

Response to the Notice of Incomplete Application
TO THE
**New York State Office of Renewable Energy Siting and
Electric Transmission**

FOR A
SITING PERMIT FOR MAJOR RENEWABLE ENERGY FACILITY
FOR THE

North Seneca Solar Project

Towns of Waterloo and Junius
Seneca County, New York

Matter No. 23-00036

November 2024

Applicant: North Seneca Solar Project, LLC
422 Admiral Boulevard
Kansas City, MO 64106
Toll Free Phone: (888) 609-7166
Email: info@savionenergy.com

Prepared By: Environmental Design & Research,
Landscape Architecture, Engineering & Environmental Services, D.P.C.
217 Montgomery Street, Suite 1100
Syracuse, New York 13202
www.edrdpc.com
Contact: William Whipps, Project Manager
Email: wwhipps@edrdpc.com

TABLE OF CONTENTS

Introduction.....	1
Responses to NOIA.....	1
General Requirements for Applications.....	1
Exhibit 3 – Location of Facilities and Surrounding Land Use.....	2
Exhibit 4 – Real Property.....	3
Exhibit 5 – Design Drawings.....	3
Exhibit 6 – Public Health, Safety, and Security.....	5
Exhibit 8 – Visual Impacts.....	6
Exhibit 9 – Cultural Resources.....	10
Exhibit 11 – Terrestrial Ecology.....	11
Exhibit 12 – NYS Threatened or Endangered Species.....	11
Exhibit 13 – Water Resources & Aquatic Ecology.....	12
Exhibit 16 – Effects on Transportation.....	12
Exhibit 17 – Consistency with Energy Planning Objectives.....	13
Exhibit 18 – Socioeconomic Effects.....	13
Exhibit 20 – Effect on Communications.....	13
Exhibit 21 – Electric System and Interconnection.....	13
Exhibit 22 – Electric and Magnetic Fields.....	15
Exhibit 23 – Site Restoration and Decommissioning.....	16
Exhibit 24 – Local Laws and Ordinances.....	19
Attachment B: Spatial Data.....	22
Proposed Application Amendments to Support Facility Redesign.....	23

Introduction

On March 4, 2024, North Seneca Solar Project LLC (the Applicant) submitted an Application for a Siting Permit under Article VIII of the Public Service Law to the Office of Renewable Energy Siting and Electric Transmission (ORES). On May 3, 2024, ORES staff issued a Notice of Incomplete Application (NOIA). The comments included in the NOIA are provided below, along with the Applicant's responses, which are in italics. In addition, since the original application submission, the Applicant has redesigned the Facility to relocate the collection substation and point of interconnection (POI) substation to address comments received from National Grid. To support the responses below, update impact calculations and analyses addressing the new Facility layout, and ensure a complete record, the Applicant has revised 20 exhibits, 31 figures, and 27 appendices, and has developed 2 new appendices. All revised and new application materials are referenced below.

Responses to NOIA

General Requirements for Applications

1. The Applicant requested a site-specific condition to allow phased construction of the Facility. Please provide a preliminary phasing and filing plan to support this request.

Response: It is anticipated that the construction process will include three primary phases: Tree Felling and Site Stabilization, General Civil Construction and Electrical Interconnection System Installation. As these construction phases will not be fully defined until a contractor is selected for the project, a final identification of the compliance filings necessary to support these anticipated phases is not possible at this time. However, we anticipate that the compliance filings will be generally grouped as outlined in Table 1 below.

Phase	Scope	Filing
1	<i>Tree Felling and Site Stabilization</i>	<ul style="list-style-type: none">• <i>Applicable Federal and Federally-Delegated Permits</i>• <i>Plans, Profiles, and Detail Drawings for Tree Felling</i>• <i>Construction Operations Plan for Tree Felling</i>• <i>Facility Maintenance and Management Plan</i>• <i>Vegetation Management Plan</i>• <i>Facility Communications Plan</i>• <i>Environmental Monitoring Plan</i>• <i>Complaint Management Plan</i>• <i>Traffic Control Plan for Tree Felling</i>• <i>Wetland Restoration and Mitigation Plan</i>• <i>Invasive Species Control and Management Plan</i>• <i>Cultural Resources Avoidance, Minimization, and Mitigation Plan</i>• <i>Real Property Rights</i>• <i>Documentation of Host Community Benefits</i>

Phase	Scope	Filing
2	<i>General Civil and Electrical Construction</i>	<ul style="list-style-type: none"> • <i>Applicable Federal and Federally-Delegated Permits</i> • <i>Final Decommissioning and Site Restoration Plan</i> • <i>Plans, Profiles, and Detail Drawings for Civil and Electrical Construction</i> • <i>Quality Assurance and Control Plan</i> • <i>Construction Operations Plan for Civil and Electrical Construction</i> • <i>Traffic Control Plan for Civil and Electrical Construction</i> • <i>Inadvertent Return Flow Plan</i>
3	<i>Electrical Interconnection and Substation Installation</i>	<ul style="list-style-type: none"> • <i>Plans, Profiles, and Detail Drawings for Collection and Point of Interconnection Substation Construction</i> • <i>Final Lighting Plan</i> • <i>Facility Maintenance and Management Plan</i> • <i>Interconnection Agreements</i>

Exhibit 3 – Location of Facilities and Surrounding Land Use

2. 19 NYCRR § 900-2.4(u)(1) requires that for any proposed facility located within New York State Department of Environmental Conservation (NYSDEC) Region 8, the Applicant provide a magnetometer survey to determine whether any NYSDEC-regulated oil, gas, or mining wells are present "...within 500 feet of proposed areas to be disturbed..."

a) Please provide a figure or figures depicting the Facility Limit of Disturbance (LOD), the area to be surveyed as required, the area already surveyed, the locations of wells according to the NYSDEC well database, the locations of wells discovered by survey, and the setbacks from each well.

Response: Figure 3-12 has been updated to depict the requested information.

b) Appendix 3-C: Magnetometer Survey Report describes an inaccessible area in the northwest of the Facility that was not surveyed using an unmanned aircraft system (UAS). Please supplement Exhibit 3 with a description of how that area was or will be surveyed using another method approvable by the Office for the presence of oil or gas wells.

Response: Exhibit 3 has been updated to indicate that the Applicant intends to conduct additional terrestrial magnetometer surveys on the previously unsurveyed area, with the understanding that areas outside the Facility Site will not be surveyed because the Applicant has no right of access to parcels located outside the Facility Site. Prior to the start of construction, the Permittee shall complete a supplemental magnetometer survey of the final Facility layout and submit a Supplemental Magnetometer Survey Report as a pre-construction compliance filing. The Supplemental Magnetometer Survey Report shall confirm compliance with the setbacks outlined in 16 NYCRR § 1100-2.4(u)(2) and (3) and include a discussion of any anomalies found in the supplemental survey.

- c) Exhibit 3, page 26 states that an anomaly presumed to be associated with the Dunham 1 well was found "...at least 800 feet from the nearest Facility components. As a result, this well is not depicted on Figure 3-12." Please revise Exhibit 3 to state this feature's distance from the nearest area to be disturbed, and revise other files (e.g., Figure 3-12) if necessary.

Response: Exhibit 3 and Figure 3-12 have been updated with the requested information.

Exhibit 4 – Real Property

3. 19 NYCRR § 900-2.5(b) requires "[a] property/right-of-way map of all proposed transmission lines..." Figure 4-1, Parts 1 and 2 currently depict the transmission line right-of-way (ROW). Please update Figure 4-1, Parts 1 and 2 to also depict the existing transmission line itself that the Facility will tie into and update the map key as necessary.

Response: Figure 4-1 has been updated to depict the existing transmission line.

Exhibit 5 – Design Drawings

4. 19 NYCRR § 900-2.6(f)(1) requires "[s]ite plans of the proposed facility..."
- a) Please update the site plan drawings to provide a demonstration that Facility access roads have been designed to meet Fire Apparatus Access Road (FAAR) requirements or provide documentation from the Fire Code Official indicating whether the Facility may be eligible for any relief from specific FAAR requirements.

Response: The access road for the collector substation and POI substation is proposed to meet the requirements of a Fire Apparatus Access Road. Additional dimensioning has been provided in the design drawings. The Applicant is currently coordinating with the local fire code officials to seek an exemption for the access roads servicing the solar panel arrays as allowed by the NYS fire code.

- b) Please revise all site plans for consistency with other exhibits, including without limitation, Exhibits 5, 15, 23, and 24. For example, the Typical Trench Details on Sheet 501-01 depict burial of collector lines and fiber optic lines at depths of three feet, but do not depict topsoil management. This appears to be inconsistent with the decommissioning plan and agricultural protection requirements. Additionally, the decommissioning plan proposes to remove all project components less than four feet deep in agricultural areas and less than three feet deep in other areas, but the site plans are inconsistent with that proposal. The site plans also do not show conservation and restoration of topsoil.

Response: Typical trench details in drawing 501 of Appendix 5-B, Electrical Design and Substation Plan Drawings, have been updated to better clarify that collection lines will be buried to a minimum depth of four feet in agricultural areas, and three feet in non-agricultural areas. Exhibit 5 has been revised to note that topsoil stockpiling locations are not depicted in the Preliminary Design Drawings as these locations depend on how the facility will ultimately be constructed and as such, are developed later in the process in coordination with the Engineering, Procurement, and Construction Contractor. Topsoil stockpiling locations will be provided as part of the pre-construction compliance filing. The

Preliminary Design Drawings in Appendix-5A do include details in sheet C-601 showing how soil will be stockpiled and the erosion and sediment control measures utilized to prevent soil erosion.

- c) With respect to roadways and turnaround areas, please update the Appendix 5-A: Design Drawings and supplement Exhibit 5 to clarify the following:
- i. The proposed roadway design(s) with respect to stormwater management regarding the use of pervious versus impervious surfaces.
 - ii. The proposed geometry of all turnaround areas.
 - iii. Consistent with 19 NYCRR § 900-2.17(a)(1), please depict the proposed geometry at intersections with public roads, including without limitation paved apron length and radius of curves, to demonstrate compliance with all State, County, and local standards and regulations.
 - iv. Consistent with 19 NYCRR § 900-2.4(u)(2), please confirm that a minimum 20 foot wide setback will be maintained from the nearest facility property access point to all surveyed wells and depict this information on the Appendix 5-A: Design Drawings.

Response: All access roads proposed for the Facility are considered impervious, and stormwater management has been provided for water quality in accordance with the NYSDEC regulations.

Additional details have been provided on drawing C-604 to include detailed dimensions of the turnaround areas and intersections with public roads.

Additional details have been provided on drawing C-604 to include detailed dimensions of the access road intersection with public roads.

A 20-foot setback line has been added to the plans for the two surveyed wells identified in the project area. No project components are proposed within 20 feet of either surveyed well.

- d) With respect to Appendix 5-A: Design Drawings and Appendix 5-B: Electrical Design Drawings, please provide the following additions to the design drawings:
- i. All proposed gate locations.
 - ii. Please clearly depict the Buckeye pipeline discussed in Exhibit 3 and depicted on Figure 3-4.
 - iii. Please clearly indicate all pipeline crossing locations, noting the proposed crossing method and design drawing detail for such crossing.
 - iv. Please label each surveyed oil and gas well with its corresponding name (as specified in the NYSDEC well database) with a prominent and legible font.
 - v. Please clearly depict the location and details for any proposed stand-by generators as referenced in Exhibit 21(f)(4).

Response:

- i. *Proposed gates have been added to the plans and have been labeled.*
- ii. *The Buckeye pipeline, through field studies and coordination with the owner, has been identified outside of the Facility Site, and thus does not appear on any drawing. See further Explanation in Exhibit 3.*

- iii. *All pipeline crossings have been revised to note the proposed crossing methods.*
 - iv. *Any standby generators used for maintenance of the Facility will be of the portable type, and may be stored within the on-site Facility storage trailer when not in use.*
 - v. *Each surveyed well and NYSDEC mapped well that appear within the Facility Site have been added and labeled on the plans.*
5. 19 NYCRR § 900-2.6(f)(1) requires “[s]ite plans of the proposed facility...” Please revise the Exhibit 5 design drawings to address the following with respect to cultural resources:
- a) Please update the design drawings to depict the location of archaeological sites as “Environmentally Sensitive Areas” (ESAs). Each archaeological ESA and its associated 50-foot avoidance buffer should be represented by a single polygon and labeled as “Environmentally Sensitive Area — No Access.”
Response: The revised design drawings at Appendix 5-A depict the locations of the ESAs including labels as requested.
 - b) Include the ESA polygons on all sets of design drawings.
Response: The ESA polygons are shown and labeled on the revised Appendix 5-A design drawings.
 - c) Include a note prohibiting significant ground disturbance within the ESAs consistent with the measures in the final Archaeological Avoidance Plan approved by Office of Parks, Recreation, and Historic Preservation / State Historic Preservation Office (OPRHP/SHPO).
Response: Note 11 has been added to the Preliminary General Environmental Restrictions section to reflect the inclusion of the prohibition of ground disturbance within the ESAs.
6. 19 NYCRR § 900-2.6(f)(5) requires “[a]ny manufacturer provided information regarding the design, safety and testing information for the... solar panel, inverters, substations, transformers, and battery storage equipment...” Please provide any available information regarding the safety and toxicity of materials used in the Facility components, including without limitation, the photovoltaic (PV) panels and transformers. For example, please provide American Society for Testing and Materials (ASTM) E3325-21 test results, if available.
Response: All of the relevant manufacturer information currently available has been provided in Appendix 5-C of the application filed on March 4, 2024.

Exhibit 6 – Public Health, Safety, and Security

7. 19 NYCRR § 900-2.7(b) requires a Site Security Plan (SSP) for operation of the proposed facility and 19 NYCRR § 900-2.7(c) requires a Safety Response Plan (SRP). Exhibit 5 depicts a storage trailer but no Operations and Maintenance (O&M) facility. However, Appendix 6-A: SSP and Appendix 6-B: SRP seem to suggest that an O&M facility is being proposed. As an example, Exhibit 6, page 12 proposes a facility monitoring system, tools and equipment for facility maintenance, and installing a security camera or detection device at an “O&M Facility.” Please revise all exhibits for consistency and, if an O&M facility is proposed, specify the location of the proposed O&M facility.

Response: Exhibit 6, Appendix 6-A (Site Security Plan), and Appendix 6-B (Safety Response Plan) have been revised to remove references to an O&M facility and have been replaced with language indicating that a storage trailer will be utilized to store Facility equipment.

8. 19 NYCRR § 900-2.7(b)(5) requires “[a] description of a cyber security program... demonstrating compliance with current standards issued by a standards setting body generally recognized in the information technology industry...” Exhibit 6, page 13 states that “[t]he Applicant will comply with all North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) standards and maintain an audit-ready Internal Compliance Program.” Please provide additional information addressing how the Applicant will implement a cybersecurity program that complies with standards set by a standard setting body, including specific discussion of inventory of cyber assets, physical security access controls, and transient cyber assets and removable media.

Response: Appendix 6-A, (Site Security Plan), has been revised to provide additional information regarding the Applicant's corporate procedures for cyber security per NERC CIP-002-5.1a and CIP-003 compliance.

9. 19 NYCRR § 900-2.7(c)(6) requires “[a] description of all contingency plans...” Please revise the SRP to include a map of the Facility showing, without limitation, Facility components, access roads, and GPS coordinates and/or addresses of access road entrances suitable to aid emergency responders in navigation of the Facility.

Response: Appendix 6-B (Safety Response Plan) has been updated to include Figure 1 depicting the requested information.

Exhibit 8 – Visual Impacts

10. 19 NYCRR § 900-2.9(a)(2) requires an analysis of “[t]he visibility of the facility, including visibility of facility operational characteristics, such as... glare from solar panel arrays.” In addition, 19 NYCRR § 900-2.9(a)(9) requires “[a]n analysis and description of related operational effects of the facility such as visible plumes, shading, glare...”

- a) The provided glare analysis does not analyze potential glare for the entire two-mile visual study area. Please provide a revised glare study for the entire visual study area including the additional analysis requested below.

Response: The Solar Glare Analysis Report – Revision 1 (Attachment C of Appendix 8-B [Visual Impact Minimization and Mitigation Plan] – Revision 1) has been revised to assess potential glare to residences. Specifically, all receptors (101 total receptors) with potential visibility based on the viewshed analysis conducted in the Visual Impact Assessment (Appendix 8-A – Revision 1) were evaluated. The revised results continue to demonstrate that no glare is modeled to occur from Facility operation.

- b). Please provide additional analysis of glare impacts on: (1) drivers of automobiles, buses, and large trucks on the studied routes at typical viewer heights; and (2) non-participating residences from 8 foot heights representing first floor windows and 16 foot heights representing second story windows.

Response: The Solar Glare Analysis Report – Revision 1 includes additional background information regarding the type of solar radiation produced by large scale solar facilities like the North Seneca Solar Project and how it compares to typical glare already experienced by road users. Unlike fixed-tilt PV arrays that can create high incidence angles between the sun's rays and a receptor, single-axis tracking PV arrays maintain low incidence angles relative to the sun, significantly limiting the amount of incoming solar radiation that can be reflected by the arrays. Given the parameters identified by the Applicant for this Facility (e.g., backtracking method, light textured glass with anti-reflective coating, resting angle of 52 degrees, etc.) the solar rays that would be reflected off the PV arrays would generally be reflected above the height of second story windows (e.g., 16-feet) and therefore not impact non-participating residences at 8 feet and 16 feet heights..

11. 19 NYCRR § 900-2.9(a)(4) requires information about “[t]he appearance of the facility upon completion, including building/structure size, architectural design, façade colors and texture, and site lighting.” Please specify materials, colors, textures, and surface finishes of the substation components including poles, supports, buildings, and sound walls.

Response: Section 2.2 of Appendix 8-A (Visual Impact Assessment [VIA]) – Revision 1 has been updated to include additional descriptions of the design, color, and materials of the visible operational components of the proposed Facility

12. 19 NYCRR § 900-2.9(a)(10) requires “[a] description of all visual resources that would be affected by the facility.” Please revise the Visually Sensitive Resource (VSR) Table to include the Bowdish Cemetery (09910.000137) and Bowdish-Dean House (09910.000138), which were determined eligible by OPRHP/SHPO in response to the Historic Resources Survey.

Response: Bowdish Cemetery (VSR ID # 41) was originally classified as a Resources Identified during Visual Outreach category. Based upon the New York State Office of Parks, Recreation, and Historic Preservation (NYSHP) determinations (see Exhibit 9 for additional information), this resource has been re-categorized as a State/National Register of Historic Places (S/NRHP) resource. Bowdish-Dean Residence (VSR ID # 45) has been added to the Visually Sensitive Resource (VSR) inventory. Attachment A, Attachment C, and all sections of the VIA pertaining to VSRs have been revised based upon the re-categorization and addition of these resources.

13. 19 NYCRR § 900-2.9(b)(3) requires “[t]he viewshed mapping ...to determine the potential visibility from viewpoints to be analyzed... and locations of viewer groups in the vicinity of the facility...” Please revise Visual Impact Analysis (VIA) Table 5.2-1, the narrative discussion of Viewpoints (VPs) in Section 5.2.2, and any related sections to ensure that the Tourists/Recreational Users group is represented in the photosimulations and related analysis, including post-construction analysis consistent with 19 NYCRR § 900-2.9(c)(1).

Response: The viewer/user group descriptions and exposure analysis in Section 3.3. and viewpoint selection discussion in Section 4.2-1 of the revised VIA have been updated to provide additional information related to Tourist/Recreational users. Figure 4.2-1 of the VIA has been updated to better illustrate the distribution of potential visibility to identified viewer/users within the study area.

14. 19 NYCRR § 900-2.9(b)(4)(iii) requires consideration of the “[l]evel of viewer exposure (i.e., frequency of viewers or relative numbers, including residential areas, or high-volume roadways).” Please provide additional discussion in VIA Section 3.4.3 of the likely travel routes utilized by Tourists/Recreational Users to access the Women’s Rights National Historic Park and regional attractions.

Response: Section 5.2.2 of the revised VIA was updated to discuss routes that will most frequently be taken by travelers when visiting the Women’s Rights National Historic Park and the potential visual effects associated with the Facility for these through-travelers.

15. Pursuant to 19 NYCRR § 900-2.9(d) a “Visual Impacts Minimization and Mitigation Plan [VIMMP] shall include proposed minimization and mitigation alternatives based on an assessment of mitigation strategies, including screening (landscaping), architectural design, visual offsets, relocation or rearranging facility components, reduction of facility component profiles, alternative technologies, facility color and design, lighting options for work areas and safety requirements...” Please provide discussions of all available minimization and mitigation techniques; iterative design changes implemented to minimize and mitigate visual impacts; discussion of offsets; design changes made to enhance the experience of Tourists/Recreational Users group; and discussion of any changes that were made to bring mitigation plans into compliance with applicable local laws.

Response: Appendix 8-B (Visual Impact Minimization and Mitigation Plan [VIMMP]) – Revision 1 has been updated to include additional discussion of the siting, design, and mitigation measures that have been proposed or considered to reduce visual impacts of the proposed Facility. The Conceptual Landscape Mitigation Plan – Revision 1 (Attachment A), and Glare Analysis Report – Revision 1 (Attachment C) have also been updated and are included in Appendix 8-B (VIMMP) – Revision 1.

16. 19 NYCRR § 900-2.9(d)(3) states that “[e]lectric collection and transmission facilities design shall specify use of either wood poles or steel pole structures...” Please revise the VIMMP to demonstrate compliance with this requirement.

Response: Appendix 8-B (VIMMP) – Revision 1 has been revised to clarify that the use of wood or steel pole structures have been proposed for the electric collection and transmission facilities.

17. 19 NYCRR § 900-2.9(d)(8) requires “[p]lanting plans which shall include the facility substation; energy storage structures; and the POI [Point of Interconnection] Switchyard; and for components of solar generating facilities as appropriate to facility setting.” Please address the following:

- a) Provide revised conceptual planting plans to reflect enhanced screen plantings in sensitive areas, including but not limited to VP 41, VP 42, and VSR 33; and at a minimum, updated 5-7 yr. post construction photosimulations for these VPs.

Response: The conceptual planting plan has been updated to improve the effectiveness of the plantings in screening/softening views of the Facility from certain areas (see Attachment A – Revision 1 of the VIMMP).

These changes include shifting the locations of the proposed plantings closer to the perimeter fence line along Ninefoot Road to increase the effectiveness of the plantings in views from the roadway and

from Quaker Cemetery (VSR ID # 39). To illustrate this proposed change, updated photosimulations from Viewpoint 41 were prepared and are included in Attachment H of the revised VIA.

Additional plantings (mitigation module 4) are proposed along the perimeter of the Farmstead at 1067 Route 96 (VSR ID # 33). This module was selected to maintain the agricultural context of the resource, consistent with recommendations from NYSHPO for other S/NRHP-eligible resources within the study area and similar agricultural settings. These plantings would not be visible from Viewpoint 13 and therefore updated photosimulations from this viewpoint were not prepared. However, it is expected that these additional plantings would provide some increased softening of the views of the Facility from ground-level vantage points within this resource and along State Route 96.

Increased density planting and/or shifts to the position of the mitigation plantings were considered for views from Hubbard Cemetery (VSR ID # 38), as represented in the photosimulation from Viewpoint 42. However, increased density or shifts to plant positions are unlikely to significantly increase screening or softening of views of the Facility from the cemetery. As discussed in the revised Visual Impact Minimization and Mitigation Plan (Appendix 8-B – Revision 1), the Applicant will complete a Cultural Resources Avoidance Minimization and Mitigation Plan (CRAMMP) as part of the Pre-Construction Compliance Filings, which may include offset measures for above ground historic resources.

- b) Provide a discussion quantifying the use of each of the four planting modules, describing how locations were selected for each module, and analyzing the effectiveness of the mitigation.

Response: The conceptual planting plan (Attachment A of the revised VIMMP [Appendix 8-B] – Revision 1) has been updated to provide additional information on design intent and selection of locations for each planting module and the linear feet for each proposed module. The effectiveness of the plantings in screening/softening views of the Facility is evaluated as part of the visual contrast rating that is described in Section 5.2.1 of the revised VIA.

- 18. 19 NYCRR § 900-2.9(d)(9)(ii) requires “[p]lan and profile figures to demonstrate the lighting area needs and proposed lighting arrangement and illumination levels to provide safe working conditions at the collection substation site, and any exterior equipment storage yards or other locations.”

- a) Please revise elevation drawings 601-06-B, and 701-06-B to depict the locations of lighting fixtures.

Response: Sheets 601-06 and 701-06 of Appendix 5-B have been revised to depict the locations of lighting fixtures.

- b) It is unclear whether an O&M building is proposed. If so, please depict the locations of lighting fixtures and provide an illumination simulation depicting lighting levels, lighting fixture schedule, and associated materials; provide manufacturers cut sheets as appropriate.

Response: No O&M building is currently proposed. The proposed storage trailer, which is located near the collection substation and POI substation, is shown in the lighting plan (sheet 710-01 of Appendix 5-B). As indicated in this plan, no light fixture is proposed to be mounted on the storage trailer.

- 19. 19 NYCRR § 900-2.9(d)(9)(iii)(a) requires the use of “...task lighting as appropriate to perform specific tasks; limiting the maximum total outdoor lighting output based on the lowest allowable OSHA limits;

task lighting fixtures shall be designed to be placed at the lowest practical height and directed to the ground and/or work areas to avoid being cast skyward or over long distances, incorporate shields and/or louvers where practicable, and capable of manual or auto-shut off switch activation rather than motion detection." Please update the series 600 electrical design drawings to be consistent with the details as presented in Appendix 6-A: SSP, Section 7.0.

Response: No O&M building is currently proposed. A storage trailer will be located near the collection substation and POI substation which is shown in the lighting plan (sheet 710-01 of Appendix 5-B). The Site Security Plan has been updated to clarify that permanent security lighting will be limited to the collection substation.

Exhibit 9 – Cultural Resources

20. 19 NYCRR § 900-2.10(a)(1) requires "[a] summary of the nature of the probable impact on any archeological/cultural resources identified, addressing how those impacts shall be avoided or minimized." Please address the following:

- a) OPRHP/SHPO requested additional information to assess the Facility's visual impacts on cultural resources on January 29, 2024, and an Archaeological Avoidance Plan on February 2, 2024. Once the OPRHP/SHPO and Indian Nation review of this additional information is complete, please update all applicable exhibits and appendices to reflect the result of this consultation and the Applicant's proposed measures to avoid, minimize, or mitigate potential impacts to cultural resources.

Response: Exhibit 9 and Appendix 9-A have been updated following OPRHP/SHPO and Indian Nation review. The OPRHP/SHPO concurred with the Archaeological Avoidance Plan on March 25, 2024. On February 26, 2024, Chief Sam George of the Cayuga Nation acknowledged receipt of the Plan. On March 13, 2024, Dr. Joseph Stahlman of the Seneca Nation of Indians stated that the Nation had no comments on the Plan. On March 14, 2024, Mr. Clint Halftown of the Cayuga Nation stated that the Nation does not object to the Project. A response was not received from the Tonawanda Seneca Nation. Under this Plan, all sites with unevaluated eligibility for inclusion in the State/National Register of Historic Places will be avoided by significant ground disturbance.

In review correspondence dated April 12, 2024, OPRHP/SHPO determined that the Facility will have an Adverse Impact on historic resources, and requested development of a mitigation plan that outlines proposed projects and funding to offset these impacts, which is currently under development. In addition, the April 12, 2024 correspondence included a request to remove vegetative buffers from locations adjacent to two historic properties. Following a meeting between OPRHP/SHPO and ORES, OPRHP/SHPO followed up on May 24, 2024 clarifying that removal of the vegetative buffer was no longer necessary. Exhibit 9 has been updated to reflect these comments, and the April 12, 2024 and May 24, 2024 correspondence is included in the updated Appendix 9-A.

- b) Please provide an OPRHP/SHPO final Effect Finding for archaeological and historic resources once consultation with OPRHP/SHPO is complete, and update Appendix 9-A: Cultural Resources Correspondence, and other exhibits accordingly.

Response: Exhibit 9 and Appendix 9-A have been updated following OPRHP/SHPO and Indian Nation review. On March 25, 2024, the OPRHP/SHPO concurred with the Archaeological Avoidance Plan that all sites are avoided by significant ground disturbance. A Supplemental Phase IB Archaeological Survey was conducted in June 2024 to support the relocation of the collection substation and POI and a report was submitted to OPRHP/SHPO on July 24, 2024. No additional cultural material or archaeological sites were identified during the supplemental archaeological survey and no changes to the Facility layout near archaeological sites have occurred. As such, on August 14, 2024, the OPRHP/SHPO concurred with the report recommendation that no additional archaeological investigation is warranted (see Appendix 9-A).

In review correspondence dated April 12, 2024, OPRHP/SHPO determined that the Facility will have an Adverse Impact on historic resources, and requested development of a mitigation plan that outlines proposed projects and funding to offset these impacts. That plan is currently under development. In addition, the April 12, 2024 correspondence included a request to remove vegetative buffers from locations adjacent to two historic properties. Following a meeting between OPRHP/SHPO and ORES, OPRHP/SHPO followed up on May 24, 2024 clarifying that removal of the vegetative buffer was no longer necessary. The April 12, 2024 and May 24, 2024 correspondence is included in the updated Appendix 9-A.

Exhibit 11 – Terrestrial Ecology

21. 19 NYCRR § 900-2.12(a) requires “[a]n identification and description of the type of plant communities present on the facility site, and adjacent properties within one hundred (100) feet of areas to be disturbed by construction ... based upon field observations and data collection.” Please update Exhibit 11(a) to address rare ecological communities present on the Facility site, specifically the Rich Mesophytic Forest which is characterized by the New York Natural Heritage Program (NYNHP) as “Imperiled or Vulnerable” (State Conservation Status Rank S2S3).

Response: Exhibit 11(a)(2) has been revised to include a description of the state conservation rank status of the rich mesophytic forest community.

22. 19 NYCRR § 900-2.12(c) requires “[a]n identification and evaluation of avoidance measures or, where impacts are unavoidable, minimization measures, including the use of alternative technologies, regarding vegetation impacts identified.” Please update Exhibit 11(c) to discuss measures to avoid or minimize impacts to vulnerable vegetative communities, specifically to the Rich Mesophytic Forest.

Response: Exhibit 11(c) has been revised to discuss measures taken to avoid or minimize impacts to vulnerable vegetative communities, particularly the rich mesophytic forest.

Exhibit 12 – NYS Threatened or Endangered Species

23. 19 NYCRR § 900-2.13(d) requires “...an identification and evaluation of avoidance and minimization measures incorporated into the facility design, as well as any unavoidable potential impacts to NYS threatened or endangered species or species of special concern.” The Applicant’s wintering raptor surveys and the Office’s Determination of Occupied Habitat, Incidental Take and Net Conservation Benefit dated August 30, 2023, confirm the presence of forest raptor Species of Special Concern present

at the proposed Facility site. Please update Exhibit 12 to evaluate tree clearing time-of-year restrictions and other appropriate measures to avoid or minimize breeding impacts to forest raptors during construction.

Response: As detailed in Appendix 12-D of the Siting Permit Application, three forest raptor species of special concern were observed during on-site winter raptor surveys between the dates of December 12, 2022, and April 7, 2023. However, no probable breeding behaviors, confirmed breeding behaviors, or nests were identified for these species during the winter raptor surveys. In addition, these species were not observed during on-site breeding bird surveys conducted in 2022 (refer to Appendix 12-C of the Siting Permit Application). Therefore, the pre-construction avian studies did not suggest that forest raptor species of special concern were breeding within the Facility Site. Moreover, even if these species do breed within the Facility Site, tree clearing as part of Facility construction will occur between November 1 and March 31 to the extent practicable to avoid potential impacts to bat species. This will also serve to avoid and/or minimize impacts to forest raptor species of special concern that may use the Facility Site for breeding. Furthermore, as identified in Exhibit 12 of the Siting Permit Application, some Facility components will be constructed in open areas (where tree clearing is not necessary), Facility electrical collection lines will be installed underground, and linear Facility components will be co-located where possible to reduce impacts to forestland. The total amount of tree clearing for the Facility has also been minimized. Finally, the Applicant will also hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting permit requirements throughout construction of the Facility. These other measures will also serve to avoid and/or minimize impacts to forest raptor species of special concern.

Exhibit 13 – Water Resources & Aquatic Ecology

24. 19 NYCRR § 900-2.14(c)(1) requires “[a] Stormwater Pollution Prevention Plan (SWPPP) for the collection and management of stormwater discharges from the facility site during construction.” Please update Appendix 13-C: SWPPP to provide a complete preliminary SWPPP that uses site-specific information to demonstrate compliance with the State Pollution Discharge Elimination System (SPDES) General Permit, including: adequate controls for construction stormwater quality and quantity; post-construction stormwater management provisions; and discussion of the Facility’s conformance to the 2018 NYSDEC memorandum “Solar Panel Construction Stormwater Permitting/ SWPPP Guidance” as appropriate.

Response: Appendix 13-C – Revision 1 (SWPPP) has been updated with additional site-specific details in Appendix H of the SWPPP to demonstrate compliance with the SPDES General Permit and NYSDEC’s 2018 SWPPP Guidance.

Exhibit 16 – Effects on Transportation

25. 19 NYCRR § 900-2.17(c)(1) requires “[f]or each major phase of construction... an estimate of the number and frequency of vehicle trips, including an estimation of daily trips...” Please revise Exhibit 16, Table 16-6 to include the required estimate of trip characteristics associated with construction of the collection and POI substations. Such estimates should be consistent with the information presented in Table 16-5.

Response: Exhibit 16, including Table 16-1, has been updated to provide the requested information.

Exhibit 17 – Consistency with Energy Planning Objectives

26. 19 NYCRR § 900-2.18(d) requires “[a] description of the impact the facility would have on regional requirements for capacity.” Please supplement the narrative to provide a detailed description of the Facility’s impact on regional requirements for capacity including specific reference to where this information may be found in Exhibit 21, and incorporate referenced information into this section as appropriate.

Response: Exhibit 17 has been updated to include a cross reference to Exhibit 21 discussing the results of the System Reliability Impact Study, including discussion regarding the Facility’s impact on regional capacity requirements.

27. 19 NYCRR § 900-2.18(g) requires “[a] statement of the reasons why the facility will promote public health and welfare, including minimizing the public health and environmental impacts related to climate change.” Please update Exhibit 17 to provide a detailed discussion of the Facility’s projected offset of carbon dioxide and associated greenhouse gas emissions generated by traditional energy sources. Please describe specific calculations and assumptions for expected power generation, capacity factor, and emissions factor/rate associated with the offset greenhouse gas emissions. Please include citations to established criteria supporting these calculations and assumptions and provide cross references to Exhibit 6, exhibit as applicable.

Response: Exhibit 17, Section (g) has been updated to reflect the requested information.

Exhibit 18 – Socioeconomic Effects

28. 19 NYCRR § 900-2.19(g) requires “[f]or each jurisdiction, a description of the host community benefits to be provided, including... payments to be made pursuant to a host community agreement or other project agreed to with the host community.” Please describe the proposed payments to be made consistent with the Host Community Agreements for the Towns of Junius and Waterloo.

Response: Exhibit 18 and Appendix 8-A, the Economic Impact and Land Use Analysis, have been updated to provide the requested information.

Exhibit 20 – Effect on Communications

29. 19 NYCRR § 900-2.21(d)(2) requires “[a] statement describing the anticipated effects of the facility and the electric interconnection... including the potential for... [s]tructures to block necessary lines-of-sight.” Please supplement the narrative with additional details including the heights of Facility structures at the collection substation and POI switchyard and the potential for any structures to block necessary communication lines-of-sight.

Response: Exhibit 20 Section (d)(2) has been updated to include the requested information.

Exhibit 21 – Electric System and Interconnection

30. 19 NYCRR § 900-2.22(a)(2) requires “[a] detailed description of ... [t]he type, size, number, and materials of conductors.” Please supplement the narrative to provide a detailed description of the 115 kV

underground cable from the POI switchyard to the transmission line-tap including, but not limited to, the cable type, size, number, and materials of conductors.

Response: The Facility layout being revised to move the POI substation north of the transmission line corridor (i.e., on the same side as the existing National Grid transmission line being tapped into), therefore no longer requires the Facility to utilize a 115 kV underground cable from the POI substation to the transmission line-tap. As a result, this comment is no longer applicable. Exhibit 21 Section (a)(2) has been updated to reflect that an overhead transmission line will be constructed between the POI substation and the line-tap.

31. 19 NYCRR § 900-2.22(a)(4) requires “[a] detailed description of ... [t]he length of the transmission line.” Please supplement the narrative to include the length of the overhead line between the collection substation and POI switchyard.

Response: Exhibit 21 Section (a)(4) has been updated to provide the requested information.

32. 19 NYCRR § 900-2.22(a)(7) requires “[f]or underground construction, the type of cable system to be used and the design standards for that system.” Please supplement the narrative to provide a detailed discussion of the 115 kV underground transmission interconnection cable system and design standards, including without limitation, installation method, trench type, support systems, terminations, grounding, and field test requirements. Additionally, please include any information regarding underground cable installation and crossing requirements provided by National Grid and/or New York State Electric and Gas (NYSEG).

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer needed and has been replaced in the Facility design with an overhead transmission line. As a result, this comment is no longer applicable.

33. 19 NYCRR § 900-2.22(a)(8) requires “[f]or underground construction, [to] indicate on a profile of the line the depth of the cable and the location of any oil pumping stations and manholes.” Please address the following:

- a) For the 115 kV underground transmission interconnection, please provide a profile of the line indicating the depth of cable and any other applicable details and provide a narrative discussion in Exhibit 21(a)(8).

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer planned; as a result, this comment is no longer applicable.

- b) For the 34.5 kV collection system, please clearly specify the proposed depth of the collection cables differentiated by land use (e.g., agricultural, pasture lands, etc.).

Response: Exhibit 21 Section (a)(8) has been updated to provide the requested information.

34. 19 NYCRR § 900-2.22(a)(11) requires “[a] detailed description of... [t]he need for cathodic protection measures.” With respect to the presence of metallic pipelines present within the Facility site, please supplement the narrative to include additional details regarding the presence of existing natural gas, gas transmission, and petroleum product pipelines within the Facility area, including discussion of any

consultation with pipeline owners/operators regarding crossing methods and any need for cathodic protection measures.

Response: Exhibit 21 Section (a)(11) has been revised to clarify the lack of need for cathodic protection measures.

Exhibit 22 – Electric and Magnetic Fields

35. 19 NYCRR § 900-2.23(a) requires identification of "...every ROW segment having unique electric and magnetic field (EMF) characteristics..." Please clarify whether the underground 115 kV line segment has been evaluated as a unique ROW segment.

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer planned; as a result, this comment is no longer applicable.

36. 19 NYCRR § 900-2.23(b) requires the Applicant, "[f]or each identified ROW segment, [to] provide both 'base case' and 'proposed' cross-sections to scale..." Please address the following:

a) Clarify the difference in structure height dimensions between Drawing 901: 115kV Interconnection Riser Pole Plan and Elevation Views and Figures 22A-2 and 22A-3 in Appendix 22-A: EMF Study.

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer planned; as a result, this comment is no longer applicable.

b) Please clarify the cable/conductor proposed for the underground 115 kV segment.

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer planned; as a result, this comment is no longer applicable.

37. 19 NYCRR § 900-2.23(c)(2) requires a "[a] set of aerial photos /drawings enhanced by showing the exact location of each...[c]ross-section." Please update Figure 22A-1 in Appendix 22-A: EMF Study by clearly labeling each cross-section where EMF was evaluated or include additional figures as required.

Response: Appendix 22-A, Electric and Magnetic Field Study, Figure 22A-1 has been updated to provide the requested information.

38. 19 NYCRR § 900-2.23(d) requires "[a]n EMF study with calculation tables and field strength graphs for each identified ROW segment cross-section..." Please address the following:

a) Please supplement the narrative to clearly describe the scenarios for each EMF study case, including but not limited to consideration for the current on the National Grid transmission line (loop-in path) plus rated generation from the Facility (loop-out path).

Response: Appendix 22-A, Electric and Magnetic Field Study, has been updated to reflect the requested information.

b) Please supplement the study to assess the EMF for the underground 115 kV cable circuits (loop-in and loop-out) segment(s).

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer planned; as a result, this comment is no longer applicable.

- c) Please describe the EMF impacts where the underground 115 kV cables cross beneath the existing transmission line(s) ROW.

Response: As noted previously, due to the revised Facility layout, a 115 kV underground transmission interconnection is no longer planned; as a result, this comment is no longer applicable.

- d) Please clearly describe the worst-case scenario for EMF from the different scenarios analyzed.

Response: Appendix 22-A, Electric and Magnetic Field Study, has been updated to reflect the requested information.

- e) Please explain the ampacity assessed for the EMF evaluation and whether this ampacity relates to a maximum conductor rating of the existing National Grid line, or otherwise. Please ensure the ampacity correctly reflects the selected underground cable type and installed conditions.

Response: Appendix 22-A, Electric and Magnetic Field Study, has been updated to provide the requested information about conductor ratings. A 115 kV underground transmission interconnection is no longer planned for this Facility.

- f) The headers, units, and output data in the "Section Data for 3D EMF Results" are distorted. Please remedy the formatting of the output data to allow for clear comprehension of the data.

Response: Appendix 22-A, Electric and Magnetic Field Study, output data format has been updated as requested.

- g) The magnetic field data graphs provided in the output data cannot be interpreted as presented. Please address the formatting to provide a clear and interpretable depiction of the magnetic field output results.

Response: Appendix 22-A, Electric and Magnetic Field Study, output data format has been updated as requested.

39. 19 NYCRR § 900-2.23(d)(4) requires "[a]n EMF study with calculation tables and field strength graphs for each identified ROW segment cross-section... model[ing] the circuit phase currents equal to the summer normal, summer short term emergency (STE sum), winter-normal, and winter short term emergency (STE win) loading conditions..." Exhibit 22, page 2 states "[t]here is no expected change in amperage under any of the following transmission line loading conditions: summer normal, summer short term emergency, winter normal, and winter short term emergency." Please describe in detail why there is no expected change in amperage under the described conditions for the current flow on the existing National Grid transmission line combined with output from the Facility.

Response: Appendix 22-A, Electric and Magnetic Field Study, has been updated as requested.

Exhibit 23 – Site Restoration and Decommissioning

40. 19 NYCRR § 900-2.24(a)(5) requires a "... Decommissioning and Site Restoration Plan..." that addresses "[p]otential future uses for the site."

- a) Exhibit 23, page 2 states that "[a]gricultural lands used for the Facility will be returned to their former state where suitable conditions exist" and that agricultural areas will be returned to pre-

construction condition "...to the maximum extent practicable..." Please supplement Exhibit 23 to explain these statements in greater detail, define "suitable," and otherwise demonstrate compliance with the decommissioning and site restoration requirements of 19 NYCRR Part 900.

Response: Exhibit 23 has been revised to clarify that following decommissioning, agricultural lands used for the Facility will be restored consistent with requirements in 16 NYCRR Section 1100-6.6(a), allowing for a return to their previous agricultural use, depending upon the intentions of the landowners.

- b) Appendix 23-A: Site Restoration and Decommissioning Plan, page 5 states "[p]otential exceptions to removal of Facility components may include... driveways, operational areas, fencing and gates, visual screening, and substation/switching gear buildings...located on private property...if the property owner requests in writing to the Applicant for such to remain...as may be allowed by federal, state, and local laws at the time of decommissioning." This provision does not appear to be consistent with Exhibit 15 and the New York State Agriculture and Markets (NYSAGM) Guidelines. Please revise all relevant exhibits to demonstrate compliance with the NYSAGM Guidelines regarding decommissioning in consideration of the Facility's permanent and temporary impacts to agriculture, as outlined in Exhibit 15. Please revise the narrative to indicate that all Facility components on agricultural land will be removed or revise the permanent impact calculations to account for these potential permanent impacts.

Response: Appendix 23-A has been revised to indicate that only the POI substation and associated infrastructure, which will not be owned by the Applicant at the time of decommissioning, shall remain and not be decommissioned. Although not anticipated at this time, the only potential exceptions to the removal of Facility components may include access roads or driveways that are located on private property if requested in writing by the property owner, and allowed for by federal, state, and local laws.

- c) A decommissioning period of 12 months followed by 6 months for site restoration is proposed. The Office is assessing the Applicant's proposed request for relief from Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(3)(h)(1). Please provide a timeline of activities to support this proposed decommissioning schedule.

Response: Appendix 23-A, the Site Restoration and Decommissioning Plan, provides a decommissioning schedule in Section 2.8. In addition, the Plan has been updated to include a Decommissioning Timeline Schedule in Appendix A that details the decommissioning and restoration schedules for the Towns of Junius and Waterloo.

41. 19 NYCRR § 900-2.24(c) requires "[a] gross and net decommissioning and site restoration estimate..."

- a) Appendix 23-A: Site Restoration and Decommissioning Plan, page 11 states that "[d]ecommissioning, site restoration, and material recovery costs were completed by an ECT staff decommissioning expert... who used criteria including recent actuals, wage rates, transportation costs and fees, local disposal and recycling rates, and equipment rates." Please revise Tables 2 and 3 or provide additional line items such that all logic used to calculate a "lump sum" or "each" unit is clear. Specifically, the units of measurement for each aforementioned criteria should be presented

(i.e., unit of measurement for wage rate might be \$ per crew member per hour worked) and the calculations organized such that a line includes, at a minimum, a unit cost, corresponding quantity, and line subtotal.

Response: Tables 2 and 3 of Appendix 23-A, the Site Restoration and Decommissioning Plan, have been revised to clarify units of measurement and calculations, and to remove "lump sum" and "each" units.

- b) Please verify that costs for engineering, environmental monitoring, and agricultural monitoring are included in the decommissioning cost estimate. Note that it is acceptable for such overhead costs to be lumped into a single line item, but all the assumptions associated with the line item should be clearly cited.

Response: Tables 2 and 3 of Appendix 23-A have been revised to provide the requested information.

- c) Consistent with the Applicant's request for relief from the Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(3)(h), please supplement Tables 2 and 3 and Appendix 23-A: Site Restoration and Decommissioning Plan to provide column(s) showing unit removal, transportation, and salvage quantities that allow for cross-checking salvage values. For instance, Table 2 shows a lump sum for all fence related activity and a description that 71,630 lineal feet of fence will be removed, transported, and disposed. On the following page, Table 3 expresses salvaged fence only in "Tons". Please provide an assumed tons per lineal foot of fencing and clearly cite the salvage data source. References in Exhibit 24 should be revised to reflect any changes made.

Response: Notes have been added to Tables 2 and 3 of Appendix 23-A providing the requested information.

- d) Please provide salvage values in standard units of pay, provide the actual reference data used in calculations, and ensure calculation units match the source data units wherever applicable. For example, the data source is not clear with regards to the statement "[r]ecycle panel and panel frame components (aluminum). Line item includes recycle of storage trailer material (aluminum)."

Response: Tables 2 and 3 of Appendix 23-A have been revised to provide the requested information.

- e) Regarding the line item accounting for a credit due to extracted aluminum, please clarify if labor costs required to remove trim from the modules have been accounted for.

Response: Tables 2 and 3 of Appendix 23-A have been revised to break out labor costs from the costs of materials and specific assumptions are provided in the General Summary of Costs and Units note related to aluminum labor recovery from modules

- f) Please update Exhibit 23 to include calculations allocating the project decommissioning estimate between towns based on the estimated cost of removal and restoration of the Facility in each town. The pro-rata quantity for each component should be clearly indicated.

Response: Appendix 23-A has been revised such that Table 2 provides the Estimated Gross Decommissioning, Restoration and Contingency Costs for the Town of Junius, and Table 3 provides the Estimated Gross Decommissioning, Restoration and Contingency Costs for the Town of Waterloo.

Table 4 is a summary of Estimated Costs, Restoration and Contingency Activities for each town separately and for both towns combined.

- g) Please verify all cost estimate assumptions against what is proposed on the Exhibit 5 drawings. For example, two types of fence are proposed: an agricultural style fence and a chain link fence with barbed wire. Most of the facility fence consists of agricultural style fence (woven wire fence with timber supports).

Response: Appendix 23-A has been revised to account for both chain link fence and agricultural fence.

- h) Appendix 23-A: Site Restoration and Decommissioning Plan, page 2 states “[c]onsistent with the Town of Waterloo’s local law requirements applicable to financial security, the Applicant will establish financial security for the Town of Waterloo in the form of a performance surety bond.” This statement appears to conflict with statements in Exhibit 24 and Page 5 of Exhibit 23. Please review and revise, as applicable, all exhibits to ensure that statements regarding the form and process of obtaining decommissioning and restoration security(s) are consistent with any relief sought from applicable local laws.

Response: Exhibit 23, Section (c) has been revised to clarify that financial security for the Town of Waterloo will be in the form of a surety bond, consistent with Table 23-1 of Exhibit 23, Appendix 23-A, and Exhibit 24.

Exhibit 24 – Local Laws and Ordinances

42. 19 NYCRR § 900-2.25(a) requires “a statement that the location of the facility as proposed conforms to all such local substantive requirements, except any that the applicant requests that the Office elect not to apply.” Exhibit 24, page 2 states “[t]he Applicant has designed the Facility in conformance with all local substantive requirements, to the extent practicable, except for those substantive requirements identified in Section (c)....” (emphasis added). Please revise Exhibit 24 to remove the phrase “to the extent practicable” from this statement.

Response: Exhibit 24 Section (a) has been updated to remove the phrase “to the extent practicable”, as requested.

43. 19 NYCRR § 900-2.25(a) requires “[a] list of all local ordinances, laws, resolutions...” and “[c]opies of zoning, flood plain and similar maps...” Exhibit 6, page 9 states that “[p]ortions of Federal Emergency Management Agency mapped 100-year floodplains were documented within the Facility Site.” Please provide copies of the flood maps and Town of Waterloo Town Code Chapter 78 Flood Damage Prevention that are referenced in Exhibit 24 (f). Further, please clarify the applicability of Town of Waterloo Town Code Chapter 135 Zoning § 135-7.C(2).

Response: Exhibit 6 was revised to clarify that no special flood hazard areas (100-year flood zones) are documented within the Facility Site. Exhibit 24 Section (f) has been updated to provide a statement as to the applicability of Town of Waterloo Town Code Chapter 135 § 135-7.C(2). Appendix 24-D has been added to include the Town of Waterloo Town Code Chapter 78, Flood Damage Prevention, and to provide Flood Insurance Rate Maps for the area including the Facility Site.

44. 19 NYCRR § 900-2.25(c) requires “[a] list of all local substantive requirements... for which the applicant requests that the Office elect to not apply to the facility. ...For each local substantive requirement identified by the applicant, a statement justifying the request shall be provided. The statement of justification shall show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable...”

a) Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(3)(h)(1) - 6 Month Abandonment Timeframe:

- i. Regarding the degree of the burden, please provide additional explanation for the statement on page 10 of Exhibit 24 that “many of the conditions or factors contributing to a Facility’s inability to operate/generate electricity for a given length of time are outside of the Applicant’s ability to control.”
- ii. Regarding whether the request is the minimum necessary, please clarify whether the relief request to allow for a 12-month abandonment time frame is intended to also include the two enumerated contingencies and, if so, please provide additional discussion regarding their necessity.

Response: Exhibit 24 Section (c) has been revised to include additional information regarding the Applicant’s request that the 6 month abandonment timeframe not be applied.

b) Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(3)(h)(1) – 30-day Decommissioning & Site Restoration Timeframe:

- i. Regarding the degree of burden, please provide additional explanation for the statement on page 11 of Exhibit 24 that the 30-day time period is “...technically impossible to achieve.”
- ii. Regarding whether the request is the minimum necessary, please provide additional explanation for the statement on page 12 of Exhibit 24 that the “request is the minimum necessary to ensure that the Facility decommissioning and site restoration schedule is feasible” and clarify whether the relief requested is limited to a specific amount of time.

Response: Exhibit 24 Section (c) has been revised to include additional information supporting the degree of burden imposed by a 30-day decommissioning time frame, as well as the amount of time being requested and why it is the minimum necessary.

c) Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(3)(h)(4):

- i. Regarding the degree of burden, please provide an estimated cost comparison of the Town’s requirements versus the cost of security under the Office’s regulatory requirements.

Response: The Applicant has updated Exhibit 24 to include the requested information.

d) Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(4)(a) – Setbacks:

- i. Please revise the statement of justification (including the five required supporting elements) to specifically address the extent of relief requested for collection lines proposed to be located within each type of setback as set forth in Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(4)(a).

Response: The Applicant has updated Exhibit 24 to address the extent of relief requested for collection lines.

- ii. Please include discussion of how the Applicant's iterative siting process resulted in the current proposed layout and need for requested relief.

Response: The discussion of Chapter 134 Solar Energy Systems § 134.6.B(4)(a) at Exhibit 24 Section (c) has been updated to elaborate on how an iterative siting process to avoid sensitive resources resulted in the current proposed layout, which was reduced from the original design.

45. 18 NYCRR § 900-2.25(d) requires "[a] summary table of all local substantive requirements... and a discussion or other showing demonstrating the degree of compliance with the substantive provisions..."

- a) Regarding the degree of compliance with Town of Waterloo Town Code Chapter 134 Solar Energy Systems § 134.6.B(4)(c), please add the parcel area to the table provided in Appendix 24-C: Facility Parcel Lot Coverage Table.

Response: Appendix 24-C has been updated to include the requested information.

- b) With regard to the degree of compliance with Town of Waterloo Town Code Chapter 79 Site Plan Review and Approval Law § 79-5.D, please provide the tax parcel by parcel breakdown for the total area of constructed impermeable surfaces.

Response: Table 24-1 of Exhibit 24 and Appendix 24-C have been updated to include the requested information.

Attachment B: Spatial Data

Please provide a complete file geodatabase (FGDB) and updated index of GIS data sources containing all project GIS data, including but not limited to any exhibit with new or modified spatial data. Data should be organized by individual feature datasets for each exhibit. Office staff will consider all feature layers contained within the most recently submitted FGDB to be the authoritative data for the Facility. Without limitation, please provide spatial data and any applicable source references as described below:

19 NYCRR Reference	Requested Spatial Data
§ 900-2.4(u)(2)	Please provide spatial data depicting the proposed setbacks from oil and gas wells.
§ 900-2.6(f)(1)(i)	Please provide spatial data layer(s) depicting where and what kind of landscaping improvements will be made.
§ 900-2.16(a)(8)	Please provide spatial data showing temporary and/or permanent agricultural impacts within the proposed Facility footprint, with an attribute table indicating the impact activity and impact acreage.
§ 900-2.17(c)(3)	Please provide spatial data for approach and departure routes for construction traffic, including workers and employees and all haul routes.
§ 900-2.25(a)	Please provide layers for items depicted on Figure 24-1.

Response: A complete file geodatabase (FGDB) and updated index of GIS data sources, as requested, is provided.

Proposed Application Amendments to Support Facility Redesign

Exhibit 2: Overview and Public Involvement

- *Exhibit 2, Figure 2-2, and Figure 2-3 have been updated to reflect the changes in the location and configuration of the collection substation and POI substation. In addition, Appendix 2-B, the Record of Activity, has been updated to reflect NYSHPO correspondence since original application filing. It has also been updated to reflect coordination between the Applicant and National Grid related to the relocation of the collection substation and POI substation, as well as the 3-day Notice of Intent to File an Amended Application.*

Exhibit 3: Location of Facilities and Surrounding Land Use

- *Exhibit 3, Figure 3-1, Figure 3-2, Figure 3-4, Figure 3-5, Figure 3-11, and Figure 3-12 have been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 4: Real Property

- *Exhibit 4, Table 4-1 has been updated to reflect status of landowner agreements with the changes in the location and configuration of the collection substation and POI substation, and Figure 4-1 has been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 5: Design Drawings

- *Appendix 5-A, Civil Design Drawings, and Appendix 5-B, Electrical Design Drawings, have been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 7: Noise and Vibration

- *Exhibit 7 and all relevant sound modeling, figures and appendices have been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 8: Visual Impacts

- *Exhibit 8 and Appendix 8-A, Visual Impact Assessment, Appendix 8-B, Visual Impacts Minimization and Mitigation Plan, and all relevant associated attachments have been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 9: Cultural Resources

- *A Supplemental Phase IB Archaeological Survey Report, Appendix 9-H, was completed to support the changes in the location and configuration of the collection substation and POI substation. Exhibit 9, Appendix 9-A, Cultural Resources Agency/Stakeholder Correspondence, and Appendix 9-G, Unanticipated Discovery Protocol, have been updated to reflect the supplemental Phase IB Survey.*

Exhibit 10: Geology, Seismology, and Soils

- *Exhibit 10 has been updated to remove reference to an "O&M Facility"; Figure 10-1, Figure 10-2, Figure 10-3, and Figure 10-4 have been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 11: Terrestrial Ecology

- *Exhibit 11 has been revised to reflect updated impacts to plant communities resulting from the changes in the location and configuration of the collection substation and POI substation; Figure 11-1 has been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 12: NYS Threatened or Endangered Species

- *Exhibit 12 and Appendix 12-G, the Net Conservation benefit Plan, have been revised to reflect the changes in the location and configuration of the collection substation and POI substation, and associated changes in impacts to occupied habitat and corresponding mitigation.*

Exhibit 13: Water Resources and Aquatic Ecology

- *Exhibit 13 and Figures 13-1 and 3-2 have been revised to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 14: Wetlands

- *Figure 14-1 has been revised to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 15: Agricultural Resources

- *Exhibit 15 has been revised to reflect updated agricultural impacts resulting from the changes in the location and configuration of the collection substation and POI substation; Figure 15-4 and Figure 15-5 have been updated to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 16: Transportation

- *Exhibit 16 and all associated figures have been revised to reflect the changes in the location and configuration of the collection substation and POI substation. Exhibit 16 has also been updated to reflect a revised sight distance analysis associated with a new access road, and Appendix 16-B has been updated to include sight distance photographs associated with the new access road.*

Exhibit 20: Effect on Communications

- *Figure 20-1 has been revised to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 21: Electric System Effects and Interconnection

- *Exhibit 21 has been revised to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 22: Electric and Magnetic Fields

- *Exhibit 22 has been revised to reflect the changes in the location and configuration of the collection substation and POI substation, and a new Electric and Magnetic Field Study, Appendix 22-A, has been completed accordingly.*

Exhibit 23: Site Restoration and Decommissioning

- *Exhibit 23 and Appendix 23-A, Decommissioning and Restoration Plan, have been revised to reflect the changes in the location and configuration of the collection substation and POI substation.*

Exhibit 24: Local Laws and Ordinances

- *Exhibit 24, Figure 24-1, and Appendix 24-C, Facility Parcel Lot Coverage Table, have been revised to reflect the changes in the location and configuration of the collection substation and POI substation.*