacement, caused by operation and maintenance of the Facility. An analysis of potential short- and long-term impacts to plants, animals, and habitats that may result from the application of any biocides during site preparation, construction, operations, and/or maintenance of the Facility. 	<p>The Application will include an identification, evaluation, and assessment of impacts to listed species and their habitats. The Application will include the requested information from the NYSDEC Regional Wildlife Office and USFWS Field Office to the extent it is timely received. The Winter Raptor Studies report and Breeding Bird Survey report will be submitted to the NYSDEC once it is reviewed internally and prior to submittal of the Application.</p> <p>Bullet 1/Sub-bullet Responses: Understood.</p> <p>Bullet 2 Response: The Applicant will coordinate with the NYSDEC to discuss the suitability of habitat within the Project Area, and potential avoidance and minimization measures, as necessary, for the Blanding's turtle.</p> <p>Bullet 3 Response: The requested information will be included in the Application.</p> <p>Bullet 4 Response: The requested information will be included in the Application.</p> <p>Bullet 5 Response: The requested information will be included in the Application.</p> <p>Bullet 6 Response: If herbicide application is deemed necessary for the Project, the Application will include the requested information.</p> <p>Bullet 7 Response: The requested information will be included in the Application.</p> <p>Bullet 8 Response: The requested information will be included in the Application for the Study Area.</p> <p>Bullet 9 Response: The requested information will be included in the Application.</p> <p>Bullet 10 Response: Post-construction monitoring requirements, if required, will be coordinated with NYSDEC and USFWS, as applicable, during the Application process.</p>

Comment Number	Agency	Agency Comment Number	Topic	PSS Document Reference	Agency Comment	Response
					<ul style="list-style-type: none"> • A summary impact table quantifying potential temporary and permanent impacts to wildlife habitats; wildlife concentration areas or travel corridors; and all vegetation cover types, including grasslands, interior forests and young successional forests; resulting from construction and operation of the Facility. • Identification of NYSDEC Grassland Focus Areas, forest interior blocks, and any other state, county or locally identified wildlife concentration areas or migration areas within the vicinity of the Project. • A cumulative impact assessment of the above, focusing on grassland bird species and their habitats (grasslands, old fields, pasture, agricultural areas (row crops, hayfields, etc.) • A preliminary post-construction monitoring plan for evaluating the expected and actual impacts operation of the Project has on bird species. 	
79.	DEC	Exhibit 22-8	Terrestrial Ecology and Wetlands (Reasonable Avoidance Measures)	Exhibit 22	<p>An identification and evaluation of reasonable avoidance measures or, where impacts are unavoidable, mitigation measures, including the use of alternative technologies, regarding impacts to vegetation, wildlife and wildlife habitat.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> • An analysis and discussion of measures to avoid impacts to vegetation, wildlife, wildlife habitat, federally and State-listed and protected species, SSC, and SGCN to the maximum extent practicable. • If direct and indirect impacts associated with habitat loss, fragmentation and displacement cannot be demonstrably avoided to the maximum extent practicable, impacts should be minimized to the maximum extent practicable through appropriate Facility siting; Facility design; construction controls; operational measures; and access road, electric line, and Facility component siting. • A discussion of appropriate, effective, and timely mitigation measures for any demonstrably unavoidable impacts. Such mitigation measures should be determined only after avoidance and minimization measures are evaluated and agreed upon by all parties and must result in a net conservation benefit to the target species. 	<p>Bullet 1 Response: The Application will include the description requested concerning impact avoidance and minimization efforts for the Facility Area.</p> <p>Bullet 2 Response: The Application will include a discussion regarding impact minimization through appropriate Facility siting, design, construction controls, operational measures, as well as access road, electric line, and Facility component siting.</p> <p>Bullet 3 Response: See response to bullet 2 above. The requested information concerning the identified T&E species and habitat will be included in the Application, as applicable. The Applicant is amenable to having discussions with the DEC and DPS concerning potential unavoidable impacts and any necessary mitigation measures as early as possible after the Application is filed.</p>
80.	DEC	Exhibit 22-9	Terrestrial Ecology and Wetlands (Boundary Delineation)	Exhibit 22	<p>A map showing delineated boundaries based on on-site identification of all federal, state and locally regulated wetlands present on the facility site and within 500 feet of areas to be disturbed by construction, including the interconnections; and predicted presence and extent of wetlands on the remainder of site properties and adjacent properties within 500 feet of areas to be disturbed by construction. For adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping and aerial photography.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> • A discussion of on-site field delineation methodology of wetlands and other waters of the US within 500 feet of Facility components specifying that it should be done as follows: <ul style="list-style-type: none"> ○ For federally regulated wetlands and other waters of the US the delineation should be done in accordance with the USACE Wetland Delineation Manual (Environmental Laboratory, 1987), and the appropriate Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual. ○ For wetlands that are contiguous with wetlands regulated under ECL Article 24, the delineation should be done in accordance with the New York State Freshwater Wetlands Delineation Manual (1995). 	<p>Information pertaining to wetlands will be provided within 100 feet of areas to be disturbed by construction in accordance with Article 10 regulations.</p> <p>Bullet 1 Response: The Application will include the relevant information within 100 feet of areas to be disturbed by construction, as requested, in accordance with the United States Army Corps of Engineers (USACE) and NYSDEC manuals, as referenced. Delineated wetlands and stream data and characteristics will be included in the Wetland and Stream Delineation Report as an appendix to the Application and within Exhibit 22 and 23 of the Application.</p> <p>Bullet 2 Response: Delineation protocols for the Project will be described in the Application to include all flagging areas noted in NYSDEC Bullet 1 above.</p> <p>Bullet 3 Response: Wetland boundary locations have been documented with GPS. Wetland boundaries will be marked in the field prior to field visits by the USACE and NYSDEC. The Applicant will work with the USACE and NYSDEC to have</p>

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					<ul style="list-style-type: none"> On-site delineations of vernal pools within 500 feet of facility components should be done in accordance with the appropriate regional supplement. Wetland boundaries should be defined in the field by sequentially numbered pink surveyor's flagging marked "wetland delineation", the locations of which should be documented using Global Positioning System technology with reported sub-meter accuracy. Delineated wetland boundaries must be verified by the USACE and NYSDEC. Remote sensing for wetlands beyond 500 feet of facility components, or those wetlands wherein the Project Sponsor does not have access, should include observations made from public roads and adjacent parcels; interpretation of aerial imagery; analysis of topography; existing databases of hydric soils and; wetland and soils mapping maintained by National Wetland Inventory and NYSDEC. All wetland boundaries should be keyed to the Preliminary Design Drawings. The interpolated boundaries shown on site plans should be differentiated from field delineated boundaries when displayed on maps, site plans, and GIS files. Map scale should be 1":50' and include all facility components; proposed grade changes; limits of ground disturbance and vegetative clearing. 	<p>delineated wetland boundaries verified during the Article 10 process.</p> <p>Bullet 4 Response: The Applicant will indicate wetlands occurring within the Project Area and located within 100 feet of the limits of disturbance and all Facility components. This inclusion, however, will be limited to land under control by the Applicant. Wetland estimation, using one or more of the indicated techniques, as applicable, for lands extending beyond the Applicant's control, will only occur for areas that are located within 100 feet of areas to be disturbed during construction of the Project. These wetlands will be referred to as "predicted wetlands" within the Application.</p> <p>Bullet 5 Response: The requested information will be included and shown within 100 feet of the limits of disturbance in Exhibit 11: Preliminary Design Drawings, and depicted on accompanying maps, site plans, and shapefiles.</p> <p>Bullet 6 Response: The requested information will be included in the Application on figures at a scale of 1":50' or similar.</p>
81.	DEC	Exhibit 22-10	Terrestrial Ecology and Wetlands (Regulated Wetland Characteristics)	Exhibit 22	<p>A description of the characteristics of all federal, state and locally regulated wetlands delineated as above, including the Cowardin classification, and a description of the vegetation, soils, and hydrology data collected for each of wetland sites identified, based on actual on-site wetland observations.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> A summary table of wetland delineation information, including the wetland's alpha-numeric code if the wetland is regulated or eligible for regulation under ECL Article 24. Copies of all Wetland Determination Data Forms compiled into a Wetland and Stream Delineation Report. 	<p>Bullet 1 Response: The requested information will be included in the Application.</p> <p>Bullet 2 Response: The requested information will be included in the Wetland and Stream Delineation Report. This report will be included as an appendix in the Application.</p>
82.	DEC	Exhibit 22-11	Terrestrial Ecology and Wetlands (Wetland Functional Assessment)	Exhibit 22	<p>A qualitative and descriptive wetland functional assessment, including seasonal variations, for all wetlands delineated as above for groundwater recharge/discharge, floodflow alteration, fish and shellfish habitat, sediment/toxicant retention, nutrient removal, sediment/shoreline stabilization, wildlife habitat, recreation, uniqueness/heritage, visual quality/aesthetics, and protected species habitat.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> The methodology proposed by the Applicant to evaluate functions and values. A discussion of educational and scientific value of wetlands. An analysis of production export of wetlands. An assessment of protected, T&E species habitat in wetlands. 	<p>The requested information will be included in the Application as applicable.</p>
83.	DEC	Exhibit 22-12	Terrestrial Ecology and Wetlands (Site Influence on Offsite Wetlands)	Exhibit 22	<p>An analysis of all off-site wetlands that may be hydrologically or ecologically influenced by development of the facility site and the wetlands identified above, observed in the field where accessible to determine their general characteristics and relationship, if any, to wetlands delineated as above.</p> <p>This portion of Exhibit 22 should include:</p>	<p>Bullet 1 Response: The requested information and resource descriptions will be included in a wetland and waterbody delineation report to be prepared as an attachment to the Application.</p>

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					<ul style="list-style-type: none"> An assessment of whether the off-site wetlands currently are or could be regulated under ECL Article 24 including both “mapped” and “unmapped wetlands” that meet the State’s 12.4-acre size threshold (including any wetlands of any size separated by less than 50 meters which function as a unit in providing wetland benefits, pursuant to 6 NYCRR § 664, or otherwise meet State criteria for jurisdiction (for example, wetlands or vernal pools determined to be of Unusual Local Importance, pursuant to 6 NYCRR § 664.7(c)). A summary of off-site wetlands adjacent to the Facility site and any disturbed areas that may be hydrologically or ecologically influenced or impacted by development of the Facility, including Significant Coastal Fish and Wildlife Habitat Areas designated by NYS Department of State, and publicly owned lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility. 	Bullet 2 Response: The Application will include an evaluation of the nearby, designated Grass River Significant Coastal Fish and Wildlife Habitat Area, per NYSDEC’s request.
84.	DEC	Exhibit 22-13	Terrestrial Ecology and Wetlands (Wetland Impacts)	Exhibit 22	<p>An identification of all temporary and permanent impacts on the wetlands or their regulated adjacent areas.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> A quantification of temporary and permanent impacts (including impacts associated with shading of vegetation by solar panels) to all wetlands and State-regulated 100-foot adjacent areas and permanent forest conversions based on the proposed footprint of all Facility components and associated impact assumptions. Final impact calculations to the 100-foot adjacent area of State-regulated wetlands and associated mitigation should be based on verified delineation boundaries for jurisdictional wetlands. A summary table including the following information: the type of impact, including but not limited to permanent or temporary fill, shading of vegetation, and forest/shrubland conversion, to each wetland and adjacent area; associated crossing methodology for each wetland, clearly discerning between federal and State wetlands, and adjacent area impacts; acreage of each type of impact to regulated wetlands and adjacent areas; alpha-numeric code if the wetland is regulated or eligible for regulation under ECL Article 24; and the page number on preliminary design drawings depicting the resource. A separate set of site plan drawings at 1”:50’ scale showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance. 	<p>Bullet 1 Response: A summary and table containing the requested information will be included in the Application. If necessary, this discussion will be updated during the Compliance Filing upon any verification of wetland boundaries and jurisdictional determinations, and final impact calculations in the Compliance Filing will be based on such verified delineation boundaries for jurisdictional wetlands.</p> <p>Bullet 2 Response: A summary table containing the requested information will be included in the Application.</p> <p>Bullet 3 Response: The requested information will be included in the Application on drawings at a scale of 1”:50’ or similar.</p>
85.	DEC	Exhibit 22-14	Terrestrial Ecology and Wetlands (Reasonable Avoidance Measures)	Exhibit 22	<p>An identification and evaluation of reasonable avoidance measures or, where impacts are unavoidable minimization and mitigation measures to be employed regarding the wetlands and adjacent areas impacts, including the use of alternative technologies and control of potential phosphorus and nitrogen sources from the facility. Where appropriate, mitigation shall include plans for compensatory mitigation. Such plans shall contain sections on grading, planting, and monitoring for success.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> A discussion of all avoidance and minimization measures considered during site planning and design. The discussion of avoidance and minimization measures should be updated upon final verification of wetland boundaries and jurisdictional determinations. A detailed alternative analysis for siting utility corridors, access roads and solar array locations. The alternative analysis should be based on the final verified delineation boundaries. 	<p>Bullet 1 Response: The Applicant will include a discussion of avoidance and minimization efforts considered and will indicate methods to be implemented to avoid wetland and stream impacts. If necessary, this discussion will be updated in the Compliance Filing upon any timely received agency verification of wetland boundaries and jurisdictional determinations, and final impact calculations in the Compliance Filing will be based on such verified delineation boundaries for jurisdictional wetlands.</p> <p>Bullet 2 Response: Alternatives will be addressed in Exhibit 9 in the Application and will employ any delineated wetland boundaries timely received from the agencies.</p> <p>Bullet 3 Response: A conceptual mitigation plan will be included in the Application, if required.</p> <p>Bullet 4 Response: Understood.</p>

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					<ul style="list-style-type: none"> A conceptual wetland mitigation plan for unavoidable impacts to wetlands and adjacent areas. The proposed mitigation must occur on or in the immediate vicinity of the Facility site (preferably in the same wetland) and provide equal or greater benefit. Once mitigative measures are complete, the wetland should be regulated under ECL Article 24. Off-site mitigation should only be considered if an analysis is provided showing that all options within the immediate vicinity were thoroughly evaluated and determined to not be feasible. In-lieu-fee does not meet the State requirements for mitigation. A discussion of adaptive management actions to be implemented if the wetland mitigation is not successful. 	Bullet 5 Response: The requested information will be included in the Application, as applicable.
86.	DEC	Exhibit 22-15	Terrestrial Ecology and Wetlands (T&E Species)	Exhibit 22	<p>An identification of state and federal endangered or threatened species on the facility site or that could be subject to impacts from facility construction, operation, or maintenance, including incidental takings, and an endangered or threatened species mitigation plan.</p> <p>This portion of Exhibit 22 should include:</p> <ul style="list-style-type: none"> A discussion of impacts to federally and State-listed T&E species, SSC, and SGCN and their habitats and a summary impact table containing information on listed and protected species in these categories. Such a table should include, at a minimum, the following: species name; federal status; State status; if species was observed on site or potentially occurring in the Facility; source of information indicating potential or documented presence of species; discussion of the type of impact (direct and/or indirect) that may occur to each species; estimated take of each listed species, and; evaluation of all impact avoidance measures considered and, if full avoidance is not feasible, a discussion of why such actions are not practicable. If a take of any State-listed T&E species or their habitats is likely, a Threatened and Endangered Species Avoidance, Minimization and Mitigation Plan that meets the requirements of 6 NYCRR Part 182 and demonstrates net conservation benefit to the affected listed species. The Incidental Take Permit application components pursuant to 6 NYCRR Part 182. 	<p>Bullet 1 Response: A summary table of the requested information will be included in the Application.</p> <p>Bullet 2 Response: If it is determined a “take” is required, an avoidance, minimization, and mitigation plan will be prepared in accordance with the requirements of 6 NYCRR Part 182.</p> <p>Bullet 3 Response: If it is determined a “take” of a T&E species will be caused by the operation of the Project, the substantive requirements of Part 182 will be addressed in the Application.</p>
87.	DEC	Exhibit 22-16	Terrestrial Ecology and Wetlands (Invasive Species Management)	Exhibit 22	<p>An invasive species prevention and management plan indicating the presence of invasive species and measures that shall be implemented to minimize the introduction of new invasive species and spread of existing invasive species during soil disturbance, vegetation management, transport of materials, and landscaping/revegetation.</p> <p>The requirements of this portion of Exhibit 22 have been identified and included above under 16 NYCRR § 1001.22(b).</p>	An Invasive Species Management Plan (the Plan) will be prepared and included as an appendix to the Application. The Plan will include measures to help prevent the introduction of, and control the spread of, these species. Management and control measures included in the Plan will vary depending on invasive species type listed within the identified concentration area during the field efforts.
88.	DEC	Exhibit 22-17	Terrestrial Ecology and Wetlands (Agricultural Impacts)	Exhibit 22	<p>An analysis of the temporary and permanent impacts of the construction and operation of the facility and the interconnections on agricultural resources, including the acres of agricultural land temporarily impacted, the number of acres of agricultural land that shall be permanently converted to nonagricultural use, and mitigation measures to minimize the impact to agricultural resources.</p> <p>No additional information requested.</p>	The requested information will be included in the Application as requested and as required per NYCRR § 1001.22(q).
89.	DEC	Exhibit 23-1	Aquatic Ecology & Water Resources	Exhibit 23	<p>There may be streams and associated tributaries located within the facility site subject to regulation under Article 15 of the ECL:</p> <p>This section should address the impacts associated with the potential clearing of forested slopes and riparian areas, which could result in a number of adverse</p>	Bullet 1 Response: Conceptual design information for any proposed culverts or upgrades to existing culverts for stream crossings will be provided in the Application. Alternatives for stream crossings will be addressed in the Application. BMPs will be utilized year-round for all stream crossings. Likewise, BMP

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					<p>impacts, including: increased runoff rates, erosion, and sedimentation in streams; increased gravel accumulation, flow blockages and flooding; increasing water temperature in streams, above the tolerance level of trout; altering the allochthonous base of the food web in headwater trout streams; and introducing invasive species.</p> <ul style="list-style-type: none"> The Application should discuss whether any culverts are required for the Project and discuss if and how they are designed for a 100-year storm event, and designed to incorporate specifications such as those described in NYSDEC's Stream Crossing Guidelines, available at: http://www.dec.ny.gov/permits/49066.html. All new stream crossings or upgrades of old crossings that may be necessary should be designed for a 100-year storm event. Culvert and bridge placement specifications should be described and enumerated, detail the expected flow calculations, and demonstrate culvert capacity with BMP considerations for culvert placement. The feasibility of using trenchless stream crossings should be assessed for all streams proposed to be crossed. Work prohibition dates should be established after the Application has identified all stream crossings and the proposed installation methods. BMPs should be employed throughout the remainder of the year for all stream crossings. Wetland and stream delineations should identify all surface waters (ponds, vernal pools, and ephemeral, intermittent, and perennial streams). These data should also be provided in tabular format that can be cross referenced to the maps, and as shapefiles to NYSDEC. Preliminary site plans should clearly depict the following: access road locations; stream locations; stream crossing plans for each stream; areas to be cleared of vegetation and trees; trees to be "topped"; and areas where tree stumps will be grubbed or left in the ground. The Application should include detailed information regarding the temporary erosion and sediment control measures, permanent runoff controls, and discuss potential impacts to stream flows during storm events. The Application should include a study of impacts to stream flows from the Project, particularly at the 2% and 1% storm events, along with methods to eliminate any increase in flows to streams. Construction and operation of the Project should not exacerbate erosion to streambanks and beds, sedimentation, gravel deposition and out of bank flows in already problematic streams. Of particular concern is deforestation, impervious surfaces (including collectors), grading, work on slopes, and the influences of runoff from the site which could contribute to flooding. NYSDEC recommends that the Project be designed to leave an undisturbed riparian corridor to protect trout resources on all streams designated with a (T) or (TS), and any streams that flow into a stream section with a (T) or (TS) designation. Any discussion and evaluation of impacts from runoff must include the panels and other Project structures, as well as ground features such as roads and parking areas. The Application should include a discussion of potential impacts of blasting on streams and fish. 	<p>procedures will be documented in the Project's preliminary Stormwater Pollution Prevention Plan (SWPPP), to be included in the Application and the final SWPPP to be filed with the Secretary.</p> <p>Bullet 2 Response: The requested information will be included in the Application. BMPs will be utilized year-round for all stream crossings. Likewise, BMP procedures will be documented in the Project's preliminary Stormwater Pollution Prevention Plan (SWPPP), to be filed in the Application and the final SWPPP to be filed with the Secretary.</p> <p>Bullet 3 Response: A discussion and tabular summary for the requested information will be included in the Application. Delineated wetlands and stream data and characteristics will be included in the Wetland and Stream Delineation Report as an appendix to the Application.</p> <p>Bullet 4 Response: The requested information will be included on preliminary site plans in the Application.</p> <p>Bullets 5 and 6 Response: An Erosion and Sediment Control Plan, including an identification of practices to be used to control runoff from the developed Project, will be provided in the Application in accordance with 16 NYCRR § 1001.23. Calculations provided in the Application will be preliminary in nature and will not be finalized until the final SWPPP.</p> <p>Bullet 7 Response: Should impacts occur to a NYSDEC protected stream(s), including all streams designated with a (T) or (TS) classification, the Applicant will adhere to the NYSDEC Article 15 requirements, as applicable.</p> <p>Bullet 8 Response: Runoff impacts will be addressed within Exhibit 23 of the Application and on an Erosion and Sediment Control Plan, to be provided in the Application, in accordance with NYCRR § 1001.23(c).</p> <p>Bullet 9 Response: The requested information will be included in the Application, as applicable.</p>
90.	AGM	Exhibit 4-1	Existing Land Use and Project Planning	Exhibit 4	The Department requests a qualitative assessment on impacts to agriculture. Sub-section (u) briefly identifies relative to the goals of the ST. Lawrence County Farmland Protection Plan. The Department would like the applicant to expand on this Agricultural impact assessment as follows.	Bullet 1 Response: Land-use clarification will consider vegetative communities as well as active farmland as identified during the preliminary onsite ecological surveys conducted during the 2017

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					<ul style="list-style-type: none"> It is noted that the applicant intends to clarify land use of vacant lands. Similar to this effort, the Department requests field verification of the agricultural land-use for the Project Area regardless of tax or zoning code. The Department identifies agricultural lands as active farmland lands within three of the last five years. Agricultural areas quantified, should be in-line with the agricultural associated Plant community data (exhibit 22). Any reported acreages of agricultural impact should be based on the field verified agricultural land, despite tax or zoning code. The Department requests and analysis of remaining agricultural lands (post construction) that will have the potential to be orphaned due to municipal setbacks, archeological protections, wetland adjacency and stream buffers, etc. The Department will expect that applicant to verify any claims identifying potential continue agricultural operations, as well as commenting on specific farm operator's efficiency to operate such activity on the remaining lands. Any land deemed orphaned including any mitigation areas preventing normal agricultural practices will constitute a conversion of the agricultural land use. The use of the Natural Resource Conservation Service's (NRCS) Farmland Classification for soils should not confuse the availability of farmland (within the study area, project area, or other geographical comparison). Please clarify within the requested Agricultural Impact qualitative assessment, the soils available to agricultural production (within three of the last five years), and utilize the NRCS soils survey Farmland Classification in combination with the most recent NYS Agricultural Land Classification's soil group, to rate the values of the agricultural lands proposed to be impacted. The Department requests the Applicants agreement to follow the Department's Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands The Department requests that to the extent the proposed Project will convert Prime Farmland to a non-agricultural use, the Application should address in Exhibit 4, how the Projects will comply with Article 25-AA of the Agriculture and Markets Law, including specifically how the proposed Project will comply with the Declaration of Legislative Findings and Intent to protect agricultural lands. 	<p>and 2019 growing seasons, and as determined in consultation with participating landowners.</p> <p>Bullet 2 Response: Land use classifications, acreages, and impacts to land use types will be assessed in accordance with NYCRR 1001.4(i). The Applicant will evaluate the quantitative change in land use classification from pre-construction to post-construction. The request by the Department to verify future land uses for agricultural purposes is not required by Article 10 or the regulations and requires a considerable degree of speculation as to the preferences of the particular landowner. Instead, the Applicant will assess the feasibility to continue agricultural uses in these areas.</p> <p>Bullet 3 Response: Please refer to the Bullet 2 response above. Information regarding NRCS Farmland Classifications and NYS Agricultural Land Classifications will be presented so long as they are readily publicly available.</p> <p>Bullet 4 Response: The Applicant will prepare an Agricultural Area Plan as part of the Compliance Filings that will identify any programs, policies, and procedures implemented consistent with the New York State Department of Agriculture and Markets (AGM) <i>Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (Revision 10/18/2019)</i> to the maximum extent practicable. The Applicant will coordinate with AGM to determine a reasonable alternative for those guidelines that the Project has determined to be not practicable.</p> <p>Bullet 5 Response: As required by Article 10, discussion on how the Project will avoid or minimize, to the maximum extent practicable, the impacts to these agricultural soil designations will be evaluated in the Application.</p>
91.	AGM	Exhibit 9-1	Applicable, Reasonable, and Available Alternatives	Exhibit 9	The Department requests that alternative sites be explored and identified which are not flat, productive, well-drained farmland comprised of Prime Farmland soil. Also please identify for the Department landowner constraints that restrict potential Department recommended alternative siting.	The Application, in accordance with 16 NYCRR § 1001.9, will include an identification, if any, of applicable, reasonable, and available alternative location sites for the proposed Project. The alternatives analysis will be limited to property under the Applicant's control (i.e., option, lease or ownership) in accordance with 16 NYCRR § 1001.9(a).
92.	AGM	Exhibit 11-1	Preliminary Design Drawings	Exhibit 11	The Department requests in addition to the detailed lists of items to include in the Preliminary Design Drawing, please add all conceptual Post-Construction Stormwater Management practices, if applicable.	The requested information will be included in the Application, as applicable.
93.	AGM	Exhibit 29-1	Site Restoration and Decommissioning	Exhibit 29	The Department acknowledges the Applicants commitment to restore the site according to the Department Guidelines for Solar Energy, where applicable. The Department has particular interest in (but not limited to) discussion concerning :	Exhibit 29 of the Application will address the performance criteria for site restoration, including land use, in accordance with 16 NYCRR 1001.29(a). Restoration will be discussed consistent with 16 NYCRR 1001.29 (a) and (b). During decommissioning, proposed vegetative screening will be addressed per the landowner

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					<ul style="list-style-type: none"> • soil sampling as discuss in the Department’s Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmland in New York State; • The removal of any proposed vegetative screening, and; • The Project will include the restoration of any subject orphaned agricultural lands. <p>In conclusion, the Applicant should assess the cumulative impact of the Facility Site and other conversions in the area over the useful life of the project. The Applicant then needs to determine whether any reasonable and practicable alternative(s) exist which would minimize or avoid the adverse impact on active agriculture to sustain a viable farm enterprise(s) within the project study area.</p>	<p>preferences. Restoration of land beyond the construction and operational limits of disturbance is not required by Article 10.</p> <p>The requested alternatives analysis is not required by Article 10. Alternatives will be addressed per Exhibit 9 of the Article 10 regulations.</p>