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June 16, 2020

Via Electronic FilingHon. Michele L. Phillips
Secretary to the Commission
NYS Public Service Commission
3 Empire State Plaza
Albany, New York 12223

Re: Case 19-F-0588: Application of EDF Renewables Development, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of the Homer Solar Energy Center in the Towns of Homer, Cortlandville and Solon, Cortland County, NY

Dear Secretary Phillips,

EDF Renewables Development, Inc. ("Applicant"), a subsidiary of EDF Renewables, Inc., is proposing to construct a major solar electric generating facility up to 90 Megawatts ("MW") in capacity in the Towns of Homer, Cortlandville and Solon, Cortland County, New York (the "Homer Solar Energy Center" or the "Facility").

On April 13, 2020 the Applicant filed a Preliminary Scoping Statement ("PSS"). Pursuant to § 1000.5(g) of the Siting Board's rules (16 NYCRR § 1000.5[g]), enclosed please find for filing the Applicant's Responses to Comments received on the PSS from agencies, stakeholders and members of the public. The Applicant's Responses are being served in the same manner as the PSS. An Affidavit of Service will be filed under separate cover.

The comments provided were based on the PSL Article 10 siting law which governed the submission of the PSS at the time it was filed with the Secretary and served upon the parties. After the filing of the PSS, the State enacted Section 94-c of the Executive Law which now governs the siting of renewable energy projects such as the Homer Solar Energy Center. The enclosed Responses address the Applicant's proposed compliance with Article 10 of the Public Service Law, as well as the Siting Board's regulations, but if the Applicant elects to proceed in the new siting process, the final scope and contents of the Application may be governed by other regulations or requirements. We will provide the Secretary and the public with updates on this as we proceed through the pre-application process.

Please contact us with any questions.

Respectfully,

/s/ *Steven D. Wilson*

Steven D. Wilson
James A. Muscato II
Young/Sommer LLC
Attorneys for EDF Renewables Development Inc.

cc: Party List (via email & DMM)

Case 19-F-0588: Homer Solar Energy Center

Response to Comments Received on the Preliminary Scoping Statement (PSS)

ATTACHMENTS

| | |
|---------------|---|
| ATTACHMENT A: | New York State Department of Public Service |
| ATTACHMENT B: | New York State Department of Environmental Conservation |
| ATTACHMENT C: | New York State Department of Agriculture and Markets |
| ATTACHMENT D: | New York State Department of Transportation |
| ATTACHMENT E: | Town of Homer |
| ATTACHMENT F: | Alison B. King, PhD |
| ATTACHMENT G: | Lisa Miller, Esq. |
| ATTACHMENT H: | Tara Miller |
| ATTACHMENT I: | Additional Citizens and Stakeholders |

ATTACHMENT A
New York State Department of Public Service

NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE

General Comments

1. In addition to the specific comments on many topics below, Department of Public Service (DPS) Staff advises that the application must also contain all of the informational requirements included in 16 NYCRR § 1001.1 *et seq.*

Response: Comment noted. The Application will contain the information requirements included in 16 NYCRR §1001 et seq., to the extent applicable to a major solar electric generating facility.

2. Terminology used in pre-application and future application phases should be standardized.

Response: Comment noted. The Applicant will work to standardize terminology used throughout the Application process.

3. The application should provide a list of acronyms as an appendix to the Table of Contents.

Response: Comment noted. The PSS contains a list of commonly used terms and acronyms immediately following the Table of Contents. The Application will provide similar information.

4. 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.

Response: Comment noted.

5. Please advise when the Applicant will provide affidavits of proof of service and publication as they have not yet been filed.

Response: Comment noted. EDF Renewables has filed the Affidavits and Proofs of Service.

6. Staff advises that the project website should include:
 - a) Information on intervenor funding and how to apply;
 - b) Educational Materials (such as those developed for open houses);
 - c) Addresses of local document repositories;
 - d) A link to request stakeholder status;
 - e) Key milestone dates, such as when the Application will be filed; and
 - f) The PIP Plan activity log.

Response. EDF Renewables provides a number of resources on the project website and will continue to update its contents to facilitate project understanding and review. In the resource "How to Participate in Article 10" EDF Renewables refers viewers to stay informed on the project by following the DMM docket and refers viewers to the Siting Board website for instructions on how to request intervenor funding. Information is provided on how to request party status and subscribe to the service list, with direct links provided. There is also direct link to the DMM docket on the website. The Public Involvement Program Plan (PIP) provides the location of repositories and provides the preliminary PIP activity log. Additional logs are provided on DMM. EDF Renewables notes DPS comments on

additional files to be included on the project website and will post additional resources as the project progresses, including this response to PSS comments.

7. Staff advises that Appendix B – Master List of Stakeholders should include:

- g) Michelle Phillips, Secretary to the Siting Board
- h) Point of contact for each stakeholder

Response: Hon. Michelle L. Phillips has been added to the master list of stakeholders. The Applicant will continue to update this list with stakeholders and their contact information as available or provided as the project progresses.

EXHIBIT-SPECIFIC COMMENTS

Exhibit 2 – Overview and Public Involvement Summary

Section 2.2: Overview and Public Involvement Summary

8. With respect to the goal of the Public Involvement Program (PIP), DPS staff advises the goal is to engage affected stakeholders in the process to understand their interests, gather pertinent information and work with them to address their issues and concerns.

Response: Comment noted. The Applicant is in agreement. The results of stakeholder engagement will be reflected within the Application.

Exhibit 4 – Land Use

Section 2.4.4: Proposed Contents of the Application

9. The Transmission Facilities map described in Section 2.4.4(b) should identify any crossings of existing utility lines by the proposed facility components.

Response: Comment noted. The requested information will be included within the Application.

10. Regarding Section 2.4.4(c) and 2.4.4(n), mapping should depict proposed energy storage system components, if applicable.

Response: Facility design and engineering is ongoing, and this design component has not been finalized. Additional information regarding energy storage technologies will be included in the Article 10 Application, if applicable.

11. For Section 2.4.4(d), 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, and related documents for the Towns of Homer, Cortlandville, and Solon. Additionally, DPS Staff advises that the Town of Homer has established an Aquifer Protection District overlay that should be depicted on relevant mapping.

Response: An electronic version of the complete copies (or links to online sources) of zoning and land use regulations, including attachments, tables, and zoning maps will be provided to DPS Staff at the time of Application filing. The Applicant will consult with the Town of Homer to obtain and include the specified Aquifer Protection District overlay.

12. Regarding 2.4.4(g) and 2.4.4(l), DPS Staff notes that there are no designated Coastal Areas nor approved or draft Local Waterfront Revitalization Program Areas within the Study Area.

Response: Comment noted.

13. Section 2.4.4(h) should include a summary describing how direct and/or indirect impacts of the Facility on recreational resources and other sensitive areas have been avoided or, if unavoidable, minimized or mitigated.

Response: Comment noted. The Application will include details requested to the maximum extent practicable.

14. With respect to Sections 2.4.4(i) and 2.4.4(q), the Application should:
 - a. Identify the extent of the Facility site parcels that are enrolled in the Agricultural District program, the year of enrollment, and the date such enrollment will expire if not renewed;

Response: To the extent the Applicant can obtain this information, it will be provided with the Application.

- b. Discuss landowner arrangements and facility layout alternatives that would allow for continued agricultural uses in areas with prime soils;

Response: This is beyond the scope and requirements of 1001.4(i). As stated in Section 2.9.2(c) the assessment of alternatives will also evaluate agricultural impacts. Further, Section 2.22.2(q) of the PSS describes the evaluation of impacts to agricultural resources that will be provided.

- c. Identify active agricultural land that will be displaced or otherwise affected by Facility development, both directly and indirectly; and

Response: See response to comment b. above. This is beyond the scope and requirements of 1001.4(i).

- d. Include an assessment of the compatibility of the proposed land use with the Towns of Homer, Preble, and Scott Agricultural and Farmland Protection Plan and the Town of Cortlandville Agriculture and Farmland Protection Plan. DPS Staff requests that copies or links to online sources of such plans be provided in the Application.

Response: Comment noted. The Application will include a qualitative assessment of the compatibility of the Project and components with existing local and regional land use plans, including the abovementioned Farmland Protection Plans per the requirements of 1001.04(i). An electronic version of the complete copies (or links to online sources) of the referenced farmland protection plans will be provided to the parties at the time of Application filing.

Exhibit 5 – Electric System Effects

Section 2.5.2(n): Applicable Reliability Criteria

15. The Application should include consultation with the DPS.

Response: The Applicant will consult with DPS as requested.

Exhibit 11 – Preliminary Design Drawings

Section 2.11.1: Discussion

16. DPS Staff recommends that the Applicant provide four, full size copies of the preliminary design drawing set (utilizing a common engineering scale) at the time of Application submittal.

Response: Comment noted. The Applicant will submit the requested drawings during the Application phase.

17. DPS Staff recommends that the Applicant provide a completed DPS Appendix 1, Map Sizes and Scales sheet, in the response to PSS comments, regarding approximations of drawing scales to be used for Application 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.

Response: Comment noted. As stated in the PSS, the Applicant will consult with DPS Staff regarding applicable map sizes and scales during any stipulations process commenced in this proceeding.

Section 2.11.2: Proposed Content of the Application

18. Section (a)(i) lists features to be included in site plans for the Project. In addition to these listed features, DPS Staff recommends the following features also be included in the site plans:
 - a. Clearing limits associated with Facility components;
 - b. Inverters and low-medium voltage transformer locations;
 - c. Laydown, equipment, and storage areas and associated access driveways and parking areas;
 - d. Fence gate locations (in addition to the listed perimeter fencing); and
 - e. Approximate location of the existing National Grid Cortland to Fenner 115-kV transmission line (at the POI location).

Response: Comment noted. The Application will include details requested to the maximum extent practicable.

19. With respect to Section (e) - Lighting Plan, DPS Staff advises that the Application include cut-sheets for proposed lighting of the Facility.

Response: Comment noted. The Applicant will provide representative equipment specifications for Facility lighting within the Application.

Exhibit 12 – Construction General Requirements

Section 2.12(a): Quality Assurance and Control Plan

20. The Applicant needs to identify and briefly describe all Staffing positions required for the Project (e.g., Construction Monitor and others).

Response: The requested information will be included within the preliminary Quality Assurance and Control plan, to the extent known at the time of filing, within Exhibit 12.

Exhibit 13 – Real Property

Section 2.13.1: Discussion

21. Section 2.13.1 should include a discussion of property rights or easements to be acquired for any offset habitat areas proposed to mitigate taking of grassland habitat; wetlands fill mitigation; or other property rights needed to site, construct, and operate the proposed facility, if applicable.

Response: Section 2.13.1 of the PSS is for informational purposes and is not planned to be included in the Application. To the extent additional property rights or easements are needed for any mitigation areas or to site, construct, and operate the proposed facility, they will be included within Exhibit 13 of the Application.

Section 2.13.2: Proposed Contents of the Application

22. DPS Staff advises that a survey of the facility site is required by the regulation and must contain the elements listed in 16 NYCRR § 1001.13(a). A tax parcel map may only be used for wind facilities to fulfill the regulatory requirement; therefore, the "map" provision is not applicable to this project.

Response: Comment noted. The Application will include the information required in 1001.13(a), including a boundary survey.

Exhibit 14 – Cost of Facilities

Section 2.14.2(a): Total Capital Costs

23. DPS staff advises that the application should include an estimate for the interconnection costs specifically, as well as costs for each component of the project, as stated in the PSS.

Response: The requested information will be included within Exhibit 14, as stated in § NYCRR 1001.14(a).

Exhibit 19 – Noise and Vibration

24. Please see DPS Staff's recommendations in the attached Appendix.

Response: See the Applicant's response to DPS's Appendix 2 at the end of this Section.

Exhibit 21 – Geology, Seismology and Soils

Section 2.21.4(d): Fill, Gravel, Asphalt and Surface Treatment Material

25. In addition to the calculations for the required materials to be imported to the site, there should be a description of each type of material, identification of where such materials will be required to support construction, where such materials will be stored, and an identification of the source(s) of imported materials, if known.

Response: Comment noted. The Application will include requested information.

Section 2.21.4(p): Characteristics of Each Soil Type and Suitability for Construction

26. According to page 2-92 of the PSS, "A Preliminary Geotechnical Analysis that will, in general terms, address the suitability and limitations of existing soils and depth to bedrock for the proposed site development . . ." Where existing soils are proposed for re-use as structural and/or compacted fill, the Application should assess the suitability of existing soils specifically for those purposes and describe screening measures to remove materials that do not meet the fill composition characteristics recommended by the Applicant's geotechnical expert.

Response: Comment noted. The Application will include this information to the degree practicable.

Exhibit 22 – Terrestrial Ecology and Wetlands

Section 2.22.4(d): Existing Vegetation, Wildlife, and Wildlife Habitat

27. Item 4 describes the content of the table of state and federally listed species. DPS notes that the content of (iv) "Species of special concern/species of greatest conservation need listing" should be reflected in two separate columns. Species of Special Concern (SSC) is a species status defined in 6 NYCRR § 182.2(i) and describes species requiring special consideration but which do not meet the criteria for Endangered or Threatened status. Designation as Species of Greatest Conservation Need (SGCN) reflects current population trends; species designated as such may concurrently be listed as Threatened, Endangered, or Species of Special Concern. The list presented in the application should also distinguish among species designated as SGCN and High Priority SGCN (SCGN-HP).

Response: Comment noted. The species list will be presented as requested in the Application.

Section 2.22.4(f): Analysis of Impacts from Construction and Operation

28. The Application should provide an overview of vegetation management plans for operation, maintenance, and construction of the Project, including a discussion of ground cover maintenance, tree clearing, and ongoing vegetation maintenance required to prevent shading of solar panels.

Response: Comment noted. A characterization of impacts on plant communities from construction and operation will be provided in Exhibit 22 of the Application. The Application will include a preliminary Environmental Compliance and Monitoring Program to be implemented during Facility Construction which will include an Environmental Monitor(s). In addition, the Applicant will prepare a Preliminary Operations and Maintenance Plan (O&M Plan), which will be included in the Application. Vegetation management activities will be included in these Plans/Programs.

29. The Application should provide a discussion of the potential impacts of perimeter fencing of the Project on wildlife movements and perceived habitat size (in the case of area sensitive grassland bird species) and discuss design features incorporated to minimize adverse impacts.

Response: Comment noted, the requested information will be included in Exhibit 22.

30. DPS asks that the Applicant clarify the statement, "NYNHP data did not include any reported grassland or T&E species" in the discussion on grassland birds on page 2-96. It is very likely that grassland birds do occur on the Project site given the landscape and plant communities present. The application should discuss the presence and potential impact on bird species including SSC and SGCN species, not just T&E species, to satisfy the requirements of Article 10, 16 NYCRR § 1001.22(f): "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."

Response: The Applicant conducted a wintering grassland raptor survey from December 2019 to March 2020 to evaluate potential presence of wintering grassland raptors at the Facility Site and will submit this to NYSDEC for review and the results will be included in Exhibit 22 of the application. Additionally, the Applicant is conducting four rounds of breeding bird surveys between May and July 2020. The results will include a discussion of any SSC and SGCN species, in addition to T&E species, observed during the surveys.

Exhibit 23 – Water Resources and Aquatic Ecology

Section 2.23.1: Environmental Setting

31. According to page 2-115 of the PSS, one designated primary aquifer underlies the southwestern portion of the proposed Facility Area. Additionally, the proposed Facility Site overlies the Cortland Homer-Preble Aquifer Systems Sole Source Aquifer. DPS Staff recommends that Application include specific evaluation of potential temporary and long-term impacts to water quality in these aquifers from construction activities, including blasting (if proposed), pile/post driving, and horizontal directional drilling. Recharge areas to these aquifers should be identified to the extent available based on publicly available information, and the Application should describe proposed setbacks from those recharge areas for refueling, dewatering, invasive species washing stations, concrete mixing, and similar activities with potential to discharge turbid or potentially contaminated fluids.

Response: Comment noted. The requested information will be included within Exhibit 23.

Section 2.23.4(a): Groundwater

32. Regarding Section 2.23.4(a)(2)(i), DPS Staff advises that mapping of groundwater features should include all areas within the study area, as required by 16 NYCRR §1001.23(a)(2).

Response: Comment noted. The proposed Study Area for groundwater mapping and identification of groundwater wells is 2 miles from the Facility Site.

33. Exhibit 23(a)(3) of the Application should include an inventory of all identified wells within 500 feet of the Facility Site and within 2,000 feet of blasting (if proposed) and post and/or pile driving locations. The Application should include a discussion of how impacts to these wells will be avoided and/or minimized. Additionally, the results of the well survey mentioned in Section 2.23.4(a)(2)(iii) and the preliminary geotechnical report mentioned in Section 2.23.4(a)(3)(iii) should be provided in the Application.

Response: Comment noted. The requested information will be included within Exhibit 23.

34. Referring to Section 2.23.4(a)(iii), Staff advises that the Applicant should include landowners with active wells on the stakeholder list.

Response: Comment noted. The requested information will be included within Exhibit 23 and the Master Stakeholder list will be updated as appropriate.

Section 2.23.4(b): Surface Water

35. The Application should include stream crossing methods proposed and maps depicting the locations of anticipated crossings of NYS Protected Streams, Class C streams, NYS freshwater wetlands, and adjacent areas and ACOE regulated wetlands. The related shapefiles should be submitted to DPS Staff.

Response: Comment noted. The requested information will be included within Exhibit 23.

36. Regarding Sections 2.23.4(b)(1) and 2.23(b)(2), the waterbody descriptions and mapping should not be limited to waterbodies within the Facility Site and should extend to all waterbodies within the Study Area, as required by 16 NYCRR § 1001.23(b)(1) and (2).

Response: Comment noted, the descriptions of waterbodies and mapping in the Application will following requirements of 16 NYCRR § 1001.23(b)(1) and (2).

37. Section 2.23.4(b)(3) uses the language "surface water drinking intakes," which is inconsistent with the "surface water drinking-water supply intakes" language used in 16 NYCRR § 1001.23(b)(3). Terminology used in pre-application and future application phases should be standardized. The language should be consistent with what is presented in the regulations to avoid confusion or allow for misinterpretations.

Response: Comment noted. The Applicant will work to standardize terminology used throughout the Application process.

Exhibit 24 – Visual Impacts

Section 2.24.2 Potential Impacts and Mitigation

38. The Applicant notes landscaping as a measure to avoid and minimize visual impacts. Please see DPS Staff's comment below regarding mitigation plantings, which would also be applicable to this section.

Response: Comment noted.

Section 2.24.3: Regulatory Framework

39. DPS Staff recommends the United States Bureau of Land Management's (BLM) Visual Resource Management System (VRM) as a resource to help objectively measure potential visual impacts to the inventoried sensitive aesthetic resource (BLM 1986, BLM 1984).

Response: Comment noted.

Section 2.24.4: Proposed Content of the Application

40. With respect to Section 2.24.4(a)(7) - Nature and Degree of Visual Change from Operation, DPS Staff recommends for clarity separating the discussion of the photographic simulations and evaluation of Facility visibility and visual impact during operation from the discussion of Operational Effects of the Facility.

Response: Commented noted. The Applicant will strive to organize the document for enhanced clarity.

41. With respect to Section 2.24.4(a)(8) - Measures to Mitigate for Visual Impacts:
- a. DPS Staff recommends that if mitigation plantings are planned to be installed to screen Project elements, that the Applicant provides plant material that will be native, tolerant to herbivorous grazing, and adaptable to site and roadside conditions.

Response: Mitigation plantings planned to be installed to screen Project elements will be detailed in the Application. The Applicant will conduct an evaluation of potential planting species to ensure they are appropriately selected for on-site conditions.

- b. DPS Staff also recommends that the Applicant prepare an inspection and maintenance plan to ensure plant vigor and the success of the mitigation planting for the life of the Project.

Response: Comment noted. Maintenance of vegetative screening will be detailed in the project's Operations & Maintenance Plan.

42. With respect to 2.24.4(b)(1) Viewshed Maps and Methodology, DPS Staff requests that visually sensitive sites, cultural and historical resources, representative viewpoints, photograph locations, and public vantage points within the viewshed study area be included on the map(s) or as an overlay.

Response: Comment noted. The requested information will be included within Exhibit 24.

Exhibit 25 – Transportation

Section 2.25.4: Proposed Content of the Application

43. With respect to Section 2.25.4(b)(2) Transit Facilities, Including School District Bus and Routes, DPS Staff requests that the Applicant confirm that the services addressed by the Application include senior and ARC transportation routes as well as those mentioned here.

Response: Comment noted. The Applicant will include information on senior and ARC transportation routes within Exhibit 25.

44. For Section 2.25.4(d)(2) and (3) Traffic and Transportation Impacts, DPS Staff recommends that the Route Evaluation Study and Oversized Deliveries section also consider conditions of existing culverts that may be impacted by construction and operation of the proposed Facility.

Response: Comment noted. The requested information will be included in Exhibit 25 to the degree information is available at the time of filing. Additional information may be provided as part of the Transportation Plan and in negotiations of the road use and restoration agreements.

Exhibit 27 – Socioeconomic Impacts

45. The Applicant should remove all references to the JEDI model and/or IMPLAN multipliers. DPS Staff is concerned by overly rigid, linear, input-output models that produce positive-only estimates and are incapable of capturing offsetting job or economic losses associated with the Project.

Response: Comment noted. Reference to such modeling tools will be eliminated within the Application.

46. Regarding secondary job estimates, DPS Staff advises that:

- a. The Application should present secondary job estimates as a range to reflect the uncertainty surrounding such estimates, which cannot be directly measured and tied to the Project.

Response: Commented noted. The information will be provided as requested within the Application.

- b. Net, not gross, and secondary job estimates should be reported to reflect that the project could result in job losses as well as job gains.

Response: Commented noted. At this time, the Applicant does not agree to provide this information in the Application. The contents of Exhibit 27 can be further discussed during any stipulations negotiations commenced in this proceeding.

- c. The Application should include a qualitative discussion, which acknowledges the uncertainty associated with estimating net secondary job estimates using linear, positive-only input-output models which do not capture offsetting job losses.

Response: Commented noted. The information will be provided as requested within the Application.

47. DPS Staff requests that the Applicant make all job estimates, assumptions, and model workpapers available for DPS Staff's review.

Response: Commented noted. Reference and model information will be made available to DPS as requested.

Exhibit 29 – Decommissioning and Site Restoration

Section 2.29.2: Proposed Content of the Application

48. The PSS states, "The type and value of financial assurance to be secured by the Applicant, for the purpose of adequately performing decommissioning will be described. The value of the financial assurance will be based on a Professional Engineer's certified estimate of decommissioning cost, less the expected salvage value and/or resale value of components." DPS recommends that the Decommissioning Plan include a detailed estimate of decommissioning and site restoration activities. Furthermore, in past Article 10 Orders, the Siting Board has required financial assurance, held by host towns, in the full decommissioning estimate amount and has not accepted use of salvage or component resale value as an offset of decommissioning activities. Therefore, DPS suggests that the Decommissioning Plan provide estimates with and without salvage value offsets, for informational purposes.

Response: Comment noted. The Applicant will provide an estimate of the expected salvage value of components within Exhibit 29.

Exhibit 31 – Local Laws and Ordinances

49. DPS Staff requests that complete copies of all Facility Area local laws and ordinances, and other applicable provisions, be provided as soon as possible for review and development of the scope and stipulations.

Response: An electronic version of the complete copies (or links to online sources) of all Facility Site local laws and ordinances and other applicable provisions will be provided to DPS Staff as soon as possible prior to the time of Application filing.

Section 2.31.2: Proposed Content of the Application

50. DPS Staff advises that Section 2.31.2(e), List of Substantive Local Ordinances/Laws That the Applicant Requests the Board Not Apply, does not comport with the requirement for submittal of a PSS at 1000.5(l)(5) in that while it does provide "a list and description of all local laws, and regulations issued thereunder, applicable to the construction, operation or maintenance of the proposed facility," it does not provide "a statement either providing a preliminary assessment of an ability to comply or indicating specific provisions that the applicant will be requesting the Board to elect not to apply, in whole or in part, and a preliminary explanation as to why the Board should elect not to apply the specific provisions as unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality." This additional information must be provided as soon as possible to address a significant deficiency in the PSS document.

Response: Pursuant to Section 1000.5(l)(5) of the Siting Board's rules, a PSS must contain "a statement either providing a preliminary assessment of an ability to comply or indicating specific provisions that the applicant will be requesting the Board to elect not to apply, in whole or in part, and a preliminary explanation as to why the Board should elect not to apply the specific provisions as unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality." In compliance with Section 1000.5(l)(5), the Applicant provides the following preliminary assessment of its ability to comply with local substantive laws:

The Applicant will work with the Towns of Homer, Cortlandville and Solon to identify potential substantive provisions of local law for which it may need to seek a waiver from the Siting Board. At this time, it is anticipated that the Project will comply with the majority of substantive local laws. There are, however, a few provisions in the towns' codes for which the Applicant may seek waiver from the Siting Board. Waiver requests, if any, will depend on further discussions with the towns, final project design, interpretations by local zoning enforcement officials and whether variances can be obtained. Following is a list of potential areas that the Applicant will explore with the towns:

Homer

- *avoidance of prime farmland*
- *undergrounding of all utility and transmission lines*

Cortlandville

- *avoidance of prime farmland soils*

Solon

- *setbacks from "regulated freshwater wetland"*
- *minimum setback from adjoining property lines*
- *undergrounding of utility lines*

51. DPS Staff advises that the lettering in the PSS is inconsistent with the regulations, beginning with Section 2.31.2(h). To avoid confusion, DPS Staff recommends following the lettering in the regulations.

Response: Commented noted. The Applicant will strive to organize the document for enhanced clarity.

Exhibit 34- Electric Interconnection

Section 2.34.2(d): Length of the Transmission Line

52. DPS Staff recommends that the Application consider and describe the transmission line connecting the new substation to the point of interconnection at the switchyard as a transmission line for this requirement, despite it being less than 500 feet in length.

Response: Comment noted. The Applicant will show the length of the line.

Section 2.34.2(h): Underground depth and location of existing infrastructure

53. The Application should indicate on the profile of the line the depth of underground cable and the location of any oil pumping stations and manholes.

Response: Comment noted. The profile of underground lines will include the depth of the cable. Information on oil pumping stations and manholes within 200 feet of limits of disturbance will be included in the Application to the maximum extent known at the time.

Exhibit 35- Electric and Magnetic Fields

Section 2.35.4(d): Electric and Magnetic Field Study

54. A magnetic field study should be performed for a location where maximum current flow will result from collocated collection lines during peak load conditions. The study should include the following:
- a. Magnetic field calculations directly above the circuit and at the Edge of the Right of Way.
 - b. A cross sectional drawing of the circuit conductor configuration (spacing and number of collection lines) at location with maximum current flow resulting from collocated collection lines.

Response: Exhibit 35 of the Article 10 Application will be derived from an electric and magnetic field (EMF) study to be prepared for the Homer Solar Facility. The EMF Study will identify segments of electrical lines that will have unique electric and magnetic field characteristics, will identify these segments on aerial photos or drawings, and will indicate the distance to the nearest residence or occupied building in each ROW segment. The EMF Study will also model the strength and locations of electric and magnetic fields that will be generated by the Facility.

55. Section 2.35.3 states, "A preliminary list of regulations, plans, and tools to be reviewed and utilized with respect to EMF includes the following:
- a. New York State Public Service Commission Opinion No. 78-13 issued June 19, 1978, which set an interim standard of 1.6 kV/m for Article VII 345-kV electric transmission lines, at the edge of the ROW, one meter above ground level, with the line at the rated voltage."

DPS Staff advises that, in addition to the above guidelines, the Applicant should review and utilize the Commission's Statement Of Interim Policy On Magnetic Fields Of Major Electric Transmission Facilities dated September 11, 1990 (setting an interim standard for magnetic fields at the edges of their rights-of-way

(measured one meter above ground level) at 200 milligauss when the circuit phase currents are equal to the winter-normal conductor rating).

Response: Comment noted.

Homer Solar Energy Center (19-F-0588) – Appendix 2

Text of 16 NYCRR §1001.19 Exhibit 19 is highlighted in red italic text. DPS Staff recommendations are identified in black color text. Numbering of subsections may not directly correspond to text of the regulation.

Exhibit 19 shall contain: A study of the noise impacts of the construction and operation of the facility, related facilities and ancillary equipment. The name and qualifications to perform such analyses of the preparer of the study shall be stated. If the results of the study are certified in any manner by a member of a relevant professional society, the details of such certification shall be stated. If any noise assessment methodology standards are applied in the preparation of the study, an identification and description of such standards shall be stated.

Please provide qualifications of the preparer(s) of the study and an identification and description of methodologies, standards, and guidelines as an appendix.

Response: Comment noted. The requested information will be included within Exhibit 19.

The study shall include:

- a) A map of the study area showing the location of sensitive sound receptors in relation to the facility, related facilities and ancillary equipment (including any related substations).
 - 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.

Response: Comment noted. The requested information will be included within Exhibit 19. Copies of maps requested will be submitted as part of the Application. Note that regarding i), the comment should state 1,500 feet from the edge of the facility site, rather than facility area.

The sensitive sound receptors shown shall including [sic] residences, outdoor public facilities and areas, hospitals, schools and other noise-sensitive receptors.

- iv. All occupied 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 seasonality* (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 *areas of frequent human use within* 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.

Response: Comment noted. The requested information will be included within Exhibit 19. Please note the Applicant's revisions to the iv) and vi) above in italicized text.

- b) An evaluation of ambient pre-construction baseline noise conditions, including A-weighted/dBA sound levels, prominent discrete (pure) tones, at representative potentially impacted noise receptors, using actual measurement data recorded in winter and summer and during day and night as a function of time and frequency using a suitable and suitably calibrated sound level meter (SLM) and octave band frequency spectrum analyzer, or similar equipment. The ambient pre-construction baseline sound level should be filtered to exclude seasonal and intermittent noise.
 - i. 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.

Response: Comment noted. Sound measurements will be collected following the relevant portions of ANSI S12.9 Part 2, ANSI S12.9 Part 4, ANSI S12.18, and ANSI S12.100, and will be consistent with the description of the sound monitoring in the PSS

- c) An evaluation of future noise levels during construction of the facility and related facilities including predicted A-weighted/dBA sound levels at potentially impacted and representative noise receptors, using computer noise modeling.
 - 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.
- 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).

Response: Comment noted. The requested information will be included within Exhibit 19. Please note that the applicant may also use sound level data available in FHWA's Roadway Construction Noise Model (RCNM) v2.0.

- d) An estimate of the noise level to be produced by operation of the facility, related facilities and ancillary equipment assuming wind-induced background noise or stable atmospheric conditions, as appropriate...
 - 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.
- e) and not assuming any attenuation of sound that transiently occurs due to weather or temperature.
 - i) 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.

Response: Comment noted. The requested information will be included within Exhibit 19. Please note the Applicant does not agree with DPS-Staff recommended use of ground factors in item ii) above. The Applicant will use appropriate ground factors and discuss the assumptions in the PNIA.

- f) (e) An evaluation of future noise levels during operation of the facility, related facilities and ancillary equipment including predicted A-weighted/dBA sound levels...
- i) 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.

Response: Comment noted. The requested information will be included within Exhibit 19.

prominent discrete (pure) tones, and...

- i) 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).¹

Response: Comment noted. As stated in the PSS, the Applicant will use ANSI S12.9 Part 4 Annex C for audible tones and assess if the tones will be audible.

amplitude modulated sound, at potentially impacted and representative noise receptors using computer noise modeling, and an analysis of whether the facility will produce significant levels of low frequency noise or infrasound.

- i) 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).

Response: Comment noted. The requested information will be included within Exhibit 19 except that the criteria in Annex D of ANSI S12.9 Part 4 (DPS Reference 3) extends down to 16 Hz which is in the infrasonic range, and the Applicant will not be evaluating infrasound in the PNIA, as the proposed equipment does not have any known mechanism for infrasonic generation. As such, the low frequency evaluation will be limited to the 31.5 and 63 Hz octave bands.

- g) (f) A statement in tabular form of the A-weighted/dBA sound levels indicated by measurements and computer noise modeling at the representative external property boundary lines of the facility and related facilities and ancillary equipment sites, and at the representative nearest and average noise receptors, for the following scenarios:

1) Daytime ambient noise level - a single value of sound level equivalent to the level of sound exceeded for 90% of the time during the daytime hours (7 am - 10 pm) of a year (L90).

2) Summer nighttime ambient noise level - a single value of sound level equivalent to the level of sound exceeded for 90% of the time during the nighttime hours (10 pm - 7 am) during the summer (L90).

¹ Electrical tonal noise sources should be assumed audible and prominent at the closest residential receptors, unless demonstrated otherwise.

3) *Winter nighttime ambient noise level - a single value of sound level equivalent to the level of sound exceeded for 90% of the time during the nighttime hours (10 pm - 7 am) during the winter (L90).*

i) The PSS should specify how the information obtained from the baseline pre-construction ambient noise survey will be processed to evaluate the L90 statistical noise descriptors required by 16 NYCRR §1001.19(f).

ii) DPS Staff recommends following the provisions of Reference 4 to calculate and report the L90 and Leq values.²

Response: Comment noted. The requested information will be included within Exhibit 19.

4) *Worst case future noise level during the daytime period - the daytime ambient noise level (L90), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of sound exceeded for 10% of the time by such sources under normal operating conditions by such sources in a year (L10).*

5) *Worst case future noise level during the summer nighttime period - the summer nighttime ambient noise level (L90), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of sound exceeded for 10% of the time by such sources under normal operating conditions by such sources in a year (L10).*

6) *Worst case future noise level during the winter nighttime period - the winter nighttime ambient noise level (L90), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of sound exceeded for 10% of the time by such sources under normal operating conditions by such sources in a year (L10).*

7) *Daytime ambient average noise level - a single value of sound level equivalent to the energy-average ambient sound levels (Leq) during daytime hours (7 am - 10 pm); and*

8) *Typical facility noise levels - the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of the sound exceeded 50% of the time by such sources under normal operating conditions by such sources in a year (L50).*

9) *Typical future noise level during the daytime period - the energy-average ambient sound level during daytime hours (Leq), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of the sound exceeded 50% of the time by such sources under normal operating conditions by such sources in a year (L50).*

² 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) 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 L50.³

Response: Comment noted.

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.

Response: Comment noted.

iii) The L50 can be conservatively assumed to be equal to the L10.

Response: Comment noted. The Applicant will calculate the L50 based on actual operations.

(g) A description of the noise standards applicable to the facility, including any local requirements...

i) Provide full copies of local Laws on noise during the PSS or stipulation phases and in the Application, if any.

Response: The Applicant will provide any local noise standards applicable to the project prior to any stipulation negotiations.

and noise design goals for the facility at representative potentially impacted noise receptors, including residences, outdoor public facilities and areas, hospitals, schools, other noise-sensitive receptors, and at representative external property boundary lines of the facility and related facilities and ancillary equipment sites.

i) DPS recommends consideration of the following guidelines and standards:

(1) The recommendation is not to exceed a 40 dBA-Leq-1-year nighttime outdoor sound level. See, Reference 5.

(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.

(3) Adjustment factor for tonality equivalent to 5 dB. See Reference 7.

³ 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.

(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 3.⁴

Response: Comment noted.

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).⁵

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-1-hour from Substation noise sources subject to a 5 dBA penalty if a prominent tone is present (for both daytime and nighttime).

iv) For a discussion of complaint potential criteria see section (k) (3) below.

Response: Comment noted.

(h) A tabular comparison of the noise standards applicable to the facility,

i) 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).

Response: Comment noted. The requested information will be included within Exhibit 19 in accordance with 16 NYCRR § 1001.19 (h) and (i).

including any local requirements...

i) 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.

⁴ 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.

⁵ 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).

Response: Comment noted. As noted in the PSS, at this time there are no local noise standards applicable to the Project.

and noise design goals for the facility...

- i) 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.

Response: Comment noted. The requested information will be included within Exhibit 19.

and the degree of compliance indicated by computer noise modeling at the representative external property boundary lines of the facility and related facilities and ancillary equipment sites, and at the representative nearest and average noise receptors.

- 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.
- ii) Sensitive sound receptors should be identified with land/tax ID numbers in tables and on sound contour drawings.

Response: Comment noted. The requested information will be included within Exhibit 19.

- (i) *An identification and evaluation of reasonable noise abatement measures for construction activities, including a description of a complaint-handling procedure that shall be provided during the construction period.*
 - 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.

Response: Comment noted. The requested information will be included within Exhibit 19.

(j) An identification and evaluation of reasonable noise abatement measures for the final design and operation of the facility including the use of alternative technologies, alternative designs, and alternative facility arrangements.

- 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 Exhibit 9: Alternatives (16 NYCRR § 1001.9).

Response: Comment noted. The requested information will be included within Exhibit 19 and/or Exhibit 9.

(k) An evaluation of the following potential community noise impacts:

hearing damage (as addressed by applicable Occupational Safety and Health Administration standards);

- i) Use OSHA 29 CFR 1910.95 and WHO-1999 (Reference 6) for sensitive sound receptors.⁶

Response: Comment noted.

indoor and outdoor speech interference; interference in the use of outdoor public facilities and areas;

- i) Follow the criteria included in WHO 1999 guidelines (Reference 6) as well as the USEPA-1974 document (References 8 and 9).

Response: Comment noted.

community complaint potential;

- i) 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.

Response: Comment noted.

the potential for structural damage;

- i) 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.

Response: Comment noted. The information will be provided in Exhibit 19 as applicable.

and the potential for interference with technological, industrial or medical activities that are sensitive to vibration or infrasound.

- i) 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.

Response: Comment noted. The requested information will be included within Exhibit 19 as applicable.

(l) A description of post-construction noise evaluation studies that shall be performed to establish conformance with operational noise design goals.

⁶ 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) DPS Staff recommends following the recommendations indicated for Exhibit 19 (b); and References 12 and 20.

Response: Comment noted.

(m) An identification of practicable post-construction operational controls and other mitigation measures that will be available to address reasonable complaints, including a description of a complaint-handling procedure that shall be provided during periods of operation.

(n) The computer noise modeling values used for the major noise-producing components of the facility shall fairly match the unique operational noise characteristics of the particular equipment models and configurations proposed for the facility...

i) 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.

Response: Comment noted. Best available data will be utilized within the noise model for results in Exhibit 19.

The software input parameters, assumptions, and associated data used for the computer modeling shall be provided.

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.

Response: Comment noted.

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.

Response: Comment noted. Reference and model information will be made available to DPS as requested.

CUMULATIVE NOISE IMPACTS

The noise analysis should include noise impacts from the proposed Facility in conjunction with any existing or proposed ~~noise sources facilities subject to Article 10~~ 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 *provided that the published sound contours of those facilities overlap with the sound contours of the proposed Facility*, on any sound sensitive receptors in the vicinity by using computer noise modeling.⁷

~~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.~~

Response: Comment noted. Please note the Applicant's revisions in italicized text above.

⁷ 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) 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.

16 NYCRR §1001.19 Exhibit 19(b)
Recommendations for Evaluation of Ambient
Pre-Construction Baseline Noise Conditions

- 1) The sound survey should follow a protocol that includes the following recommendations:
- i) Sound instrumentation: Use type 1 or type 2 sound level meters (SLM's) and type 1 acoustical calibrators (sensitivity checkers).
 - ii) 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.⁸
 - iii) Wind screens: Use 7"-diameter-foam or equivalent.
 - iv) Temperature of operation for SLM's: From 20 to 110 Fahrenheit degrees, at a minimum.⁹
 - v) Relative humidity ranges for SLM's: from 20 to 90%, approximately.¹⁰
 - vi) Calibration recommendations: Acoustical calibrator/sensitivity checker: 1- year; SLM's: 2-years, maximum.
 - vii) Meter settings: Use "fast" response or as specified in local laws, if any.
 - viii) Positions to be evaluated: Select the most representative potentially impacted receptors.
 - ix) Noise descriptors to be collected: At a minimum collect L90, L50, and Leq. Lmin and Lmax may help identifying exclusions.
 - x) 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.
 - xi) Weather conditions to be tested: Test from low (2 miles per hour or lower) to average wind conditions.
 - xii) 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.
 - xiii) 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).
 - xiv) Testing methodologies, standards, and procedures: See References 13, 14, and 15.
 - xv) Sounds with strong low frequency noise content: identify, if any.
 - xvi) 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.

Response: These are acceptable, except

- *The noise floors proposed are unacceptably low and unnecessary,*
- *The fast response setting is not needed since 1-second Leqs are being collected.*
- *The L90, L50, Lmin, and Lmax do not need to be collected as they are calculated after the data is collected.*
- *Given the short duration of the measurements, a range or weather conditions cannot be guaranteed*

⁸ Sound levels in rural areas in New York State can be very low (e.g., as low as 20- dBA, approximately).

⁹ Air temperatures in New York State can be very low in winter (Below zero Fahrenheit degrees).

¹⁰ 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).

- *Testing may occur during snowfall and wet roads*
- *Locations are chosen based on the representativeness of their soundscape. They may or may not be the most impacted, as the equipment location has not yet been determined.*

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.

Response: The 1/3 octave bands will be collected, however, where appropriate, the A-weighted sound level collected by the sound level meter will be reported, rather than calculated with 1/3 octave bands. In some cases, such as where ANS weighting is used or the A-weighted sound level is not collected, the 1/3 octave bands will be used to calculate and overall sound level.

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 (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.

Response: Reference 16 is not a standard. Reference 15 will be used for tonality assessments.

4) Representative potentially impacted noise receptors.

- i) Include the most critical and representative locations considering proximity to the new proposed noise sources and existing soundscapes.
- ii) Residential measurement locations are preferred rather than other locations that could be affected by sound from farming, dairy, construction, industrial, commercial, or human activities.
- iii) Sound collections within wooded areas are not recommended, given the potential for contamination with leaf sounds and rustles.
- iv) Open areas, far from wind flow obstacles, are preferred for wind speed monitoring locations.
- v) Sound measurement positions should be selected to:
 - (1) 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;
 - (2) 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.;
 - (3) Avoid or minimize the influence of sounds from flowing or moving water;
 - (4) 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.
 - (5) The sound level microphone height should be 1.5 ± 0.10 meters above ground elevation (5 feet \pm 4 inches).

(6) 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.

Response: These are acceptable guidelines, to the extent practical, with the exception that:

- *The proximity to proposed noise sources cannot be known at the time of the sound monitoring as the sources have not been laid out at this time.*
- *Sound monitoring in wooded areas, near roads, or by unique sound sources are acceptable if they are representative of a unique soundscape and/or representative of the sound at potentially impacted receptors.*
- *Wind speed monitoring locations should be adjacent to sound level monitoring locations, whether or not they are in open or wooded areas, and are at the same height as the microphone.*
- *Sound monitoring near small bushes is acceptable, as these are not considered reflective.*

5) Collection of measurement data recorded in winter and summer and during day and night as a function of time and frequency.

ii) Collect pre-construction ambient noise levels at 1/3 octave bands from 20 to 10,000 Hz.

iii) 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).

iv) 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.

Response: The 1/3 octave bands will be collected, however, where appropriate, the A-weighted sound level collected by the sound level meter will be reported, rather than calculated with 1/3 octave bands. In some cases, such as where ANS weighting is used or the A-weighted sound level is not collected, the 1/3 octave bands will be used to calculate an overall sound level. See note about exclusions above.

6) Suitable and suitably calibrated sound level meters (SLM's) and octave band frequency spectrum analyzer. Sound instrumentation for ambient sound surveys should at a minimum, comply with the standards at references 17, 18, and 19.

Response: This will be done but is not necessary to include in the PNIA as the class of sound level meters is already specified. Being Class certified implies conformance with these standards.

7) Filtering the ambient pre-construction baseline sound level to exclude seasonal and intermittent noise.

i) 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.

ii) 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.

iii) Sound data collected should be excluded if collected:

- (1) At temperature and relative humidity out of the range of operation of sound instrumentation;
- (2) 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
- (3) under rain, thunderstorms, wet-road, and snow-fall conditions.

Response: ANS weighting will be used to filter out high frequency biogenic sound when tonal high-frequency sound indicative of biogenic noise is detected. Both A- and the hybrid ANS-weighted results will be included in the PNIA tables of overall sound levels. Only wind speed will be measured at each sound monitoring location. Temperature, relative humidity, rainfall and wind direction will be determined from the nearest weather station. See notes above regarding exclusions.

ATTACHMENT B:
New York State Department of Environmental Conservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

GENERAL COMMENTS

The PSS in the Context of Article 10 Pre-application Procedures

1. The Siting Board has described the PSS in the context of Article 10 pre-application procedures as follows:
The PSS is part of the pre-application procedures prescribed by the Siting Board in 16 NYCRR §1000.5.

During the pre-application scoping phase, the project applicant, DPS, other statutory parties, and interested participants determine the nature and scope of the studies that the applicant must conduct to support its Article 10 application. The scope of the studies, documented in written stipulations, determine what information is necessary for a project applicant to include in its formal application. In general, the applicant's studies should evaluate the potential impacts of the project on the environment, public health, and other public interest factors. The provisions of 16 NYCRR Part 1001, detailing the required contents of an Article 10 application, contain the Siting Board's general guidance for the stakeholders in fashioning the specifics of the stipulations. When the application is submitted, the stipulations are used in conjunction with 16 NYCRR Part 1001 to determine whether the application is in compliance with PSL §164.

In these comments, NYSDEC describes detailed information and analyses that it would seek in stipulations, should the Applicant choose to engage in the stipulation process, and in the Application for the Project. This information is necessary for NYSDEC to fully assess the environmental impacts of the Facility, including whether the adverse environmental effects will be avoided or minimized to the maximum extent practicable, and to assess whether the Project is designed to operate in compliance with applicable State laws and regulations concerning the environment. NYSDEC is providing these detailed comments at this PSS stage of the Article 10 proceeding in an attempt to make the process as efficient as possible for all parties.

Response: Comment noted. To the extent agreeable, the Applicant plans to incorporate these comments into the environmental studies and relevant permit application materials for the project.

Reports

2. 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.

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.

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.

Response: The Applicant will provide wildlife survey reports, habitat surveys, and wetland/stream reports to the NYSDEC when they are finalized and available. The Applicant will work with the NYSDEC to provide relevant GIS

shapefiles with these reports as available and appropriate. The Applicant will provide information described in Exhibit 22 to NYSDEC in full and un-redacted versions, so long as permitted by applicable protective orders.

GIS Files

3. 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.

The location of all Project components including (separately):

- Extent of Facility site
- Parcels under control
- Solar panel array locations
- New access and maintenance roads
- Existing roads that will be widened/alterd
- 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
- 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
- Invasive species locations
- Plant community mapping/vegetative cover types
- 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

Response: The Applicant will work with the NYSDEC to provide relevant GIS shapefiles as available and appropriate. In addition, Facility-specific and survey-specific shapefiles will be provided concurrently with the filing of the Application, so long as permitted by applicable protective orders, and the Applicant will work with NYSDPS and NYSDEC to determine the final list of shapefiles to be provided.

Wetland Determinations

4. NYSDEC recommends the Applicant 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, 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.

Response: The Applicant agrees to coordinate with NYSDEC and USACE to conduct a jurisdictional determination field visit during the growing season, as applicable. The Applicant will provide maps and GIS files of delineated wetlands to NYSDEC when these materials are finalized.

Exhibit 22: Terrestrial Ecology and Wetlands

5. NYSDEC's comments on § 4.22 of the PSS follow the structure of 16 NYCRR § 1001.22. These comments are meant to inform the Applicant of the type of specific information and analyses NYSDEC would expect in Exhibit 22 of the Application (and in any guiding stipulation) in order to allow NYSDEC to sufficiently review the Facility's impacts on terrestrial ecology and wetlands.

NYSDEC notes that there are no State-regulated freshwater wetland areas on the Facility site subject to regulation under Article 24 of the ECL, however there may be unmapped wetlands subject to Article 24 jurisdiction or smaller wetlands that are identified in the National Wetlands Inventory.

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 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. NYSDEC has not yet seen results of the 2019-2020 winter raptor survey, and breeding bird surveys have not yet been conducted by the Project Sponsor. NYSDEC encourages the EDF to continue communicating and meeting with NYSDEC staff to discuss upcoming breeding bird surveys, results of the 2019-2020 season winter raptor survey, and potential impacts to State-listed species.

NYSDEC is aware of one bald eagle nest located within the Project area, but cannot provide any comments regarding potential impacts to bald eagles without reviewing the proposed project layout, limits of disturbance, and construction activities. Staff also note that on page 2-96, it is stated that feedback regarding state-listed species was received from the NYSDEC Region 9 Wildlife Office, however the Project is in NYSDEC Region 7. EDF should contact the Region 7 Wildlife Office for information on wildlife species.

Response: The Applicant is aware of the potential presence of state -regulated wetlands in the area, and as indicated in the PSS, will conduct delineations to determine the extent of wetland resources on the Facility Site. In Spring 2020 the Applicant has conducted wetland and waterbody delineations, as well as habitat surveys for rare, threatened, and endangered species. The Applicant will share findings with NYSDEC and present results in the Application. Based on consultation with NYSDEC in October 2019, the Applicant is also aware of the potential presence of grassland bird species in the area; however, as stated in PSS Section 2.22.1, the Facility Area is not located within a Grassland Conservation Core Area and there are no NYNHP or eBird data indicating reported grassland species. The Applicant will continue to consult with NYSDEC about these species. The Applicant conducted a wintering grassland raptor survey from December 2019 to March 2020 to evaluate potential presence of wintering grassland raptors at the Facility Site and will submit this to NYSDEC for review. Additionally, the Applicant is conducting four

rounds of breeding bird surveys between May and July 2020. The Applicant agrees to meet with NYSDEC to discuss the findings of this and future surveys.

16 NYCRR § 1001.22(a):

6. 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.

This portion of Exhibit 22 should include:

- A narrative description of the following:
 - 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.

Response: As stated in Section 2.22.4(a) of the PSS, the Application will describe ecological communities within the Facility Site and adjacent properties. Additionally, the Application will provide mapping all ecological communities located within the 500 feet of areas to be disturbed by Facility construction activities and will otherwise provide the information requested relative to ecological communities. The source of information will be consistent with the recommendation.

16 NYCRR § 1001.22(b):

7. 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.

This portion of Exhibit 22 should include:

- A summary impact table that quantifies the number of acres of each plant community type impacted.
 - 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:
 - 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 within areas already containing those specific non-native invasive plant and invertebrate species infestation.
 - 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 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.

Response: As detailed in Section 2.22.4(b)(1) of the PSS, the Application will include a summary impact table that quantifies the number of acres of each ecological community type impacted, along with mapping and associated GIS shapefiles (provided with the Application for agency use) showing all areas of clearing and disturbance. Additionally, the Application will include a discussion and evaluation of habitat fragmentation to grasslands and forested habitat.

As detailed in Section 2.22.4(b)(2) of the PSS, the Application will include a list of all non-native invasive species with corresponding mapping and GIS files.

As detailed in Section 2.22.4(b)(3) of the PSS, the Application will include an Invasive Species Prevention and Management Plan that will provide the information requested.

16 NYCRR § 1001.22(c):

8. 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.

This portion of Exhibit 22 should include:

- 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.

Response: As stated in PSS Section 2.22.4(c), the Application will include information regarding the proposed measures to avoid, minimize, and mitigate any temporary or permanent impacts to vegetation communities. A discussion of measures for appropriate post-construction vegetative restoration and management regimes, including reseeding disturbed areas with appropriate native seed mix or planting native woody species if such habitat loss/degradation occurs, will be described.

A discussion of how the Facility has been designed to avoid impacts to ecological resources, including utilizing open lands, and co-locating Facility components will be provided in Exhibit 9 of the Application.

16 NYCRR § 1001.22(d):

9. 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 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.

This portion of Exhibit 22 should include:

- 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:
 - 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.

Response: As stated in PSS Section 2.22.4(d), the Application will contain the information requested regarding aquatic and terrestrial vegetation, wildlife and wildlife habitats, and bat hibernacula and maternity roost sites.

With respect to vernal pools, consultation with the NHP regarding rare or state-listed animals and plants and significant natural communities was received in September 2019 (See PSS Appendix E). The NHP's report did not identify any amphibians/reptiles, and vernal pools were not listed as sensitive habitat. Based on publicly available data, vernal pools are not expected to be impacted by the Facility and therefore should not require specific study. Vernal pools will be identified and delineated within the Wetland Study Area if present and verified under appropriate seasonal conditions. If vernal pools are identified, they will be documented and potential impacts that may occur to vernal pools and the species that utilize them will be evaluated in Exhibit 22(m).

16 NYCRR § 1001.22(e):

10. 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.

This portion of Exhibit 22 should include:

- 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).
- 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.

Response: As indicated in PSS Section 2.22.4(e), a wildlife list generated from the sources cited in this comment will be included in Exhibit 22(e).

16 NYCRR § 1001.22(f):

11. 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.

This portion of Exhibit 22 should include:

- Identification, evaluation, and assessment of direct and indirect impacts to federally and State-listed T&E species and their habitats, SSC and SGCN.
 - 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 Applicant or its agents within or in the vicinity of the Facility site.
- 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.
- 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.

Response: The Application will generally include the information requested. It is planned that the Applicant will consult with NYSDEC and USFWS in developing this information, as noted in PSS Section 2.22.4(f). Clarification will be sought from the NYSDEC with regard to the definition of the terms "forest interior blocks," "young successional forests," and "vicinity," and verify the extent to which the requested information is applicable to the proposed Facility.

Similarly, the applicant will consult with NYSDEC on the appropriate plan for evaluating impacts of operation on bird species depending on the results of the surveys performed.

16 NYCRR § 1001.22(g):

12. 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.

This portion of Exhibit 22 should include:

- 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.

Response: As described in Section 22.2.4(g), this information will be generally be included in the Application. The Applicant will provide information regarding impact avoidance and minimization, along with proposed mitigation, in the Application.

16 NYCRR § 1001.22(i):

13. 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.

This portion of Exhibit 22 should include:

- 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:
 - 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 regulated under ECL Article 24, the delineation should be done in accordance with the New York State Freshwater Wetlands Delineation Manual (1995).
- 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 Applicant 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.

Response: As stated in Section 22.2.4(i), the Application will generally include the requested information. Delineation distance from Facility components following the guidelines of the Memorandum and Resolution Adopting Amendments to Article 10 Regulations on an Emergency Basis and Directing Issuance of a Notice of Proposed Rulemaking that was adopted on February 13, 2020. This Rulemaking amended 16 NYCRR Part 1001.22(i) to reduce the required area for wetlands mapping and delineation from within 500 feet of disturbed areas to 100 feet. As stated in the Rulemaking, the change to 100 feet is consistent with existing wetlands regulations implemented by the NYSDEC.

Regarding vernal pools, see response to the comment on Section 22.2.2.(d) above.

With respect to map scales, maps at 1":50' scale will be provided in Exhibit 22(m) for locations where wetland impacts are proposed to occur. The wetland delineation report will include maps at scales the allow features to be discernible in the map frame.

16 NYCRR § 1001.22(j):

14. 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.

This portion of Exhibit 22 should include:

- 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.

Response: The wetland delineation report appended to the Application will include the requested information.

16 NYCRR § 1001.22(k):

15. 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.

This portion of Exhibit 22 should include:

- 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.

Response: As indicated in PSS Section 2.22.4(k), the Application will include the information requested.

16 NYCRR § 1001.22(l):

16. 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.

This portion of Exhibit 22 should include:

- 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 NYSDEC'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 Part 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.

Response: As indicated in PSS Section 2.22.4(l), the Application will include the information requested.

16 NYCRR § 1001.22(m):

17. An identification of all temporary and permanent impacts on the wetlands or their regulated adjacent areas.

This portion of Exhibit 22 should include:

- 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.

Response: As stated in PSS Section 2.22.4(m), the Application will include the information requested. The proposed Facility will be designed to avoid impacts to the maximum extent practicable. Potential impacts to wetlands and streams, and State-regulated 100-foot adjacent areas (i.e., resulting from the construction and operation of the Facility) will be identified in the Preliminary Design Drawings (Exhibit 11) and in a separate figure set at a scale of 1":50'. It is not necessary provide the entire set of site plan drawings at 1":50' scale.

16 NYCRR § 1001.22(n):

18. 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.

This portion of Exhibit 22 should include:

- 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.
- 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.

Response: If State-regulated wetlands are impacted by the Facility, the Applicant will comply with the substantive requirements and weighing standards of 6 NYCRR 663.5. The Facility will not require the addition of nitrogen or phosphorous to the environment, nor will stormwater chemical treatment be necessary for Facility operation. Therefore, no sources of phosphorous or nitrogen are expected at the Facility. This section will include a preliminary and conceptual mitigation plan if impacts to DEC wetlands or adjacent areas are proposed, but it will not describe specific mitigation of any wetland impacts, as the need for mitigation will be considered in consultation with DEC and the USACE after review of the potential impacts. Exhibit 22(n) of the Application will discuss the measures and methods implemented by the Applicant to avoid and minimize wetland impacts.

16 NYCRR § 1001.22(o):

19. 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.

This portion of Exhibit 22 should include:

- 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 Part 182 and demonstrates net conservation benefit to the affected listed species.

- The Incidental Take Permit application components pursuant to 6 NYCRR Part 182.

Response: The Applicant will consult with DEC regarding the need for a Threatened and Endangered Species Avoidance, Minimization, and Mitigation Plan and whether Incidental Take Permit application components are needed for this project. Exhibit 22(o) of the Application will include the information requested regarding the identification of federally and State-listed T&E species.

16 NYCRR § 1001.22(p):

20. 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.

The requirements of this portion of Exhibit 22 have been identified and included above under 16 NYCRR § 1001.22(b).

Response: Comment noted.

16 NYCRR § 1001.22(q):

21. 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.

No additional information requested.

Response: Comment noted.

Exhibit 23: Water Resources and Aquatic Ecology

22. There are streams and associated tributaries located within the Facility site subject to regulation under Article 15 of the ECL. These include the C(T) stream parallel to and west of Maybury and east of Mosquito Creek, as well as all of the Maybury Brook and Mosquito Creek watersheds. Both of these areas currently experience flash flooding which have resulted in damage to homes and property. Such flooding and impacts could be intensified as a result of potential clearing of forested slopes and riparian areas, resulting in a number of adverse 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.

- 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 placement specifications should be described and enumerated, detail the expected flow calculations, and demonstrate culvert capacity with BMP (best management practice) 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 which streams will be crossed. 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.

Response: Culvert design details, flow calculations, and specifications will be completed during the detailed design phase of the project and will not be available until after the Application submittal. This information is proposed to be provided as compliance filings.

23. 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.

Response: The requested information will be included within the preliminary site plans, to the extent known at the time of filing.

24. The Project Sponsor 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.

Response: The requested information will be included within the Exhibit 23 and the preliminary Stormwater Pollution Prevention Plan.

25. The project Sponsor 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, particularly Maybury Brook and Mosquito Creek. 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 more flooding.

Response: Comment noted. As described in the PSS, the Application will provide a narrative discussion will be provided that describes all potential impacts to surface water resources, including streams and lakes. Environmental impacts to be discussed and addressed will include thermal changes to waterbodies due to vegetative clearing, changes to in-stream structure, morphology and stability, potential impacts to state-listed threatened and endangered species, state-listed species of special concern, species of greatest conservation need, and the effects of turbidity on nearby habitat. Where appropriate and practical, mitigation actions will be discussed to offset acute and chronic impacts to waterbodies. Please note that the Applicant would not consider collectors as impervious surfaces.

26. 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.

Response: Comment noted.

27. NYSDEC notes that Table 2.23 does not include (T) designations on streams, which gives the impression that there are no trout streams in the project area.

Response: The Applicant recognizes that the Maybury Brook and one of its tributaries, East Branch Tioughioga River, a portion of Mosquito Creek, and one unnamed tributary to Trout Brook are within the study area with (T) designations. The wetland and stream delineation will update the desktop information reflected in the PSS.

28. Section 2.23.2 Potential Impacts and Mitigation, on page 2-120, the "No Equipment Access Area" bullet erroneously states that timber mats are non-jurisdictional. Such mats would be considered temporary fill.

Response: Comment noted. The Applicant will follow the general conditions of a USACE Nationwide Permit (NWP) for any fill material in wetlands.

29. Section 23(b)5 erroneously states that there are no state-protected streams in the Facility Site.

Response: Comment noted. The wetland and stream delineation will update the desktop information reflected in the PSS.

30. 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.

Response: Comment Noted.

Exhibit 12 - Construction

Section 2.12.1 Construction Discussion

31. This section states that temporary and permanent access roads will use gravel surfacing that may include stabilized cement. NYSDEC staff question the need for the use of stabilized cement.

Response: Comment noted. Stabilized cement will only be utilized where absolutely necessary, as determined by site conditions at the time of construction.

Exhibit 21 – Geology, Seismology and Soils

Section 2.21.4 (i) Preliminary Blasting Plan

32. This section should include discussion of potential impacts of blasting on streams and fish.

Response: Comment noted. Blasting is not anticipated for the Project.

ATTACHMENT C:
New York State Department of Agriculture and Markets

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Exhibit 4 - Land Use

1. The Department appreciates and encourages utilizing multiple resources to determine agricultural impacts, however the Department requests that agricultural impacts are summarized, and field verified, to form a clear agricultural impact that can be utilized consistently throughout the application. Field verification and curtailing publicly available data is important to clarify actual agricultural impact. For example, when discussing agricultural lands in section 2.22.1, the document references figure 2.4-2 (a map of designated farmland soil classifications). The Natural Resource Conservation Service (NRCS) farmland classification mapped soils are not limited to agricultural lands and can easily miss represent actual land available for agricultural production. This can be seen in classified Prime Farmland in forested or developed areas. Publicly available data concerning real property land use codes, municipal zoning, and plant community data should be recognized, and summarized to present a complete exhibit of the actual agricultural impacts.

Response: Comment noted. Agricultural impacts will be based on current field conditions at the time of Application submittal. The Applicant will include additional public data on mineral soils and discuss the contents of Exhibit 4 during any stipulations negotiations commenced in this proceeding.

2. Please identify projected agricultural land subject to be converted, not limited to the proposed facility area(s) but also including areas such as: visual screening, setbacks, stormwater management areas and other areas remaining that will be inefficient to continue normal agricultural practices likely resulting in agricultural abandonment. The Department would like the Project to illustrate these agricultural areas along with the existing analyzed agricultural impacts. If the Applicant identifies continued agricultural production on the remaining areas, the Department will expect the Applicant to verify the commitments of continuing agricultural production on such areas.

Response: Comment noted. However, the Applicant does not agree with the assumption that indirect impacts will result in abandonment of agricultural land. In addition, it is impossible for the Applicant to verify the commitment of a third party to utilizing any given area for agricultural operations.

3. The Department recognizes that it is possible for agricultural lands to be "preserved" from other development pressures for the operational life (in this case potentially 40- years). However, any optimism that the proposed facility areas will be returned to agriculture production is extinguished by a statement within Section 2.29 discussing the possibility of repowering the facility for an extended period. Although at the end of the useful life, it can only be assumed that the Department would support repowering over impacting additional agricultural lands, this statement offers no promise other than the potential unlikely reversal of current trending electrical demands. With that said, the statement concerning preservation of the agricultural resources has no granular material relevance to the Department's agricultural resource review.

Response: Comment noted.

4. The Department is pleased that the project is amenable to the most recent AGM guidelines (specifically for solar projects), however the Department would like the Applicant to clarify in the application which guidelines would not be "practicable" for the proposed project. This is again similarly noted in Section 2.12 and 2.29. More specifically concerning restoration and decommissioning, the Project appears again agreeable (with unknown exceptions) of the Department's current guidelines for potential decommissioning 40-years from certification, however, it is requested that the project minimally follow the most current guidelines at the time of certification, as well as the most current guidelines at the time of decommissioning. If differences between the two versions of guidance's are identified excessive, the Department requests the Project to consult with the Department at the time of decommissioning to more specifically address these differences.

Response: Comment noted. The Application will identify compliance with NYSDAM guidelines. The Applicant cannot commit to following NYSDAM guidelines 40 years after project certification. The NYSDAM's guidelines can be addressed in the Project's decommissioning plan.

Exhibit 9 - Alternatives

5. When considering the assessment of alternatives and agricultural impacts, consider impacts to the most productive agricultural soils identified by the NYS Agricultural Land Classification mineral soil groups 1-4, specifically within the existing agricultural land use. This will closely be related to the PSS Section 2.22.4(q)5.

Response: Comment noted. The Application will include an alternatives analysis, including identification and description of reasonable and available siting alternatives.

Exhibit 11 - Preliminary Design Drawings

6. When considering the Limits of Disturbances (LOD), consider the locations of segregated topsoil stockpiles and the requirement to spread excess topsoil adjacent to proposed impervious areas.

Response: Comment noted.

7. Not knowing the limits of what "major excavation" includes, show grading for all excavation that will not return to pre-existing grade. Also, separately illustrate permanent and temporary grading.

Response: Comment noted. Requested information will be provided in the Application.

8. Include in the cross-sectional detail of underground facilities to include the methods of excavation, topsoil and sub-soil segregation, and equipment access. Please note that trenching with chain trenchers (as noted in section 2.21.4(f)1) is not consistent with AGM guidelines, as well as is inconsistent with the PSS excavation operations identified in section 2.12.1.

Response: Comment noted.

9. Include the locations of permanent post construction stormwater management areas for new impervious areas, and associated practices according to NYSDEC Division of Water's April 5, 2018 memorandum regarding "Solar Panel Construction Stormwater Permitting/SWPPP Guidance". If vegetative filter strips/buffers are proposed, discuss in detail within the Stormwater Management Pollution Prevention Plan (SWPPP) any limitations to normal agricultural practices, such as cultivation.

Response: Comment noted. The Application will comply with DEC's "Solar Panel Construction Stormwater Permitting/SWPPP Guidance" to the extent applicable and practicable. The Applicant will consult with NYSDAM regarding additional contents of this exhibit during any stipulations negotiations commenced in this proceeding.

Exhibit- 13 Real Property

10. Provide a landowner constraints map to avoid Department suggesting alternative siting where the landowner is not willing to permit development.

Response: Comment noted. Landowner information will be provided at the time of the Application in accordance with 16 NYCRR 1001.13.

Exhibit 22 - Terrestrial Ecology and Wetlands

11. The Department is pleased that this section identifies the state specific invasive species list, however the proposed additional plant Reed Canary Grass is not supported by the Department. Reed Canary Grass is an agricultural forage that many farms state-wide, currently utilize to support their forage-based farms. If harvested prior to heading-out, the species provides a good forage quality, and if properly managed the species is not as aggressive as invasive species. Despite recent invasive species plans involved in other article 10 cases, this particular plant species is not considered an invasive species and should not be associated with invasive species. The Department understands the management of this tall grass species may require control for the proposed facility.

Response: Comment noted. The Applicant will continue to coordinate with NYSDEC and NYSDAM on invasive species.

12. In the spirit of this section's discussion concerning the cumulative impacts to grassland habitat (2.22.4), the Department would encourage the discussion of project land use conversion impacts to assess the lost forage and other agricultural crops (quantities and values) for the facility life. This is most closely related to discussion included in PSS section 2.22.4(q)4.

Response: Comment noted.

13. In response to 2.22.4(q)2, when considering agricultural impacts, analyze impact to the non-renewable soil resources (NRCS farmland classification, and the most current county specific NYS Agricultural Land Classification mineral soil group) particularly in comparison to actual field verified agricultural lands, thereby eliminating non-agricultural land from the comparison.

Response: Comment noted. However, it appears from the comment that existing agricultural activity may not be included in the non-renewable soil resources. The Application will continue to consult with NYSDAM to ensure the evaluation complies with 16 NYCRR 1001.22.

Exhibit 24 - Visual Impacts

14. Consider the value of preserving large agricultural areas for their contribution to sensitive viewing areas. Additionally, consider the potential for preserved agricultural crops that could provide facility screening.

Response: Comment noted.

Exhibit 27 - Socioeconomic Effects

15. Discuss how the proposed project will impact farm operations that contribute to the local and state's food supply.

Response: Comment noted. However, the impacts of the project on state and local food supplies is too speculative and otherwise not required by the Siting Board's regulations. Accordingly, such information will not be included in the Application.

Exhibit 29 - Site Restoration and Decommissioning

16. The Department requests that the project include visual screening areas and potential successional areas created by potential project inspired agricultural abandonment, to be included in the facility restoration and decommissioning within agricultural areas. Without this revision, the Department cannot support the Applicant's assertion that directly impacted agricultural lands will be returned to their prior use.

Response: Comment noted. This information will be detailed within the Decommissioning Plan.

Conclusion

17. The Department is concerned about the long-term viability of agriculture in the proposed Project Area due to agricultural resources being converted to a non-agricultural land use in conjunction with solar energy production. The Application should assess the cumulative impacts of the Facility Site on agriculture 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 agriculture to sustain viable farm operation(s) within the project study area.

Response: The Application will provide discussion and analyses of farmland conversion and impacts to agricultural resources potentially impacted by construction and operation of the Facility. Exhibit 9 of the Application will include a discussion of potential alternatives

ATTACHMENT D:
New York State Department of Transportation

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

1. We agree with the general approach to avoid and minimize impacts on transportation resources. Please contact Nadia Vedder, Assistant Regional Permit Engineer, at Nadia.Vedder@dot.ny.gov or (315) 428-3232, to discuss potential traffic impacts and avoidance measures.

Response: Comment noted. Thank you for the recommended point of contact.

2. NYSDOT would prefer no access to the project site directly from State Routes 13 or 41. This would include construction access, new permanent driveways, or new access roads.

Response: Comment noted. As the Facility Site does not have frontage on State Routes 13 or 41, the Applicant does not anticipate need for direct project site access via these roads.

3. Any new utility connections above or below State highways, or any other proposed work within the State right-of-way along Routes 13 or 41, would require a highway work permit. Any questions regarding the permit process can be directed to Nadia Vedder.

Response: Comment noted. Thank you for the recommended point of contact.

4. We have reviewed the scope of the proposed studies presented in the PSS. We believe the study information described in Section 2.25, Effect on Transportation, will be helpful in our review of project impacts to the State transportation system. In addition, we would like preconstruction asphalt conditions submitted as part of the Description of the Pre-construction Characteristics of Roads in the Area.

Response: Comment noted. Requested information will be provided as part of the road use and restoration agreements with the Department.

5. As indicated in 2.25.3 Regulatory Framework, a special hauling permit may be required during project construction. Please coordinate with Nadia Vedder.

Response: Comment noted. Thank you for the recommended point of contact.

ATTACHMENT E:
Town of Homer

TOWN OF HOMER

1. Many of the soil series listed on table 2.21-I are classified as prime farmland or farmland of statewide importance. I do not believe it is sufficient to address potential impacts to agriculture by stating that the land can be returned to farming in 40 or more years. The total acreage of prime farmland and farmland of statewide importance to be taken out of agricultural production should be described, as well as potential impacts which could result from that.

Response: Comment noted. Impacts on agricultural resources and soils will be provided as part of Exhibit 4, Exhibit 21, and Exhibit 22.

2. The discussion of energy planning places a great deal of emphasis on the state energy plan. (See section 2.10.) However, it is not clear whether all of the energy produced by this project will be used to displace energy produced by burning fossil fuels. The application should provide related details.

Response: As noted in the PSS, New York State adopted aggressive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the electric system. The Climate Leadership and Community Protection Act (CLCPA) sets ambitious and comprehensive climate and clean energy goals, encompassing climate change impact adaptation, reductions in GHG emissions, and investments in technology, as well as job creation and energy worker transitions and the protection of disadvantaged communities. The Homer Solar Energy Center will help achieve targeted levels of new renewable generation. In addition, the NYISO's is examining ways to meet the CLCPA goals and reliability needs of New Yorkers in a cost-efficient manner. The electricity produced by the Project will ultimately be managed by the NYISO to meet the energy and reliability needs of New York State. With no fuel costs, the Project's energy is economic (i.e. less expensive) than fossil fuels and therefore will nearly always be given the signal to produce over fossil generators.

3. The discussion of storm water indicates that EDF will seek to obtain coverage under the NYSDEC general permit "prior to construction." Even if coverage could be obtained under the general permit, the information necessary to obtain coverage, including the storm water pollution prevention plan, should be part of the application. (See page 2- 120.)

Response: Exhibit 23 will include a preliminary Stormwater Pollution Prevention Plan (SWPPP) for the collection and management of stormwater discharges, which will reflect the information necessary to obtain the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (SPDES General Permit). The Application will provide the information necessary to obtain the SPDES General Permit in accordance with the most current version of the New York State Standards and Specifications for Erosion and Sediment Control prior to construction.

4. The preliminary scoping statement indicates that a PILOT agreement is being negotiated. (See page 2-153.) The application should explain the difference in payments to local governments pursuant to the proposed PILOT agreement to what the tax payments would be without a PILOT agreement.

Response: As noted in the PSS, a PILOT and/or community benefit agreement will be proposed to provide annual revenues to Cortland County, the Towns of Homer, Cortlandville and Solon, and impacted school districts. The Applicant will include more detailed information on the specific terms of the PILOT and community benefit agreements at the time of filing the Application.

ATTACHMENT F:
Alison B. King, PhD

ALISON B KING, PHD
Resident, Town of Solon

| PSS Item# | Page# | Comment# | Comment |
|-------------------------------|-------------------------------|----------|--|
| 2.2 | 2-4 | 1 | EDF should consider extending timeframes for public comment because COVID-19 has closed public libraries. Some residents of project area lack home internet access. |
| General | | | <i>Response: Article 10 §1000.5 (g) states "Within 21 days after the filing of the preliminary scoping statement, any person, agency or municipality may submit comments on the preliminary scoping." The PSS was filed on 4/13/2020, which would have required comments by 5/5/2020. However, on May 4, the New York State Board on Electric Generation Siting and the Environment extended the deadline to 5/26/2020. The Applicant will continue to share information in accordance with the PIP and Article 10 to support meaningful opportunities for input and for receiving project information and is exploring additional methods of engagement given restrictions from the pandemic.</i> |
| 2.3.2(d) App. D | 2-11 0-2 | 2 | DEIS should include maps that overlay details of the proposed project site (e.g., facility shape files) with individual characteristics of public concern. It is difficult to visualize impact while flipping back and forth between maps, particularly if different scales are used. Several examples are provided in comments #3-5; this is <u>not</u> an all-inclusive list. |
| General | | | <i>Response: The Application will utilize maps to aid in analysis of potential impacts from construction and operation of the Facility.</i> |
| 2.3.2, 2.11, 2.12, 2.13 | 2-11, 2- 37- 2-41, 2-47 | 3 | GIS coordinates should be provided for location of photovoltaic arrays and any construction within facility shape files. |
| General | | | <i>Response: The Application will provide detailed maps for public review and comment.</i> |
| App. D | D-2 | 4 | Facility shape files delineating the proposed sites for photovoltaic arrays, roads, substation, etc. should include fencing, proposed vegetation, and overlays with aerial photos of vegetation and propose vegetation clearing. |
| | | | <i>Response: As referenced in the PSS on page 2-104, shapefiles are considered business confidential and will not be shared outside of agency staff involved in review of the project. However, the Applicant will include detailed maps to aid in public review.</i> |

| PSS Item# | Page# | Comment# | Comment |
|--|-------------------------|----------|---|
| 2.3, 2.29 App. D | 2-9--2-16 2-159, D-2 | 5 | Facility shape files should overlay with map of agricultural districts, showing any prime farmland proposed for inclusion in project. PSS 2-159: "Nearly all Facility components will be sited on open, non-prime agricultural land." (emphasis added) |
| | | | <i>Response: See previous response. Additionally, greater detail on project design will be included within the Application including impacts to prime farmland.</i> |
| 2.4.2 2.14.2 2.24 | 2-16 2-48 2-130 | 6 | Include detail on mitigation measures to address local concerns. For example, to accelerate visual buffering, trees larger than the standard 2-4 ft height might be planted along perimeter fences. (See EDF Homer Solar Open House presentation, "Being a Good Neighbor", Feb. 10, 2010) Cost of Facilities should include estimated cost of alternative mitigation measures. |
| <i>Exhibits 4 – Land Use, 14– Cost of Facilities, 24– Visual Impacts</i> | | | <i>Response: The Applicant will provide details on heights of landscaping materials in the evaluation of visual impacts. Within Exhibit 11, the Application will contain a landscaping plan that shows where plantings will be installed around the Facility to mitigate potential visual impacts.</i> |
| 2.4.3 | 2-16 | 7 | The DEIS should (a) discuss alignment with local zoning and planning laws and regulations and (b) if the project is not consistent with local laws and regulations, those differences should be addressed and possible mitigation measures should be discussed. It is inadequate and misleading to imply that enactment of solar zoning laws by all three towns indicates "Supportive Communities" (EDF Homer Solar Open House, "Why Did We Choose This Location?", Feb. 10, 2010, Homer NY). |
| <i>Exhibit 4 – Land Use</i> | | | <i>Response: Consistency with local planning laws and regulations as well as zoning will be included in Exhibit 4.</i> |
| 2.8 | 2-26-- 2-28 | 8 | Modeling of solar electricity production should include specific output from each solar installation site. This may address local concerns as to whether panels are properly sited. For perspective, a similar area was previously proposed for an installation of large wind turbines. However, residents discovered that the proposed sites had inadequate wind speeds for industrial wind projects, according to NYSERDA standards. Through PILOTS and state solar incentives, taxpayers subsidize large-scale electric generating facilities, and such facilities can have a substantial impact on the character of local communities. Taxpayers have a right to know that proposed facilities are designed properly to deliver meaningful energy output. |

| PSS Item# | Page# | Comment# | Comment |
|---|--------------|----------|---|
| Exhibit 8 - Electric System Production Modeling | | | <p>Response: The modeling that will be provided in the Article 10 application will be completed on a project-wide basis. While the project is broken up into multiple arrays; we consider it one project and it's modeled as such. Compared with wind power, there is significantly less variability within a project site. The project will have a single point of interconnection on the NYISO system and all energy will flow through that point.</p> <p>In New York State, renewable energy is largely procured through a competitive process. The largest buyers are NYSERDA and NYPA. Projects which have been poorly sited and exhibit the aforementioned inefficiencies will likely not be successful in highly competitive procurements. Additionally, as an asset owner, our revenues are dependent on the project operating efficiently and as such we have a very strong financial incentive to maximize operating and production efficiency of the facility.</p> |
| 2.13 | 2-46 2-47 | 9 | <p>The description of agreements for parcels should include a model contract that specifies EDF and landowner rights regarding all land in the facility site, including land proposed for solar construction (panels, roads, transmission lines, etc.) and land that is currently not proposed for construction. The model contract should address whether EDF would have the right to develop the entire parcel at a later date and include language preserving prime farmland, existing wood lots, and forested areas (e.g., prohibiting cutting of mature trees for placement of solar panels). In addition, the agreement should specify decommissioning protections for the landowner such as financial assurance.</p> |
| Exhibit 13 – Real Property | | | <p>Response: A template or model Lease agreement will not be provided in the Application. The Application will detail the land currently under lease agreement and the specific portions of each parcel leased. The maps provided in the Application will provide specific details regarding which portions of the land are proposed to be constructed, the impacts to prime farmland, tree clearing, and other impacts.</p> <p>The project's Decommissioning Plan and financial surety will be detailed in the Application, as well.</p> |
| 2.22 | 2-97 | 10 | <p>Results of surveys & other wildlife studies by EDF or its contractors should be included, with clear description of methods.</p> |
| Exhibit 22 – Terrestrial Ecology and Wetlands | | | <p>Response: Surveys and studies will be conducted in accordance with Article 10 regulations and in consultation with NYSDEC and other State agencies. Results from surveys and wildlife studies will be shared with NYSDEC and other agencies as applicable and will be used to inform the content of Exhibit 22 of the Application, which will summarize the results of the completed studies</p> |

| PSS Item# | Page# | Comment# | Comment |
|---|----------------|----------|--|
| 2.23 | 2-119 | 11 | Mitigation of stormwater runoff should account for the increasing intensity of precipitation associated with climate change. |
| <i>Exhibit 23 – Water Resources and Aquatic Ecology</i> | | | <i>Response: Comment noted. As part of Exhibit 23, A Stormwater Pollution Prevention Plan (SWPPP) for the collection and management of stormwater discharges from the project prepared in accordance with the applicable SPDES General Permit for Stormwater Discharges from Construction Activity (SPDES General Permit) and the most current version of the New York State Standards and Specifications for Erosion and Sediment Control. Since the solar panels are mounted above the ground, infiltration of water through vegetation and the underlying subsurface material will be maintained.</i> |
| 2.27.4 | 2-152 2-153 | 12 | Discussion of proposed payment in lieu of taxes (PILOT) agreement(s) should include comparison with similar installations in other U.S. jurisdictions. In addition, proposed PILOT payments should be compared with foregone tax revenue. |
| <i>Exhibit 27 – Socioeconomic Effects</i> | | | <i>Response: Discussion of the proposed PILOT agreements will be detailed in Exhibit 27 of the application. In addition, analysis on the economic impact of the project will be outlined in Exhibit 27 of the application.</i> |

ATTACHMENT G:
Lisa Miller, Esq.

LISA MILLER ESQ.

Landowner

I am a landowner of parcels immediately bordering the proposed industrial solar project, and within EDF's designated Facility Area. I am past attorney for the Village of McGraw and, as such, I am aware of aquifer concerns raised during my representation, and I also operate a wildlife preserve on lands within the Facility Area.

While most of my concerns were addressed in the preliminary scoping document for more detailed examination in the forthcoming scoping document, there are 3 significant areas that have been omitted, and I urge you to include them. These are:

Exhibit 23 – Water Resources and Aquatic Ecology

1. the presence of a sole source aquifer (an EPA designation) that involves roughly the upper 2/3 of the county and is different than the DEC's primary/principal aquifer designations.

Response: Within the PSS, the Applicant has identified from USEPA data the Cortland Homer Preble Aquifer System Sole Source Aquifer, which underlies the Facility Site. Within Exhibit 23 of the Application, the Applicant will include analysis and evaluation of potential impacts from construction and/or operation of the facility on drinking water supplies, groundwater quality and quantity in the facility area, including potential impacts on public and private water supplies, and wellhead and aquifer protection zones.

2. the presence of a very high water table in the area that is, again, part of the designated sole source aquifer.

Response: See comment above.

3. the presence of an extensive wetland/fen area on my property which supports an unusually high number of bats (including recordings made by TCI in which the presence of the Indiana bat could not be ruled out, and which confirmed the higher-than-average bat population there when compared to other areas in New York.). This wetland/fen is not listed on state or federal inventory maps. One plant field survey in this area identified and documented a rare orchid, and there may be other plant life of interest there, since the survey was not extensive.

Response: The Applicant is conducting a wetland delineation to identify wetlands that may not have been included in publicly available data used for initial desktop analysis and will include the resulting information in Exhibit 23. Additionally, the Applicant is conducting wildlife and habitat studies, including rare/threatened/endangered species, breeding bird, wintering grassland raptor, and invasive species surveys. Results of the surveys will be shared with appropriate agencies and inform contents of the Application. The Applicant will consult with NYSDEC on presence of threatened and endangered and species of special concern observed during pre-construction surveys and incidentally in the Facility.

4. the presence of state and federally-listed fauna that may not appear on the state or federal inventories. For example, when TCI was conducting its survey, I was present with the surveyor when an endangered harrier species was identified on the property that I do not believe ever made its way to any state or federal list, although TCI did list it on its report. I was informed by an ornithologist that there was a harrier rookery on my land within the proposed Facility Area and directly adjacent to properties leased by EDF, and I was informed this month that a bald eagle's nest has been identified on my property. I, personally, have seen mustelids on my property (weasels and mink), which is recognized as a sign of a healthy ecosystem.

Response: See comment above.

5. I operate a wildlife preserve on my property, which may be expected to be impacted very negatively by the project. I have many concerns in this regard, but, among them, I am concerned about underground voltage lines that EDF plans to run in a depth accessible to woodchucks (whose dens are used by many other animals), and this should be addressed to make sure that none of the lines can be chewed - presumably they are encased in material incapable of degrading via weather or animal activity, but I would like to see this addressed.

Response: Underground collector lines will be installed either overhead or buried in accordance with NYSDAM Guidelines for Solar Energy Projects (2019)

(https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf).

Specifically, the Guidelines call for burial of collector lines outside of the project's fence to have a minimum depth of 48" if located in cropland, hayfields, or improved pasture land. The minimum depth through unimproved grazing area is 36" and where conductors are buried under or at road edge, the minimum depth is 24". Collector line is encased in plastic and is appropriately selected for direct burial and to protect against normal weathering or animal activity. Note, National Electric Code also regulates burial depth and, in some cases, may be in excess of the requirements published by NYSDAM.

6. My property contains unique environmental features (a riparian area containing mussels, a gorge, and the upland fen) and it contains a unique history (an Indian site dating from around 5,000 B.C. as well as an Underground Railroad presence) - all of which are a very positive draw for historic and eco-tourism, and all of which may be very negatively impacted by an industrial energy facility, fencing, lighting, glare, overhead lines, underground lines, access roads, deforestation, and a substation. The tourism potential is extremely high here given our central location and enormously dense population areas within a six hour radius (New York City, Boston, Montreal, Ottawa, Toronto, Pittsburgh, Baltimore, Washington D.C.), and for the past 12 years, we have battled one industrial project after another that would have destroyed that potential (toxic waste, industrial turbines, hydro-fracking). In the 1960s, we watched as Route 81 - in the name of progress - was routed directly through prime farm bottomland, running straight through the center of valleys, and, in retrospect, this was not a wise decision.

Likewise, any proposed project should be compatible with the tourist development potential here. Discussion should not center around any promised tourist draw (in which we will be told that tourists will flock here to see industrial solar panels), but on taking a hard look at mitigation, particularly against glare. Since solar panels in this area will likely be at approximately a 60 degree angle, and, of course, south facing, this directly impacts any eco-tourism I wish to develop around my wildlife preserve, and any historic sites on my property, as well as my own enjoyment of my property, and the same holds true for my neighbors.

Response: The Applicant appreciates the specific information on environmental features and cultural resources. As noted above, the Applicant is conducting wildlife and habitat surveys, including breeding bird and wintering grassland raptor surveys. As described in the PSS, the Applicant is committed to avoiding impacts to cultural resources by consulting with the New York State Office of Parks, Recreation, and Historic Preservation to develop appropriate avoidance, minimization, and mitigation measures where deemed appropriate. Although glare is frequently raised as a concern for solar PV installations, the panels are designed to absorb as much of the solar spectrum as possible and the Applicant will use solar panels that have at least one anti-reflective coating to minimize reflection and

maximize absorption. Exhibit 24 of the Application will include a discussion of the potential for glare and any relevant avoidance, minimization, and mitigation measures. It should be noted that the current design contemplates a 20- to 30-degree tilt angle, not a 60 degree angle.

The applicant agrees with the assertion that the solar project will not be a tourist attraction and will not be making claims in that regard.

7. There should be rigorous mitigation, perhaps via fencing, to reduce the negative impacts. And while the glare has been discounted as being no worse than the glare that may be reflected off a lake, it is not often that one has a lake tipped at a 60 degree angle toward their properties.

Response: See response above.

8. The gorge area on my property also contains identified rare and uncommon plants, including grape fern, as well as a species of liverwort. I am concerned about the ambient temperature in the Facility Area being raised because of the proposed project, as well as increased wind, and what this might do to this unique area that I have been protecting for the past two decades.

Response: For ambient temperatures, there are some instances where the ambient temperatures within the solar facility might increase by a couple degrees Fahrenheit because of the absorption of sunlight on the solar panels, similar to a dark surface like a parking lot. However, that temperature increase quickly dissipates away from the panels and at the facility fence line there will be no effect on ambient temperatures.

9. Finally, since this project will be utilizing existing spare space on the National Grid high voltage lines, it stands to reason that any population expansion will necessitate the concomitant expansion of the grid in the not-distant future, and hence the physical expansion of high voltage power lines into adjacent properties, including the gorge, and peoples' farms and living areas, not only in the Facility Area, but all along the high voltage line, and this should be addressed.

Response: Comment noted. The project does not necessitate the construction of any new high-voltage transmission lines. Within Exhibit 5 – Electric System Effects the Applicant will include an evaluation of potential significant impacts of the facility and its interconnection to transmission system reliability at a level of detail that reflects the magnitude of the impacts. Exhibit 5 will also include a discussion of the impact of the facility on ancillary services and electric transmission system.

ATTACHMENT H:
Tara Miller

TARA MILLER

Exhibit 12 – Construction

1. Page 2-42: "In addition, during operation of the Facility, the soils within the Facility will not be treated with fertilizers, herbicides or pesticides as routine practice."

Will fertilizers, herbicides, or pesticides ever be used? If so, which ones, how much, how often, in what concentrations, and over what area? This is important because these chemicals can have significant human health and ecosystem impacts even if it's a one-time or limited use.

Response: EDF Renewables does not intend to use fertilizers, herbicides or pesticides in the course of normal Operations & Maintenance. However, conditions may arise that may require their limited use. For example, as a means to address invasive species.

Exhibit 15 – Health and Safety

2. Page 2-52: Why are "Wastes Released to the Environment" considered non-applicable for this solar facility?

Response: Producing electricity from solar does not produce gaseous wastes during operation, and generates only a minimal amount of liquid and solid wastes during construction only. The Applicant will make every effort to recycle waste or dispose in accordance with the federal or state law. Exhibit 15 will provide additional details.

Exhibit 19 – Noise and Vibration

3. Page 2-61: I recommend including C-weighted sound in surveys of sound levels and estimates of sound impacts of the project. C-weighted noise includes low frequencies can be harmful to human health (Goines L, and Hagler L. 2007. Noise Pollution: A Modern Plague. Southern Medical Journal 100(3): 287-294). In addition, you should consider options for visual buffers that may make your buffers effective for noise buffering as well.

Response: Exhibit 19 will be completed in accordance with 16 NYCRR § 1001.19 and will include specific information and analyses using selected and proposed equipment. The Applicant will consider natural vegetation, trees, and other measures to lessen the impact of the project from neighboring homes and roads. Additional information will be provided within Exhibit 19 and Exhibit 24 – Visual Impacts.

Exhibit 22 – Terrestrial Ecology and Wetlands

4. Page 2-97: What were the findings from the EDF avian surveys? Results are included from other literature, so why not these surveys?

Response: Avian surveys had not yet been completed at the time of PSS filing. However, the Applicant is conducting numerous studies to inform contents of the Application. Ongoing studies include acoustic, archaeology, breeding bird, visual resources, and habitat surveys for wetland delineation and identification of rare, threatened, endangered, and invasive species. The winter grassland raptor surveys have been completed and results shared with NYS DEC. Neither of the targeted species, Northern Harrier and Short-eared Owl, were sighted during the surveys. Results from all surveys will be shared with appropriate agencies and included within the Application.

5. Page 2-98: "Site Facility components to avoid areas with the highest habitat value" What is the metric for determining habitat value? This can be very subjective, and it depends where the priority is placed – on which species, which habitats, which ecosystems.

Response: In general, land use/land cover data reflects the range of habitat value from highest, or undisturbed land to lowest, or developed areas as shown in Table 2.4-1 of the PSS. As noted in Section 2.22.4(c), the Application will include anticipated impacts to vegetation cover types, particularly grasslands and interior forests, which represent habitat for certain species.

General

6. Lastly, please publish all methods and data used.

Response: Information on methods and data will be summarized within the Application.

**ATTACHMENT I:
Additional Citizens and Stakeholders**

ADDITIONAL CITIZENS AND STAKEHOLDER COMMENTS

ANDREW MINER

1. I am writing in support of the referenced solar project. While I live in Gettysburg PA I do own 115 acres in the town of Solon approximate to the portion of the proposed project on John Soshinsky's land. I bought most of my land from John Soshinsky and the land lies between Soshinsky Road to the west, Maybury Road to the east and Widger Road to the north. There is only one landowner between my property and the proposed location. The proposed solar panels are within a quarter mile of my property. I don't believe the panels will have an adverse effect on my property nor will it affect my enjoyment or use of my property. Furthermore I believe that the use of solar arrays to generate electricity will benefit the community and will have a favorable environmental impact on our locality and state. I think the project should proceed.

Response: The Applicant will continue to keep adjacent landowners informed through the Article 10 process.

VICTOR SIEGLE

1. Cortland County is one of the cloudiest places in the United States. The persistence of snow on solar panels in the winter reduces some actual annual, production for existing solar facilities to as low as 8% of nameplate capacity. From December 2019 through January 2020, actual production at one solar facility in Cortland was less than 2% of capacity. Because so little useful energy will be generated by this project, supplemental energy, typically natural gas, will be required in greater amounts than if the equivalent capacity was supplied by hydro, wind, or nuclear power. How can you justify the increase in carbon dioxide emissions? How can EDF justify building in Cortland County when it is among the worst places for solar electricity generation?

Response: The expected capacity factor of this project is in the 18%-24% range. EDF Renewables is developing projects throughout New York State. Solar yields in Cortland county are not appreciably higher or lower than other counties and unlike wind resource, solar irradiance is fairly consistent throughout a region. An analysis will be completed and provided in the Application to demonstrate the project's net reduction in statewide electricity sector emissions.

2. The new Article 94-C gives a strong advantage to solar projects sited on existing or abandoned commercial use, including brownfields, landfills, dormant electric generating stations, and abandoned properties. The Ecological Communities map (Figure 2.22.-1) shows that a large percentage of the project will be built on land categorized as deciduous forests, which will certainly be removed. This makes no sense. Deciduous forests are among the best natural methods to sequester carbon dioxide and absolutely do not qualify as existing or abandoned commercial use. Under no conditions should deciduous forests be cut down for a solar industrial facility until all other possible locations have been utilized.

Response: EDF Renewables leases land directly from landowners for siting the solar project, making project footprint dependent on the desire of landowners to participate. Furthermore, siting facility components on capped landfills, for example, adds considerable expense to the project associated with designing and constructing the system to avoid impact to the landfill's structure and environmental controls. We suggest if development on a local landfill or brownfield site is desirable for the current owner of such sites, that they consult with NYSERDA on developing a community solar project (less than 5 MW in size). NYSERDA offers additional incentives for development on landfills through their NY-SUN program to offset the additional cost of constructing on a landfill.

Regarding forest land, we are working to design the project to lessen the amount of tree clearing. Additional information on impact to forested lands will be included within Exhibit 22 of the Application.

3. The sales literature of EDF continuously promotes the inclusion of energy storage in this project. Please confirm that the project can be built with significant energy storage, especially considering the persistence of snow here.

Response: The inclusion of energy storage on this project is still being evaluated from an economic and feasibility standpoint. Energy storage will be included and any impacts detailed in the Application; however, a final decision on inclusion in the Project will likely not be made until after the Project has been certified. Frequency or total accumulation of snow has no direct impact on the analysis concerning energy storage.

4. The preliminary scoping statement does not show exactly where the solar panels will be located. Until the locations are defined, our Towns and School Districts cannot compute how this project will affect their local property taxes. Please define the exact locations.

Response: Detailed information about the Facility Site will be included within Exhibit 11 – Preliminary Design Drawings and will include municipal and school district boundaries.

5. Solon is well-known for its natural habitat. Important wildlife species in Solon include: Beaver, Big Brown Bat, Black Bear, Bobcat, Eastern Coyote, Fisher, Gray Fox, Little Brown Bat, Long-tailed Weasel, Mink, Muskrat, Northern Long-Eared Bat, Raccoon, Red Fox, River Otter, Striped Skunk. Please prove that this project will not impact territories, mating, migration, hunting trails, and feeding locations for these mammals.

Response: The Project will undergo a thorough environmental review process that will include a variety of ecological studies, with input from the local community and agencies, like NYSDEC, to assure that impacts on wetlands, vegetation, and wildlife are avoided or minimized. More information will be shared during the Application phase of the project. The results of the targeted studies of existing ecological conditions within the Facility Site will be included in Exhibit 22 of the Application.

6. My understanding is that Upstate NY does not need any more electricity. Our annual electrical usage has been dropping steadily and is predicted to continue dropping in the next several years. Proof of that dropping demand is demonstrated by the fact that none of the proposed transmission lines through Upstate ever include any substations here. How much of the EDF electricity will be used Upstate? How much of the excess will be transmitted away from Upstate and where will it actually go? What percentage of the electricity generated will be lost during transmission?

Response: As noted in the PSS, New York State adopted aggressive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the electric system. The Climate Leadership and Community Protection Act sets ambitious and comprehensive climate and clean energy goals, encompassing climate change impact adaptation, reductions in GHG emissions, and investments in technology, as well as job creation and energy worker transitions and the protection of disadvantaged communities. New sources of renewable energy generation are required to meet the goals outlined in the CLCPA and the Homer Solar Energy Center will contribute to meeting those goals.

Not conflating the need for new renewable generation to meet CLCPA goals with the need for more electricity in general, the NYISO estimates an average annual growth rate of 0.78% for years 2020-2050. This is an increase from

the 2019 estimates and includes the impact of the current pandemic conditions on electricity demand. Source: NYISO Load and Capacity Data Report (<https://www.nyiso.com/documents/20142/2226333/2020-Gold-Book-Final-Public.pdf>)

JERRIA. DUANE

Town of Solon

1. To Whom It May Concern: I lived in the Town of Solon back in the 70s, moved out in the 80s and luckily was able to move back in the early 90s and have been there to this day. This isn't just any town; this town is special that boasts quiet, relaxing, rural living. Our Town Boards work hard to ensure the protection of its rural character and the health, safety and welfare of the residents of the community well into the future. It has, since the Zoning Laws back in 1999, kept any type of commercial business from invading our town. We've had our fights to keep businesses out but have been, in the end, luckily the victor. We are again being challenged but this time it is not only a large solar company but our own New York State as well. We, the residents of the Town of Solon, should be the deciding factor for whom or what will be allowed in our town. I am saddened that big companies, EDF Renewables in this case, can come to New York and that Article X could possibly help them to override the town to do anything that they want but we don't need and definitely don't want. Your consideration to deny EDF is greatly appreciated.

Response: Comment noted. The Applicant will continue outreach to and consider the input of agencies, the county, involved municipalities, the public, and any other stakeholders on the project. The Applicant is currently performing various studies to aid in making design decisions that mitigate impact.

CHRIS BUSHNELL

Town of Solon

1. Our family has owned property in the town of Solon for 19 years now. Before purchasing our property I reviewed the towns laws and zoning codes. Solon was just what we where looking for. No business or Industry allowed. Farming only. In the last 19 years we have made improvements to our property as we could afford, a little at a time. In 2014 we built a residence on our property. Once again as we could afford it, a little at a time. We now live there. We had a plan, and built according to town laws and building codes. Our plan was to retire in the peace and quiet in the town of Solon, No business No industry just farming. Governor Cuomo's New Green Energy Plan eliminates home rule laws on large energy projects. The New Green Energy Plan means upstate New York gets run over by our own Governor and our own taxpayer dollars. Our Governor has a plan too, we are just finding out about in now. There are applications in lots of small towns all over upstate. The real plan is to take advantage of the small towns, that can't afford to fight industrial power generation corporations and there big lawyers. The developer is asking for a Certificate of Environmental Compatibility and Public Need. Even the name is not the truth. Guess what, a project like a industrial solar farm is not environmentally compatible with our town, and there is no public need. Just our Governor's Green Energy Plan. I have read at least 100 letters just like this one, from many different town's in upstate New York, where these industrial power generation projects are being forced on small towns. In closing I can only hope this industrial power project will not be approved. And if it is, it should be taxed accordingly. Thank You.

Response: As noted in the PSS, the Applicant does not have and will not seek eminent domain authority. The Applicant will continue to outreach to and consider the input of agencies, the county, involved municipalities, the

public, and any other stakeholders on the project. The Applicant is currently performing various studies to aid in making design decisions that mitigate impact.

As noted in the PSS, New York State adopted aggressive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the electric system. The Climate Leadership and Community Protection Act sets ambitious and comprehensive climate and clean energy goals, encompassing climate change impact adaptation, reductions in GHG emissions, and investments in technology, as well as job creation and energy worker transitions and the protection of disadvantaged communities. The Homer Solar Energy Center will help achieve targeted levels of new renewable generation.

STEPHEN FURLIN

Town Supervisor, Town of Solon

1. To whom it may concern, This email is in response to the proposed solar project for the towns of Solon, Homer and Cortlandville. The Solon Town Board is opposed to this solar project designated for Solon, the Governor has removed home rule to allow this to happen, it is not by choice of the town, but by the Governor's delusional sense of reality. He is forcing this project on upstate NY towns in order to further enhance his agenda, and this is wrong! Fact: upstate has all the power it needs! The power generated by this project will NOT be serving upstate NY, it will go downstate just like everything else upstate has to offer. This is wrong on all levels!

Response: The Applicant will continue to work with the Town of Solon on site design during the Article 10 process. The CLCPA sets ambitious and comprehensive climate and clean energy goals, encompassing climate change impact adaptation, reductions in GHG emissions, and investments in technology, as well as job creation and energy worker transitions and the protection of disadvantaged communities. The Homer Solar Energy Center will help achieve targeted levels of new renewable generation.

2. As a Taxpayer and town supervisor, I find it very hypocritical that the comments would allow out of town land owners to submit a comment, there IS a difference between living here in Solon and owning recreational land in Solon, and restrict the town to only have people who live in the effected community to be on the sighting board to represent the town. I can not disagree that this project will bring jobs, but remember they are temporary, after completion, those jobs disappear and move on. EDF has publicly stated that there will only be 3-4 full time jobs! Plus the fact that solar is only 8% efficient at best. Unless you live in Solon, and will be directly effected, I believe that only residents of the town should be allowed to comment, and as the town supervisor, I represent those people who LIVE in the town of Solon. The Governor has dismantled home rule, he has forced his agenda on small town NYS, and to spend millions of dollars in the time of a pandemic seems very irresponsible to me! Should that money not go to new hospitals instead? Think about that for a moment! Solar farm vs Hospitals, which do you think would benefit a community more? New hospitals would provide jobs, solar panels could be incorporated, that way we all win, not just a few! Therefor I urge the sighting committee to take a long hard look at all of this.

Response: Pursuant to Public Service Section 161 (2), ad hoc members are nominated by the chief executive officer of the host municipalities. There is no restriction on ad hoc members with respect to residency.

Good paying construction jobs like the ones that will be generated by this project are critical to the livelihoods of those employed by the construction trades and while they will be temporary, their impact will still be felt by local tradespeople and contractors who work on the project.

As noted in previous comments, the expected capacity factor of this project is in the 18%-24% range. EDF Renewables is developing projects throughout New York State. Solar yields in Cortland county are not appreciably higher or lower than other counties. An analysis will be completed and provided in the Application to demonstrate the project's net reduction in statewide electricity sector emissions.

3. To whom it may concern: Bottom line is this, you are going to push this though because the Governor signs your paychecks, but in reality you all know that any monies should go towards building hospitals, helping our veterans, helping the homeless who are living on subway cars, farmers, and humanity in general, and the list goes on. Not renewable energy companies! How do you want the history books to read years from now, that NYS did the right thing and said no, OR NYS spent how much? on what? during a global pandemic! Its your call. You dismantled home rule, so now its in your hands! To spend taxpayers money on something that is only 8% efficient, at best, during a world wide crisis is inexcusable, or any time for that matter. Humanity should come first, not ones ego! Upstate NY has all the power it needs, and if NYC needs power that bad, there is always Harriman State Park, put them there!!

Response: We do not disagree that it should be a goal of the State to build hospitals, help veterans, or fight homelessness. We respectfully assert that the CLCPA and building renewable energy projects should also be a priority, as it contributes to the fight against climate change which will affect everyone in the State over the coming decades. As you note, "Humanity should come first". We strongly agree with that statement and transitioning to renewable energy to fight climate change is putting humanity first.

DALE MARICLE

1. I have lived in this area my entire life. I married a Town of Solon resident. With our families there are several generations that started here and are still residing here. We take pride in our town and I don't think that the small towns should be a hub for Solar panels and wind mills. If there is a need for NYC to get power then put them on top of buildings in NYC. I have worked hard as did my ancestors to keep our small town small and mind our own business. How long will the solar panels last and will this be a 10 year trial and then we will be stuck with these panels that NO landfill will take?

Response: The applicant's financial and engineering models include an estimated lifespan of the project of 35 years. Decommissioning and a financial surety to ensure decommissioning will be a condition of the project permitting and will be detailed in the Application. Project decommissioning commitments are guaranteed in a number of ways. First, in the lease agreements signed with landowners who agreed to host project components, there is a commitment to present a decommissioning plan to the landowner for the removal of all physical material related to the project and restoring the land to substantially the same condition before project construction. Second, decommissioning will be a condition of our project permitting and includes removal of equipment, disposal of all waste and stabilization or re-vegetation of the site as necessary to minimize erosion.

To ensure these activities are planned for and funded, the project will post a security in favor of the host towns, likely in the form of a letter of credit, to cover the cost to decommission the facility. The value of the security is re-evaluated every five years to account for inflation. This security will be required by New York State through the conditions of the Article 10 permit and is posted in favor of the town(s) before operations begin. The Decommissioning and Restoration Plan will be submitted with Exhibit 29 of the Application.

The recycling of solar panels is an evolving industry. The majority of solar panel components are recyclable and solar panels are not classified material such that landfills will not accept them.

2. I have heard that they generate toxic material.

Response: The Applicant intends to use crystalline silicon PV modules, which do not contain any toxic materials or pose a material threat to public health and safety.

3. How long will it take to recoup the \$90 million back or is the NY Governor (the people of NY) paying for this?

Response: The State of New York is not paying for the construction of this project. The project will be built with private capital.

KATHIE ARNOLD

1. The preliminary scoping statement for EDF's Homer Solar Energy Center maps show outlined areas described as the facility site. On the maps showing that designation, it appears that over half of that land area is currently deciduous forests. If any existing forests will be cut down for this project, this must be disclosed and all environmental ramifications of that forest loss be thoroughly described and assessed. If the facility site outline includes areas that will not be used for siting PV panels, then the areas that will be sited should be specifically delineated.

Response: The Project will undergo a thorough environmental review process that will include a variety of ecological studies, with input from the local community and agencies, like the Department of Environmental Conservation, to assure that impacts on wetlands, vegetation, and wildlife, including as related to forests, are avoided or minimized. The Application will include anticipated impacts within Exhibit 22. Exhibit 11 – Preliminary Design Drawings will provide greater clarity on Facility Site, including location of panels and other site features.

MICHAEL PETRELLA

Town of Solon

1. My name is Mike Petrella. My wife Wanda and I have been residents of the Town of Solon for over 43 years. For the record we oppose the siting and construction of the Homer Solar Energy Center. Our state government has allowed, via the Article 10 process, industrial energy companies to come into our rural towns and site their facilities basically where they please. This appears to us to be a violation of our towns Municipal Home Rule rights given us in Article 9 of the NYS constitution. The Article 10 rule does not recognize our rights as town residents to reject any and or all attempts to turn our quiet rural communities into industrial parks.

Response: The Applicant appreciates this comment and understands such concerns. EDF Renewables will continue to outreach to and consider the input of agencies, the county, involved municipalities, the public, residents and any other stakeholders on the project.

2. Due to the present covid -19 lockdown the siting process, if it must go on, should be paused as well. The lock down, rightfully so, prevents town governments from conducting open forums to put forth and discuss valid information, pro and con, concerning the construction of the energy center. Most peoples attention is focused on survival in a covid-19 environment as this process to change their towns future quietly proceeds.

Response: The Applicant understands the recent complications due to the pandemic and will continue to work with the Town of Solon on site design throughout the Article 10 process.

3. The siting of a renewable energy facility in our town is not new to us. approximately 7 years ago we fought off the proposed construction of a windmill farm. With a strong public outcry we defeated building of this facility. In doing so we exposed the companies, TCI, true agenda. That was to receive free government tax subsidies and tax abatements to facilitate the acquisition of land leases, zoning permits, public service permits, and a spot in the energy queue. All to be sold for a profit to another energy company. In this case EDF. Both companies are foreign owned. Fact, foreign energy companies moved their focus to building in the United States after their own countries subsidies dried up. This was due to the discovery that renewable energy facilities on a large scale are inefficient and not cost effective.

Response: As noted in the PSS, New York State adopted aggressive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the electric system. The Climate Leadership and Community Protection Act sets ambitious and comprehensive climate and clean energy goals, encompassing climate change impact adaptation, reductions in GHG emissions, and investments in technology, as well as job creation and energy worker transitions and the protection of disadvantaged communities. New sources of renewable energy generation are required to meet the goals outlined in the CLCPA and the Homer Solar Energy Center will contribute to meeting those goals.

EDF Renewables has been developing renewable energy projects in the United States for thirty (30) years. We have over one thousand (1,000) employees in the United States. Development and construction of our projects provide employment for many more thousands of people throughout the country.

4. Fact, the amount of sun light or wind in our area to produce significant useable energy is lacking. Fact, the energy produced by the Homer center, by EDF's admission, will go down state. Basically there is no advantage to our town to have such a facility. We are financially solvent. Increased property tax income would be nice but at what cost to our life style. The flawed renewable energy promise made by our governor is his personal green new deal is facilitated at our expense. This should not be so. The Town of Solon has legally created through its comprehensive master plan and zoning laws a non- industrial agricultural residential setting where its residents can work and reside in peace and quiet. Please do not allow this process to go any further. Thank you.

Response: It is inaccurate to state that energy produced by the project "will go downstate". EDF Renewables has not made such a statement or "admission".

Not conflating the need for new renewable generation to meet CLCPA goals with the need for more electricity in general, the NYISO estimates an average annual growth rate of 0.78% for years 2020-2050. This is an increase from the 2019 estimates and includes the impact of the current pandemic conditions on electricity demand. Source: NYISO Load and Capacity Data Report (<https://www.nyiso.com/documents/20142/2226333/2020-Gold-Book-Final-Public.pdf>)

Dr. MECHTHILD NAGEL
United Voices of Cortland

1. The new Article 94-C endorses solar projects sited on existing or abandoned commercial use, including brownfields, landfills, dormant electric generating stations, and abandoned properties. I have serious reservations about the proposal which includes wildlife habitat and forests. Why should we be clearcutting forests for solar?

Response: EDF Renewables leases land directly from landowners for siting the solar project, making project footprint dependent on the desire of landowners to participate. Furthermore, siting facility components on capped landfills, for example, adds considerable expense to the project associated with designing and constructing the system to avoid impact to the landfill's structure and environmental controls. We suggest if development on a local landfill or brownfield site is desirable for the current owner of such sites, that they consult with NYSERDA on developing a community solar project (less than 5 MW in size). NYSERDA offers additional incentives for development on landfills through their NY-SUN program to offset the additional cost of constructing on a landfill.

Regarding forest land, we are working to design the project to lessen the amount of tree clearing. Additional information on impact to forested lands will be included within Exhibit 22 of the Application. The Applicant is conducting numerous environmental studies to assess and mitigate impact, include regarding wildlife habitat. Additional information on impact to forested lands will be included within Exhibit 22 of the Application.

2. Cortland has a heightened responsibility for our sole source aquifer, which is supported by forest coverage, so-called greenbelts (see the global Greenbelt Movement, started by biologist Dr Wangari Maathai who received the Nobel Peace Prize for her efforts of re-forestation. Solar panels are made of highly toxic material and those components will eventually leach into the ground. It's one thing to have them on rooftops and another on fields and deforested spaces, including near rivers. Cortland has been victim to many environmental disasters because of industry being ignorant or willfully ignoring our precious aquifer. The mitigation efforts were horrendous and including brownfields near my home in South Cortland. I don't want to be party to another disaster in the making.

Response: The Applicant intends to use crystalline silicon PV modules, which do not contain any toxic materials or pose a material threat to public health and safety.

3. Cortland is also extremely cloudy and it is quite puzzling why a siting is even being proposed.

Response: The expected capacity factor of this project is in the 18%-24% range. EDF Renewables is developing projects throughout New York State. Solar yields in Cortland county are not appreciably higher or lower than other counties. An analysis will be completed and provided in the Application to demonstrate the project's net reduction in statewide electricity sector emissions.

CLAUDIA HITT

1. I live on Soshinsky Rd. in McGraw NY. This is rural living, with hay-field meadows, mature woodlots, babbling brooks, streams and ponds. Panoramic views of distant hills and valleys take one's breath. This is farm country, God's country, with good neighbors that watch out for one another. Farmers are the backbone of this country with no credit given and little pay. They grow plants and animals that our economy way of life depends on. The hay-field around me are harvested not once but as many as 3 or 4 times each year to feed livestock. I live here for these reasons and more. Outside my window wildlife abound. It's quiet with wind whisper in the pines and birdsong. It is my retreat, safe place and home. I think each homeowner has the right to install solar at their own discretion, but I do not agree to massive solar installations that take up acres of productive land. There are places that would have less impact, where fields of solar panels would not be invasive or detrimental to the rural way of life. Thank you for your consideration.

Response: The Applicant is conducting wildlife and habitat studies, including rare/threatened/endangered species, breeding bird, wintering grassland raptor, and invasive species surveys. Results of the surveys aide in making project design designs that help mitigation impact. Results will be shared with appropriate agencies and inform contents of the Application. As part of the visual assessment, The Applicant is conducting visual impact analysis that will assess the extent and significance of the visibility of the Project, including viewshed mapping, visual simulations, and characterization of effects in accordance with applicable state and federal guidance. Results from this analysis will be included within Exhibit 24. Additionally, within Exhibit 11, the Application will contain a landscaping plan that shows where plantings will be installed around the Facility to mitigate potential visual impacts. In terms of noise impacts, the Applicant will consider natural vegetation, trees, and other measures to lessen the impact of the project from neighboring homes and roads.

KAREN MARICLE

1. I am opposed to the money being spent on solar when our state is so far in debt. As we are faced with bad roads already and money is not going to be available due to this corona virus. It seems like our governor is wasting money that could be used elsewhere. I have lived in this town my whole life and am strongly considering moving out of New York State.

Response: New York State adopted aggressive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the electric system. The Climate Leadership and Community Protection Act sets ambitious and comprehensive climate and clean energy goals, encompassing climate change impact adaptation, reductions in GHG emissions, and investments in technology, as well as job creation and energy worker transitions and the protection of disadvantaged communities. New sources of renewable energy generation are required to meet the goals outlined in the CLCPA and the Homer Solar Energy Center will contribute to meeting those goals.

MICHAEL DUNDON

Field Representative, Laborers Local 785

1. To whom it may concern: I am writing this on behalf of the 600 members of Laborers Local 785. A project of this magnitude will put countless people to work earning a living wage with benefits. Laborers Local 785 has members that not only live in Cortland Co. but the surrounding counties to keep local money locally. As well as putting people to work, the Homer Solar Farm is facility that will generate 90 MW of electricity with approximately 20 MW for storage. This will help New York State reach the renewable energy goals set by Governor Andrew Cuomo. This project will benefit 20,000 households in the towns of Homer, Cortlandville and Solon in Cortland County. This project has numerous benefits for the local community and hopefully will be approved so local people can build it. Sincerely,

Response: Thank you for your comment. Good paying construction jobs like the ones that will be generated by this project are critical to the livelihoods of those employed by the construction trades and while they will be temporary, their impact will still be felt by local tradespeople and contractors who work on the project. The Applicant will continue to keep trades organizations informed of project progress.