

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
1	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	General	NA	1. DPS Staff notes that the case number is not referenced on the Preliminary Scoping Statement (PSS) documents. The case number is essential information and should be included on all correspondence and outreach efforts so it can be easily identified with the specific case.	The case number will be referenced on all future correspondence and Facility-specific documents.
2	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	General	NA	2. In addition to the specific comments on individual Exhibits, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.	The Application will be prepared in accordance with 16 NYCRR §1001, except as modified through the stipulations process.
3	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	General	NA	3. Applicants should provide a matrix during the scoping and stipulations processes cross-referencing where issues, comments, and information required per 16 NYCRR §1001 are addressed in multiple exhibits.	The Applicant intends on providing a preliminary matrix for review by DPS staff during stipulations.
4	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	General	NA	4. GIS shapefiles of the Facility Area, preliminary facilities locations, and related resource information should be provided to DPS Staff for review during the scoping and stipulations processes.	The Applicant will provide shapefiles of the preliminary Facility Area and current land parcels under lease to DPS Staff for review during the scoping and stipulations process.
5	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	General	NA	5. DPS Staff requests that GIS shapefiles of facility component and site locations, property lines, environmental data, visual and cultural resource locations, and related analyses derived from such data and utilized in development of the Application and mapping be provided directly to DPS at the time the Application is filed.	Site-specific environmental studies for the Facility are currently being conducted. GIS shapefiles derived from these studies will be provided to DPS staff. The Applicant intends to provide a preliminary list of shapefiles to DPS staff during stipulations.
6	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.1	General Requirements	1. DPS Staff notes that a toll-free number is mentioned in Section 2.2 but recommends that the toll-free number established for the Project be provided wherever the public contact information is noted throughout the filing, including the public notice.	Comment noted. The toll-free number will be provided throughout the Application as recommended.
7	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.2	Exhibit 2: Overview and Public Involvement	1. The third paragraph in Section (c) states that "[t]he first goal of the PIP is to identify affected stakeholders and other interested parties." This should be revised to say the first step in the PIP Plan process ... " The goal of the PIP Plan 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 as noted in the paragraph above this one.	Comment noted. The description of the goal of the PIP Plan will be revised as suggested in the Article 10 Application.
8	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.3	Exhibit 3: Location of Facilities	1. The list of Facility Location items to be indicated on Topographic Maps at sub-part (a)(1) on page 19 is not comprehensive: for example, the "Facility" may also include an Operations and Maintenance (O&M) Building and extensive perimeter fencing (PSS pg. 2). All Facility components should be indicated on mapping to the extent that drawing scale allows discernment of proposed locations.	Facility components include photovoltaic (PV) solar panels and their rack/support systems; DC and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; the buried and/or overhead AC medium voltage collector circuits; fencing and gates around each array of panels; access roads; temporary laydown/construction support areas; medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a short length of transmission voltage line connecting the substation to a switchyard containing switching gear, associated equipment, and fenced area; a short length of transmission voltage line, with possible support poles to connect to the existing transmission line; and a possible operations and maintenance building with fenced and parking/storage areas. These Facility components will be indicated on mapping in the Application.
9	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	1. The 2-mile radius Study Area includes additional municipalities than the two host municipalities indicated (page 21): the Town of Palatine and the Villages of Ames, Canajoharie, Fort Plain, Nelliston and Palatine Bridge are also located within the 2-mile Study Area. (See PSS Figure 2.)	Comment noted. Existing land uses in these additional municipalities will be included as part of land use mapping within a 2-mile radius of the Facility as described in PSS Section 2.4(a).
10	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	2. Section 2.4(a) – Map of Recreational Areas and Other Sensitive Land Uses Additional categories of land uses that should be identified and addressed in the Application include the following: a. Cemeteries b. Airports c. Private Campgrounds (if applicable)	The recommended additional land uses (Cemeteries, Airports, Private Campgrounds) will be identified and addressed in the Application, providing corresponding datasets are available. The Applicant will work with the Towns to identify the locations of additional recreational areas and other sensitive land uses.
11	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	3. Item 2.4(c) Tax Parcel Map as described does not comport with regulation 1001.4(c) which requires mapping of facility site parcels and also adjoining properties.	Comment noted. Mapping provided in the Article 10 Application will include adjoining properties.
12	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	4. For items 2.4(e), (h), and (i): a. DPS advises that the Erie Canalway National Heritage Corridor includes the Project Area, and the Canal and Canalway Trail are within the 2-mile Study Area. These designations relate to transportation, historic and recreational aspects of the Canalway, and should be addressed in the scope of studies and the Canalway Trail Preservation and Management Plan should be reviewed as appropriate in the Application. DPS recommends that the applicant consult with the National Park Service – Erie Canalway National Heritage Corridor, with offices in Waterford, NY. b. Copies of the Comprehensive Plans for the Town of Canajoharie and the Town of Minden (or links to online sources) should be included in the Application. c. If a draft of the Montgomery County Comprehensive Plan is publicly available at the time of the filing of the Application, a copy of the draft plan (or link to an online source) should be provided, along with a review of the Project's consistency with the draft plan. The Application should include an evaluation of the Facility's consistency with the Montgomery County Draft 2017 Agricultural and Farmland Protection Plan.	The recommended consultations and evaluation of plans will be included in the Article 10 Application.

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13	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	5. For item 2.4(g) DPS is willing to stipulate that designated Coastal Areas and Local Waterfront Revitalization Areas are not located within the Project Study Area.	Comment noted.
14	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	6. Item 2.4(l) states that the Facility Area is not in direct proximity of a designated inland waterway. DPS advises that the Mohawk River, which crosses the Project Study Area, is designated, but the nearest areas with LWRP applicability are at the Cities of Amsterdam and Little Falls, outside of the Project Study Area.	The distance from the Mohawk River to the nearest Facility Area boundary is 0.89 mile (1.43 km), and is therefore not in direct proximity to the Facility Area. However, the Application will list the nearest areas with LWRP applicability for the Mohawk River that are outside of the Study Area.
15	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.4	Exhibit 4: Land Use	7. For Section 2.4(i) - Compatibility of the Facility with Existing and Proposed Land Uses: The Facility Area is traversed by several major electric and gas transmission facilities. These facilities include protection measures such as grounding, cathodic protection, security fencing at terminal facilities, gates to control access, and other features; as well as defined property or easement boundaries. Transmission facilities rights-of-way (ROW) are managed to maintain surface stability, safe clearances, prevent adverse uses and encroachments, as well as assuring facility integrity and public safety. Project land use compatibility assessment must consider operational requirements and future development proposals for these transmission facilities. DPS Staff notes that future upgrades of the Niagara Mohawk Power Corporation 230-kV facilities are under consideration in proceedings before the Public Service Commission.	The Applicant is aware of the 230-kV Porter to Rotterdam electric transmission line that traverses the Facility Area. The preliminary PV panel layout presented in the PSS takes this existing transmission line into account and is compatible with the current rights-of-way (ROW). The Applicant will consult with National Grid to ensure compatibility with the proposed future transmission facility upgrades that are currently under consideration. Please see response 27 for additional detail on coordination with gas transmission representatives.
16	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.5	Exhibit 5: Electric Systems Effects	1. Subsection 2.5 (i) (1) Solar Panels Maintenance and Safety Inspections: The Applicant should state whether and when any Panel support structures will be inspected for their integrity either during the scheduled inspections, stated to occur within a three or six-month interval or during a different interval as appropriate.	Inspections of the Panel support structures will be formally done on an annual basis. Landscape staff (grass-mowing and snow removal) will be trained and asked to perform cursory visual inspections of the Panel support structures during each maintenance event. Such inspections will yield multiple inspections of the Panel support structures throughout each year.
17	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.8	Exhibit 8: Electric System Production Modelling	1. The Applicant should contact DPS Staff (Hebert Joseph at (518) 486- 2460) to discuss the choice of Production Simulation Software, database assumptions, study time period, and other relevant factors related to this section.	The Applicant will contact Mr. Joseph prior to submission of an Application to coordinate the choice of Production Simulation Software and other study assumptions.
18	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.9	Exhibit 9: Alternatives	1. Item 2.9(a): While the Mohawk Solar project has advanced by submittal of the PSS, DPS advises that two solar energy projects exceeding 100 MW have been proposed in initial PIP submittals to the Siting Board, thus the Mohawk project is no longer "the largest utility-scale solar project under consideration by the Siting Board." 2. Additional consideration of alternative location sites is warranted at 2.9(a) and (b), since Mohawk Solar is now owned by Avangrid Renewables, LLC, which owns or is seeking property interests in several other renewable energy projects in New York State.	The Applicant acknowledges Staff's comment that the Mohawk Solar project is no longer "the largest" solar power project under consideration by the Siting Board. However, the Applicant maintains that a 90 MW Facility is still considered to be "large-scale" and requires reasonable proximity to a transmission line with existing capacity for interconnection. Section 1001.9 (a) of the Siting Board's rules requires that an applicant provide "an identification and description of reasonable and available alternate location sites for the proposed facility, except that a private facility applicant may limit its identification and description to sites owned by, or under option to, such private facility applicant or its affiliates." (emphasis added). Accordingly, an alternate site must not only be owned by or under option to the applicant or an affiliate but they must also be "reasonable and available." The Applicant also does not own or have an option to lease/acquire any other reasonable or available sites. Regardless, the Applicant has not identified any other "reasonable" alternate locations. The proposed location for Mohawk Solar remains the only reasonable location for the Facility given the presence of a suitable and economically feasible interconnection opportunity (the St. Johnsville-Marshville 115-kV transmission line) and given this location's compatibility with other important siting factors as described in PSS Section 2.9(a), e.g. compatible land use and willing land lease participants. Without conceding that Avangrid is an "affiliate," as contemplated by Section 1001.9 (a), Avangrid also does not own or have an option to acquire any other reasonable or available alternate sites. Although, Avangrid Renewables, LLC is currently developing wind energy projects in other locations in New York State, those sites are not reasonable alternatives because they were selected for potential wind energy development. These sites have specific attributes which make them suitable for wind development, including an adequate wind resource, elevation (topography), proximity to interconnection, and willing land lease participants, and not necessarily reasonable for solar energy development. Moreover, these locations are not "available" to site solar facilities because they are already under lease or option and it is quite often the case that such lease/option agreements that are entered into, are done so for a specific technology (i.e., wind energy).

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19	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.11	Exhibit 11: Preliminary Design Drawings	1. 2.11(a) - Site Plan - DPS Staff advises that the following features should be shown on the Project site plans in the Application: a. Solar Panels and associated mounting features (concrete pads, foundations, etc.); b. Access road travel lanes (temporary and permanent); c. Turn-around areas to be used during construction deliveries; d. Proposed grading (temporary grading for construction purposes and permanent contours for final grading); e. Electric collection lines – the required number of circuits will be indicated on the site plans; also, overhead and underground cable routes will be differentiated with specific line-types; f. Generator lead line (if applicable); g. Approximate limits of disturbance for all project components (panels, access roads, buildings, electric lines, substation, etc.); h. Clearing limits for all project components (panels, access roads, buildings, electric lines, etc.); i. Indication of permanent ROW for all electric cable installations; j. Collection substation outline, including access driveway, setbacks, and fence line; k. Proposed locations that will utilize trenchless methods of electric cable installations for crossing of streams, waterbodies, roads, etc. (including laydown area and approximate trenchless installation distances); l. Operations and Maintenance (O&M) building(s) including access, parking areas and setbacks, and any proposed septic system(s); m. Laydown, staging, and equipment storage areas; n. Back-up generators and fuel storage areas; and o. Outline of the switchyard area, including access driveway, setbacks, and fence line; and location of related transmission facilities.	All applicable features as described in the DPS Staff comment on Preliminary Design Drawings will be included in the Project site plans as part of the Application.
20	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.11	Exhibit 11: Preliminary Design Drawings	2. Regarding 2.11(e): a. DPS Staff recommends that lighting plans should show type, location, and height of installation of proposed exterior lighting fixtures, and an indication of the measures to be taken to prevent unnecessary light trespass beyond the Facility property line. Also, the Applicant should include manufacturer cut sheets of any proposed light fixtures. b. The Lighting Plan should address the O&M building as well as other project sites listed.	A Lighting Plan showing type, location, and height of installation of proposed exterior lighting fixtures for all Facility components, and an indication of the measures to be taken to prevent unnecessary light trespass beyond the Facility property line, will be included in the Article 10 Application. Manufacturer cut sheets for facility lighting will also be provided, as available to the Applicant.
21	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.11	Exhibit 11: Preliminary Design Drawings	3. Regarding 2.11(f) - Architectural Drawings should address O&M building, as well as switchyards, and the type(s) of site perimeter fencing to be installed extensively around facility sites. For facilities design details not fully known until final design, preliminary figures should be provided.	Architectural drawings for the O&M building, switchyards, and perimeter fencing, as applicable, will be provided in final or preliminary form, depending on availability, as part of the Application.
22	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.11	Exhibit 11: Preliminary Design Drawings	4. For 2.11(g) Typical Design Detail Drawings, the following details should be provided in addition to the items listed in the PSS at pp. 55-56: a. Plan and sections of underground facilities, including single and multiple-circuit layouts with dimensions of proposed depth and level of cover, separation requirements between circuits, clearing width limits for construction and operation of the Facility, limits of disturbance, and required permanent right-of-way (ROW); b. Elevations for overhead electric facilities (collection and transmission lines (if applicable)) including height above grade, structure layouts, clearing width limits for construction and operation of the Facility, permanent ROW widths, average span lengths for each proposed layout, and structure separation requirements (for installations requiring more than one pole, etc.) for all single and multiple-circuit layouts; c. Typical foundations (piers, etc., including dimensions) to be used for solar panel installations; d. A circuit map indicating overhead and underground installations and the number of circuits per proposed run; e. Typical details associated with trenchless installations, including typical staging areas, construction machinery arrangements, and bore pits; f. Technical and safety manuals associated with solar panels to be used for this Facility; and g. A list of engineering codes, standards, guidelines, and practices that the Applicant intends to conform with when planning, designing, constructing, operating, and maintaining the Facility.	Additional design drawings details identified in this DPS Staff comment will be included in the Application as applicable. Specific technical and safety manuals for solar panels to be used in the Facility might not be available at the time of Application. However, representative examples of typical technical and safety manuals for the types of solar panels that are anticipated to be used in the Facility will be provided at the time of Application.
23	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.11	Exhibit 11: Preliminary Design Drawings	5. Regarding 2.11(h) Interconnection Facility Drawings - Provide a copy of the one line diagram.	Interconnection Facility one-line diagrams will be provided with the Application.
24	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.12	Exhibit 12: Construction	1. Regarding 2.12(a) Preliminary Quality Assurance and Control Plan - DPS Staff advises that the Applicant should indicate in the Application, specific codes, standards, etc., such as the New York State Building Code, International Building Code, American Concrete Institute, or any other guidance that will be followed as part of the QA/QC protocol.	Applicant will indicate pertinent codes and standards used for developing the QA/QC protocol in the Application.

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25	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.12	Exhibit 12: Construction	2. For 2.12(d) – Complaint Resolution Plan - DPS advises that the Application should provide a complaint resolution plan that is easily accessed, is tracked to time of resolution, provides input from construction managers as appropriate, and clearly defines responsibilities for issue resolution. The complaint process needs to have assigned personnel to track the resolution of the complaint from the time of receipt, verification, resolution development, implementation and confirmation of resolution and should: a. Include a procedure for transmittal of complaint logs to DPS. The complaint log should list all complaints and resolutions, to be maintained during construction and operation of the Facility and will be available to DPS upon request; b. Describe actions the Applicant will take if a complaint remains unresolved after all steps are followed; c. Indicate whether complaints will be accepted from the toll-free line, as well as electronically through e-mail and the project website. In addition, complaint handling needs to address both written and verbal complaints. Verbal complaints received during construction need to be converted to written documents that can be tracked by the certificate holder and contractors and be reported to DPS Staff; and d. Identify and include any procedures or protocols that may be unique to each phase of the project (e.g. construction, operation, decommissioning of facilities). For example, during construction, complaint calls need to be handled locally and quickly.	As indicated in PSS Section 2.12(d), a Complaint Resolution Plan will be developed and included in the Article 10 Application. This Complaint Resolution Plan will include the requested information as well as the recommended details regarding the complaint resolution process.
26	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.12	Exhibit 12: Construction	3. DPS Staff recommends that this section include information when the Applicant will communicate with Stakeholders about construction activities, schedule and applicable safety and security measures.	Details describing when the Applicant will communicate with Stakeholders about construction activities, schedule, and applicable safety and security measures will be included in the Complaint Resolution Plan and/or Exhibit 12 of the Article 10 Application.
27	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.12	Exhibit 12: Construction	4. The Applicant should coordinate with any pipeline owners operating gas pipelines in the Facility Area in developing facility design and layout to avoid effects on pipeline integrity and rights-of-way. The Application should demonstrate that pipeline facility protection measures are accommodated in Facilities location, design, accessibility, construction, operation and maintenance methods and procedures.	The Applicant made initial contact with representatives of the Iroquois pipeline on 8/24/17, and will continue discussions with Iroquois to ensure Facility plans will not interfere with pipeline integrity or protection measures. Initial contact with a representative of the Dominion pipeline was made on 11/17/17. The Applicant will work with Dominion to ensure Facility plans will not interfere with pipeline integrity or protection measures.
28	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.13	Exhibit 13: Real Property	1. Regarding 2.13 (a) Real Property Map of Generating Site: the regulation requires a "survey of the facility site" with specific details as listed at 16 NYCRR §1001.13(a). The regulation provides for wind energy projects to submit a "tax parcel map" instead of a survey, due to the extensive area involved in major wind project development. That provision does not apply to solar facilities per the regulations.	The Applicant requests additional clarification from DPS Staff regarding the definition of the survey "tax map sheet" required in 1001.13(a) and how this differs from the "tax parcel map" proposed in the PSS. In addition, the proposed Facility Site parcels have a combined area of approximately 1,000 acres, an extensive area similar in size to areas required for 25-50 MW wind facilities. As such, the Applicant finds the creation of a map based on publicly available tax-parcel mapping reasonable, particularly because the "tax parcel map" proposed in the PSS will contain the necessary elements required by the regulation (block and lot numbers, owner of record of all parcels in and adjacent to the Facility, easements, grants, related encumbrances, public and private roads, and zoning and related designations). The data for this map will be obtained from the Montgomery County GIS (parcels) along with the United States Census Bureau (TIGER/line files) and the NYS GIS Clearinghouse.
29	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.13	Exhibit 13: Real Property	2. Item 2.13(c) should include a statement regarding crossing and easement rights for public road use and occupancy for Project collection and interconnection lines as appropriate to facility design.	Applicant will identify crossing and easement rights for public roads in the Application. Initial discussions with the Montgomery County Department of Public Works have been held for crossings on Clinton, Marshville and Dygert Roads. Discussions with both Towns for crossings on Fredericks Street, Nestle and possibly Tanners Roads (and any other potential road crossings that may be identified during ongoing project design) will be held prior to the Application, and when specific crossing details are available.
30	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	1. Section 2.19 (a) - Substation Noise Emissions The scope of studies should include: a. Sound levels calculated by computer model at the property boundary lines of the project and at the most representative nearest and average noise receptors as required by §1001.19(f)(1-9). Results can be presented in tabular format for noise sensitive receptors and in graphical format for property lines (Sound contours starting from the 30-dBA contour line in 1-dBA steps). b. Noise design goals for the facility at representative potentially impacted noise receptors and at representative external property boundary lines of the Project as required by §1001.19(g). c. A tabular comparison and the degree of compliance indicated by computer noise modeling at the representative external property boundary lines of the Project and at the representative nearest and average noise receptors as required by §1001.19(h).	As noted in Section 2.19 of the PSS, compared with all other types of power generation facilities, the potential for any kind of community noise impact from a photovoltaic solar energy project is near non-existent. Moreover, such facilities have the unique characteristic of only operating during daylight hours when noise is much less likely to be an issue in the first place. Any possible concerns about the sound emissions from a solar project are largely confined to the step-up transformer in the new substation, electrical inverters within the various solar panel fields and some short-lived activities during construction. The power generated by the Facility will be collected and routed to a step up transformer in the Facility's substation. The potential noise impact from any substation is essentially a matter of how prominent and audible the tonal sound emissions are from the transformer(s) at the nearest residences. Tones at harmonics of 60 Hz are generated by all transformers and are always noticeable close to the unit as a hum or buzz; however, the prominence of these tonal peaks diminishes quickly with distance and disappears into the background. More specifically, it is generally the case that the principal tones, usually at 120, 360 and/or 480 Hz, become largely imperceptible at distances ranging from 150 to 750 feet, depending on the size and capacity of the transformer(s). The Facility's proposed substation is not located within 750 feet of any residences. Therefore, it is not anticipated that the substation will result in noise impacts on nearby residences. The Applicant will provide the requested substation noise studies as part of the Application.
31	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	2. Section 2.19 (a) (1) - Sensitive Sound Receptor Map. DPS Staff recommends including all receptors and property lines within the 30-dBA noise contour as obtained with a computer noise model that follows the ISO 9613-2 sound propagation standard.	The Applicant will provide the requested sensitive sound receptor map as part of the Application.

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32	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>3. Section 2.19. (a) (2) - Ambient Pre-Construction Baseline Noise Conditions DPS Staff notes that §1001.19(b) requires an evaluation of ambient pre-construction baseline noise conditions using "actual measurement data recorded in winter and summer and during day and night as a function of time and frequency...." Therefore, the surveys should be conducted during the winter and summer seasons. Alternatively, it may be conducted during the "leaf-off" and "leaf-on" seasons. The scope should clarify whether the "Carrier-to-Noise Ratio (CNR)" method is the same Modified Composite Noise Rating method developed by the Edison Electric Institute and Beranek and Newman in 1984. If not, it should briefly explain the proposed method. The scope should also briefly explain the method proposed for evaluation of tones presented in Annex K of ISO 1996-2:2017. DPS Staff recommends the use of the ANS weighted metric and the application of the relevant provisions of the Standard ANSI/ASA S3/SC1.100-2014. ANSI/ASA S12.100-2014: Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas.</p>	The Applicant will perform baseline noise condition measurements during the winter/leaf-off and summer/leaf-on seasons, and provide the results of the measurement campaign as part of the Application.
33	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>4. Section 2.19(a)(3) - Modeling of Operational Sound Levels See DPS comments on Section 2.19 (a) Substation Noise Emissions.</p>	As described above and below in the responses to Comments 30 and 34, the Applicant will provide the requested noise studies as part of the Application.
34	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>5. Section 2.19(b) - Inverter Sound Emissions See DPS comments on Section 2.19(a) Substation Noise Emissions.</p>	<p>As noted in Section 2.19 of the PSS, apart from the substation transformer, the only other sound sources of any possible significance are the electrical inverters used to convert locally generated DC current into AC power that is then routed to the substation through underground collector cables. Typically, these electrical cabinets are situated within and near the center of each solar field, or independent group of solar panels, so they are usually a considerable distance from the perimeter fence and potential neighbors beyond. A field study of inverter sound emissions at several existing large-scale solar facilities was carried out for the Massachusetts Clean Energy Center, an agency of the State government, in 2009 and indicates that any noise from these cabinets generally drops into the background level and becomes insignificant at a distance of 150 feet. It is not anticipated that any inverters will be located within 150 feet of a residence. Therefore, it is not anticipated that the inverters will result in noise impacts on nearby residences.</p> <p>The Applicant will provide the requested noise studies as part of the Application.</p>
35	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>6. Section 2.19(b)(1) - Sensitive Sound Receptor Map See DPS comments on Section 2.19(a)(1) Sensitive Sound Receptor Map.</p>	The Applicant will provide the requested sensitive sound receptor map as part of the Application.
36	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>7. Section 19 (b) (2) - Ambient Pre-Construction Baseline Noise Conditions See DPS comments on Section 2.19(a)(2) Ambient Pre-Construction Baseline Noise Conditions.</p>	The Applicant will perform baseline noise condition measurements during the winter/leaf-off and summer/leaf-on seasons, and provide the results of the measurement campaign as part of the Application.
37	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>8. Section 2.19. (b) (3) - Modeling of Operational Sound Levels DPS Staff recommends to include all the proposed inverters and transformers in the computer noise model. DPS Staff also recommends modeling the inverters and the transformer working simultaneously for the following operational conditions: transformers' fans tuned OFF (ONAN) and OFF (ONAF-2).</p>	As described above in the responses to Comments 30 and 34, the Applicant will provide the requested model of operational sound levels as part of the Application.
38	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.19	Exhibit 19: Noise and Vibration	<p>9. Section 2.19(c) - Construction Noise DPS Staff notes that §1001.19(c) requires: "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." In addition, §1001.19(i) requires: "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." DPS Staff recommends expanding the scope of this section to include the requirements indicated above.</p>	Applicant will provide the requested evaluations of estimated construction noise levels and abatement measures as part of the Application.
39	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.21	Exhibit 21: Geology, Seismology, and Soils	<p>1. Section 2.21(a) – Existing Slopes Map: The map of existing slopes on and within the drainage area should identify potential receptor areas of stormwater runoff, including tributaries to the Mohawk River and sources of drinking water. The Applicant should identify sensitive environmental, agricultural, and human health and safety receptors for potential hazards associated with construction on slopes greater than 25 percent (if applicable). For any facilities proposed to be located in areas of extremely steep slopes, the Application should assess the risk of potential impacts associated with construction on these areas, including potential for extreme rainfall events leading to severe erosion hazards and water quality impacts at downstream water resources and aquatic habitats. Mitigation and avoidance measures, including alternative siting of Project Facilities, should be discussed for each location.</p>	<p>Mapping of existing slopes in the Article 10 Application will include and label surface water features in and around the Facility Area (streams, rivers, lakes, reservoirs). A preliminary Stormwater Pollution Prevention Plan (SWPPP), as identified in PSS Section 2.23(c)(1), will describe how and where stormwater from the site discharges and will reference the associated tributaries and other water bodies that appear on mapping. As noted in PSS Section 2.23(c)(1), "The Article 10 Application will contain a Preliminary SWPPP, which will describe in general terms the erosion and sediment control practices that will likely be implemented during construction activities. The Preliminary SWPPP will provide typical information on temporary and permanent erosion and sediment control measures (vegetative and structural), construction phasing and disturbance limits, waste management and spill prevention, and site inspection and maintenance."</p> <p>The Applicant does not anticipate construction in areas of extremely steep slopes greater than 25 percent, as the majority of Facility components will be located along existing linear features or in open field areas. Please see PSS Section 2.3(c), which states that "with respect to siting various Facility components, existing disturbances will be utilized wherever practicable. For instance, in many locations linear features of the Facility (e.g., access roads, collection lines) will be sited, in part, on agricultural farm roads. This will be further described in the Article 10 Application." Please also see PSS Section 2.4(i), which states that "The PV panels to be utilized for the Facility do not require excavation, or concrete foundations. Additionally, construction and operation of solar energy projects does not typically require extensive land clearing or significant soil disturbance, particularly when sited in relatively level agricultural areas. Siting the Facility in agricultural fields curbs the need for major earthmoving processes in turn reducing environmental impacts."</p>

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40	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.21	Exhibit 21: Geology, Seismology, and Soils	2. Section 2.21(f) – Excavation Techniques to be Employed: If horizontal direction drilling HDD) is proposed, the Applicant should perform an evaluation of the suitability of existing soils and shallow bedrock, including an assessment of frac-out risk potential, based on the results of the preliminary geotechnical investigations and publicly available soils and bedrock data. A frac-out contingency plan should be provided which identifies site specific potential receptors and establishes of frac-out mitigation and response methods.	An evaluation of the potential feasibility of HDD within the Facility Site will be included in Exhibit 21 of the Article 10 Application. In addition, an Inadvertent Return (Frac-out) Plan will be provided with Article 10 Application.
41	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.21	Exhibit 21: Geology, Seismology, and Soils	3. Section 2.21(h) – Suitability for Construction Applicant should provide a detailed plan describing the scope of geotechnical investigations that will be performed prior to the Application. The Preliminary Geotechnical Testing Plan should identify and provide rationale for the locations of the proposed soil borings and describe the sampling methods and types of geotechnical and geophysical analyses that will be performed. Boring locations should be selected to characterize each of the mapped general soil associations and shallow bedrock types in the Facility Area. The results of preliminary geotechnical tests should be applied in evaluating: a. Foundation designs; b. Excavation techniques, including blasting (if applicable); c. Preliminary cut and fill calculations; d. Suitability of existing soils for re-use as fill; and e. Crossing methods of sensitive environmental resources by collection lines and transmission lines.	A Preliminary Geotechnical Plan will be shared with DPS once it is prepared. Preliminary geotechnical study results and a more detailed plan outlining additional pre-construction geotechnical investigations will be included in the Application.
42	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.21	Exhibit 21: Geology, Seismology, and Soils	4. Section 2.21(l) – Regional Geology, Tectonic Setting, and Seismology: The Application should note whether there are any known or suspected areas of karst geology within the Facility Area. If yes, existing karst features should be identified on maps and described in Exhibit 21.	No known or suspected areas of karst geology are located within the Facility Area, given that the bedrock is dominated by black shale and shale formations.
43	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.21	Exhibit 21: Geology, Seismology, and Soils	5. Section 2.21(o) – Soil Types Map: The Application should include a map of the Project area showing all locations designated as: a. Prime farmland; b. Prime farmland, if drained; c. Unique farmland; d. Farmland of Statewide importance; and e. Farmland of local importance. A discussion should be included describing how the siting, construction, and operation of the facility will avoid or otherwise minimize impacts to farmland with these designations, including a description of the proposed methods for soil stripping, storage and replacement upon the completion of construction, where disturbance to such areas cannot be avoided. Methods for identifying the locations of drainage tile in designated farmland should be included in the Application, along with a description of practices for restoration of farmland drainage systems following construction. The Applicant should consult with the Montgomery County Soil and Water Conservation District for records of drainage improvements within the Facility Area.	As stated in Section 2.22(q) of the PSS, "the Article 10 Application will include a map and summary of all locations classified as "prime farmland," "prime farmland if drained", "unique farmland", "farmland of statewide importance", and "farmland of local importance" within the Facility Site." As such, the requested farmland map and associated discussion of farmland impacts and drainage system restoration will be included Section Exhibit 22(q) of the Application. In addition, the Application will include a discussion of the agricultural productivity of areas within the Facility Site relative to these mapped soil classifications. The requested discussion of Facility siting construction, and operation in relation to impacts to agricultural land and agricultural production will also be included. The Applicant has initiated consultation with the NYS Department of Agriculture and Markets (NYSDAM) regarding drainage tile and will consult with the Montgomery County Soil and Water Conservation District. The Applicant will provide the requested discussion of potential impacts to and restoration of farmland drainage systems in the Application.
44	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	1. 16 NYCRR §1001.22(a): The "Field Review" of plant communities should include all communities found within the project boundary based on communities described in the Ecological Communities of New York State (Edinger et. al, 2014). For each community identified, provide its Heritage Program Element Ranks	Specific ecological community names and Heritage Program Element Ranks described in the Ecological Communities of New York State (Edinger et al., 2014) will be included in the Article 10 Application.
45	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	2. 16 NYCRR §1001.22(a): Modify Figure 8. "Ecological Communities" So that the mapping of ecological communities is based on communities described in the Ecological Communities of New York State (Edinger et. al., 2014).	Specific ecological community names and Heritage Program Element Ranks described in the Ecological Communities of New York State (Edinger et al., 2014) will be included in ecological communities mapping included in the Article 10 Application.
46	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	3. 16 NYCRR §1001.22(b): The application should include a table listing area assumptions used to determine vegetation disturbance by component (e.g. Solar Panel Installations, roads, collection lines, staging area, O&M buildings...).	A table will be included listing area assumptions used during GIS software analysis of impacts to plant communities. Area assumptions will be described for each Facility component as requested.
47	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	4. 16 NYCRR §1001.22(f): The application should identify species present at the project site that are dependent on open fields or un-fragmented forest, and an evaluation of how those species will be impacted by the proposed project.	As indicated in Section 2.22(f) of the PSS, the Article 10 Application will address impacts to wildlife, wildlife habitat, and wildlife travel corridors. This section will consider wildlife species identified in Section 2.22(e) based on existing data, on-site surveys, and/or the availability of suitable habitat within and adjacent to the Facility Site. The Application will include discussion of species that are dependent on habitat present in the Facility Site and impacts to these species will be assessed accordingly.
48	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	5. 16 NYCRR §1001.22(f): The Application should include, in the discussion of impacts to wildlife corridors, how the presence of wildlife corridors is ascertained.	As indicated in Section 2.22(f) of the PSS, impacts to wildlife travel corridors will be addressed "To the extent any documented wildlife travel corridors are identified within or adjacent to the Facility Site". The Application will include a discussion of how the presence of wildlife corridors was ascertained, and will rely on consultation with NYSDEC and USFWS to identify the presence of wildlife corridors.
49	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	6. 16 NYCRR §1001.22(d): As stated above, the application should establish the presence or absence of any karst geologic formations within the project boundary and evaluate any corresponding potential wildlife impact considerations.	Please refer to the response to Comment 42, above, regarding karst geologic formations. Suspected karst formations do not occur within the Facility Area and therefore will not be included in evaluation of wildlife impacts.

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50	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	7. 16 NYCRR §1001.22(o): The application should include an attachment detailing pre-application bird surveys and post-construction monitoring that follows a protocol agreed to by NYSDEC, NYSDPS and USFWS. Note: The PSS on page 103, "Avian and Bat Impact Analysis and Monitoring" asserts that §100.22(h) does not apply because the facility is not a wind facility. That is true, however impacts to avian species are covered in other sections of Article 10, including 1001.22 (o) that addresses threatened and endangered species. As such avian analysis and monitoring may be required under those considerations.	A draft work plan detailing proposed site-specific bird surveys for the upcoming winter season has been submitted to NYSDEC for review. This draft work plan addresses wintering raptor species (including New York State-listed grassland species) and information concerning the Facility's potential effect on other avian resources will be addressed in separate studies conducted by the Applicant. The results of these pre-construction surveys and the associated impact analysis will provide a basis for ongoing consultation with NYSDEC, NYSDPS, and USFWS to determine if and to what degree post-construction monitoring would occur.
51	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	8. 16 NYCRR §1001.22(f): The application should include an evaluation of potential impacts to upland sandpipers, short eared owls, northern harrier, and Henslow's sparrows based upon bird surveys.	As indicated in the response to the previous comment regarding Section 2.22(o) of the PSS, a draft work plan detailing proposed pre-application bird surveys for wintering raptors has been submitted to NYSDEC for review. These surveys will provide information on short-eared owls, northern harrier, and other winter species that may be present within or adjacent to the Facility Site. Additional pre-application surveys conducted in subsequent seasons by the Applicant will provide information on upland sandpiper, Henslow's sparrow, breeding birds, and other rare avian species that may or may not be present in the Facility Area.
52	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	9. 16 NYCRR §1001.22(g): The application should include proposed mitigation, if needed, developed in coordination with DPS, DEC, and the USFWS.	The Article 10 Application will address proposed mitigation for potential impacts to wildlife, as appropriate pending the outcomes of site-specific wildlife studies.
53	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	10. 16 NYCRR §1001.22(i): Provide GIS shape files of the preliminary project plans including mapped and delineated state and federal wetlands.	Comment noted. GIS shapefiles for wetlands within the Facility Site will be provided to DPS staff.
54	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	11. 16 NYCRR §1001.22(i), (m), (n): Provide a table of State and Federal Wetlands including: a. All State-regulated wetlands, Federal wetlands, streams, and environmentally sensitive areas that could potentially be impacted by the proposed Project as depicted in preliminary design drawings or wetland delineations. b. Identify the corresponding page number on preliminary design drawings depicting the resource. c. Include wetland delineation types, NYSDEC stream classifications, and descriptions of resources within environmentally sensitive areas. d. For each resource explain if the resource could reasonably be avoided. e. Propose site-specific actions to minimize impacts to resources that are not avoided or bypassed.	A wetland impacts table will be included in the Article 10 Application. The table will include all State and Federal wetlands that could potentially be impacted, references to the page or graphic that depicts each resource, and the information requested in points (c) and (d) of this comment. Avoidance and minimization information will be included in the written narrative rather than in the table to allow for adequate discussion of measure considered and description of methods to be implemented to avoid and mitigate.
55	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.23	Exhibit 23: Water Resources and Aquatic Ecology	1. Section 2.23(a)(2) – Groundwater Aquifers and Recharge Areas: The private well survey distributed to property owners within a 2,000-foot radius of the project Facility should solicit information regarding well locations and well construction details, usage patterns, and water quality data, if available. The Applicant should develop a table summarizing the location, depth, usage, and water quality data obtained for all identified public and private water wells. The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Water well locations should be indicated on maps showing groundwater aquifer and recharge areas and shallow aquifer groundwater flow direction, distinguishing whether each well location is approximate or confirmed. In contacting well owners regarding the survey of private wells in proximity to proposed Facility, the Applicant should include a summary of the project, contact information and a description of where the well owner can get more information about the project (i.e. project website, document repositories, etc.), as well as an invitation to join the stakeholder list.	The Application will include publicly available water well information based on data provided by New York State Department of Health, Records Access Officer, the NYSDEC, and local municipalities. A list of private wells will also be included, with available well design and production information (to the extent provided in response to well surveys), to be identified through a well survey sent to all residences/businesses located within a 2,000-foot radius of the proposed Facility. This section will also include publicly available information on groundwater aquifer and recharge areas. The well survey will include information describing the Project and the Article 10 process, and a link to the Applicant's website. A map of the 2,000-foot survey area will be provided showing the locations of existing public and private water supply wells within 2,000 feet of the proposed Facility, general flow direction of the shallow groundwater aquifer, and groundwater recharge areas.
56	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.23	Exhibit 23: Water Resources and Aquatic Ecology	2. Section 2.23(a)(3) – Groundwater Impacts: The Application should include a plan for minimizing impacts to well usages in the area, including: a. A complete inventory of all identified wells within 500 feet of any areas of ground disturbance; b. Information on the location, depth and usage patterns of existing public and private wells, as available from the well owners; c. Plans to minimize impacts to well productivity and water quality; and d. Complaint notification and resolution procedures, including 24-hour contact information for well owners to report impacts to well productivity and water quality during and following construction activities, including blasting operations. The Applicant should perform a detailed assessment of soils, topographic features, and groundwater characteristics in order to anticipate whether dewatering will be required. Areas where existing soils are generally characterized as having low infiltration rates and low topographic relief should be identified. Groundwater data, including groundwater depth, quality and flow direction, should be obtained during the advancement of geotechnical test borings within the Project area. Where dewatering is anticipated, the Application should include a detailed description of the proposed dewatering practices and a demonstration of how dewatering will avoid and/or minimize flooding, surface water runoff, and transport of fine-grained soils into existing surface water bodies. Any locations where permanent dewatering will be required should be identified and permanent dewatering practices should be described in detail.	The Application will include information on minimizing impacts to well usages as suggested by the commenter. With respect to dewatering activities, please note that due to the nature of the proposed facility (i.e., solar) there will not be multiple excavations for foundations, such as those needed for wind turbines. In fact, the only location likely to require significant excavation is the substation. All other construction activities will not differ significantly, in terms of soil disturbance, from that which currently occurs in support of agricultural activities. As stated in Section 2.23(a)(3) of the PSS, "Excavations for the substation foundation, roadways, and underground collection lines are expected to be relatively shallow, and are not anticipated to intercept groundwater within the surrounding aquifers. The Facility will add only small areas of impervious surface, which will be dispersed throughout the Facility site, and will have a negligible effect on groundwater recharge."

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57	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.23	Exhibit 23: Water Resources and Aquatic Ecology	3. Section 2.23(b)(4) – Impacts to Surface Waters: The Applicant should perform a comparative evaluation of viable crossing methods of NYS Protected Streams (if applicable) and Class C streams, New York State freshwater wetlands and adjacent areas, and ACOE regulated wetlands for all locations traversed by collection lines, transmission lines, or other Project facilities. The Application should include maps showing the locations of these crossings and identify the anticipated crossing methods. GIS shapefiles should be provided to DPS Staff for the proposed crossings, indicating the method of crossing at each location. Exhibit 23 should discuss the proposed crossing locations and methods and evaluate how impacts to streams and wetlands are minimized to the maximum extent. The location of all proposed HDD operations within 500 feet of surface waters, wetlands or existing water supply wells should be identified in the Application. Additionally, a description of mitigation measures to minimize impacts of HDD operations on surface water quality and the hydrologic flow patterns and groundwater quality of the shallow aquifer should be included.	The Application will identify the anticipated crossing methods at each stream location, and to the extent adverse impacts have not been avoided, a comparative evaluation of other viable crossing methods will be provided. Please note that all impacts to wetlands and adjacent areas will be addressed in Exhibit 22, not Exhibit 23.
58	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	1. Item 2.24(a)(4) - Lighting at any O&M building(s) and permanent storage yards should be addressed in Application, with mitigation to avoid off-site lighting impacts.	A Lighting Plan showing type, location, and height of installation of proposed exterior lighting fixtures for all Facility components, and an indication of the measures to be taken to prevent unnecessary light trespass beyond the Facility property line, will be included in the Article 10 Application. Manufacturer cut sheets for facility lighting will also be provided, as available to the Applicant.
59	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	2. In regards to 2.24(a)(9) Measures to Mitigate for Visual Impacts: DPS recommends adding "Rearrangement" of facility layout as a potential mitigation measure, since "Spatial Dominance" as listed at 2.24(a)(7) is a potentially significant effect of the large-scale massing of PV arrays in a large-scale solar energy project, particularly from elevated viewpoint locations.	Exhibit 24 of the Article 10 Application will include a discussion of the Facility layout with respect to visual impacts, including consideration of the layout of PV panel arrays with respect to visibility and visual effect from elevated vantage points.
60	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	3. Several of the categories of resources listed at item 2.24(a)(10) do not occur in the Project region e.g., Adirondack Park, Palisades Park; State Forest Preserve); and there are Study Area resources not listed including the Erie Canalway National Heritage Corridor.	Comment noted. The Applicant acknowledges that the Adirondack Park, Palisades Park, and State Forest Preserve are not located within the Visual Study Area. The PSS included consideration of these resources to demonstrate that visually sensitive sites of statewide significance as defined in the NYSDEC Visual Policy were considered during preparation of the PSS. The Erie Canalway National Heritage Corridor will be included as a visually sensitive site that is considered in the Visual Impact Assessment and Exhibit 24 in the Article 10 Application.
61	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	4. Viewshed Analysis and Maps – Item 2.24(b)(1) – are not necessarily a substitute for line-of-sight profiles for resources of statewide concern. Line-of-sight profiles can be useful in demonstrating the extent of screening provided by topographic or vegetation features from important receptor locations; and are also useful in determining screen planting heights needed to mitigate views.	Comment noted. If specific visually sensitive sites are identified where the preparation of line-of-sight profiles would be useful to demonstrate the extent of screening provided by topographic or vegetation features and/or to evaluate the efficacy of potential mitigation measures, then those diagrams will be included in the Application.
62	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	5. Sensitive Viewing Areas discussion at 2.24(b)(3) mistakenly equates the list of resource categories in DEC Program Policy DEP-00-2 with the requirements of Article 10. Article 10 regulations at 1001.24(b)(3) and (4) include significant resources categorized at all levels, and directly includes consideration of local resources and local input in identifying important views and viewpoints.	The Applicant acknowledges that the Article 10 regulations include definition of visually sensitive sites in addition to those identified in DEC Program Policy DEP-00-2. The Visual Impact Assessment and Exhibit 24 of the Article 10 Application will consider all visually sensitive sites defined in the Article 10 regulations as well as visually sensitive resources identified during stakeholder outreach for the project.
63	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	6. Any visual stakeholders identified through the Viewpoint Selection process should be provided an opportunity to be added to the master stakeholder list.	Any local groups or stakeholders in the Study Area have the opportunity to be included on the master list of stakeholders for the Article 10 process.
64	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	7. 1001.24(a)(1): DPS Staff recommends adding reference to the revised FHWA guidelines dated 2015 and not only the 1981 version.	Comment noted. The 2015 FHWA guidelines for visual impact assessment will be referenced in the Article 10 Application.
65	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	8. 1001.24(a)(3): If overhead collection facilities are proposed, photo-simulations showing the overhead collection facilities at one or more representative locations in relation to solar collector arrays and other Facility components should be presented in the Application.	Comment noted. Although the Applicant does not anticipate that overhead collection lines will be constructed as part of the Facility, in the event that overhead collection lines are determined to be necessary, then photo-simulations depicting those Facility components would be included in the Article 10 Application.
66	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.24	Exhibit 24: Visual Impacts	9. 1001.24 (a)(10): Regarding Pollinator-Friendly Grasses and Wildflowers, DPS recommends that native, non-invasive species mixes appropriate to the Facility location should be proposed. There are wildflower and other species that may be good for pollinators that can cause severe problems as weeds in agricultural fields. DPS recommends that criteria including long-term viability and compatibility with future re-establishment of agricultural uses be used in proposing seed mixes, and that deer-tolerant species be used for mitigation plantings.	The Applicant will provide detail concerning the seed mixes that are proposed for use in the Facility Site. The Applicant may undertake consultation with parties such as the NYSDEC, Cornell Cooperative Extension - Fulton and Montgomery Counties, USDA Natural Resource Conservation Service (NRCS), and Montgomery County Soil and Water Conservation District to help identify appropriate native, non-invasive species mixes appropriate to the Facility location.
67	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	1. DPS staff advises the Applicant to remove all references to the JEDI Model. While staff will not stipulate the use of a particular model to the applicant, DPS Staff reserves the right to critique the economic model selected by the applicant and/or the input values entered into that job impact model.	The Applicant is in communication with Montgomery County IDA regarding use of data/modeling for the socioeconomic analyses to be included in the Article 10 Application based on economic modeling that the County IDA is conducting as part of developing a PILOT agreement. The Applicant will evaluate the suitability of that data/modeling for use in the Application. However, the Applicant reserves the right to use the JEDI model to prepare the required socioeconomic analyses if the data provided by the County's analysis does not satisfy the necessary requirements. To the extent DPS Staff has suggestions regarding a different model, the Applicant is willing to discuss other methods to assess the impacts required by this section during the stipulations discussions.

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68	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	2. The analysis of secondary employment and economic activity should also consider other related impacts, such as the economic impact associated with the cancellation of new power plants made unnecessary by the added solar capacity of the project, if applicable, and the economic impacts associated with possible changes in the price of electricity due to the Project. If the Applicant cannot reasonably estimate any such impacts, it will explain why.	<p>The scope of the requested analyses are beyond the scope of what is reasonable and appropriate. The Applicant will not conduct economic analyses associated with the cancellation of new power plants or solar power incentives and subsidies. Please see the following for an explanation of why the Applicant cannot reasonably estimate such impacts. This explanation will be included in the Application.</p> <p>Such an analysis is more appropriately performed by the Commission or Department of Public Service staff, given that those impacts will result from State policies and the Clean Energy Standard, regardless of which specific renewable energy facilities are ultimately constructed. Moreover, a recent study identified that one of the most significant drivers of the closure of fossil fuel plants is the price of electricity, particularly the low price of natural gas, and regulation of the energy sector, not the development of renewable energy projects.</p> <p>See US Department of Energy Staff Report to the Secretary on Electricity Markets and Reliability (August 2017), available at https://energy.gov/sites/prod/files/2017/08/f36/Staff%20Report%20on%20Electricity%20Markets%20and%20Reliability_0.pdf (noting at page 13 that "[t]he biggest contributor to coal and nuclear plant retirements has been the advantaged economics of natural gas-fired generation," and further noting, from pages 13-60, that the largest number of recent fossil fuel plant retirements occurred in 2015, and corresponded with the deadline for coal and oil plants to implement pollution control equipment for mercury and air toxics, finalization of the Clean Power Plan, and "strong signals of future regulation," while the primary drivers of nuclear plant closures, aside from market conditions, were state policies/conflicts between states and nuclear generators, as well as looming significant plant maintenance issues).</p> <p>Realistically, even if this analysis was not speculative in terms of "cancellation" of projects, it is beyond the capabilities, control or responsibility of any individual developer to assess the overall economic impact of State energy policy on the energy system. Furthermore, it is Applicant's understanding that economic analysis of these kinds of impacts was performed in conjunction with adoption of the CES, and the commenter is directed to those analyses for the requested information.</p>
69	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	3. If Mohawk Solar, LLC or its parent company, Community Energy/Avangrid Renewables, has planned or completed other solar facilities in New York State or across the country, the Applicant should seek to rely on actual job and economic impact numbers from previous projects in informing socioeconomic effect estimates for the Mohawk Solar project. The Applicant should make efforts to use actual job and economic impact numbers from projects that most closely resemble the Mohawk Solar project in terms of location, MW capacity, acreage, and/or regional economics.	To the extent that applicable data is available, the Applicant will provide a discussion of actual economic impact and employment data from previous projects. A. The Applicant will reference job and economic impact outcomes from other prior solar projects, completed by Mohawk Solar, LLC or its owners, that are similar to the Mohawk Solar project if such information is determined by the Applicant to be relevant and material to estimating the job and economic impacts of the Mohawk Solar project. The Applicant will reference for comparison purposes actual on-site job and direct economic impact outcomes from other solar projects, completed by Mohawk Solar, LLC or its owners, that are similar to the Mohawk Solar project in terms of its location in upstate New York, MW capacity, total acreage, and/or regional economics.
70	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	4. Section 2.27 (a) should state that Exhibit 27 of the application will contain an estimate of the peak construction employment level, as required by the regulations.	The Article 10 Application will contain the required information regarding peak construction employment.
71	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	5. Section 2.27 (d) should state that Exhibit 27 of the application will contain an estimate of the number of jobs and the on-site payroll by discipline during a typical year once the plant is in operation, as required by the regulations.	The Article 10 Application will contain the required information regarding estimated payroll by discipline. As stated in PSS Section 2.27(a), "model output will be evaluated by the Applicant's construction management team to provide an estimate of the average work force, by discipline, for each quarter during construction."
72	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	6. Section 2.27 (i) should state that Exhibit 27 of the application will include an estimate of annual taxes and payments to be paid by the facility to the jurisdictions named in section (h), as required by the regulations.	The Application will contain the required information regarding taxes and payments. As stated in PSS Section 2.27(i), "The Applicant expects to enter into a PILOT agreement but the specific terms of the PILOT agreement have not yet been negotiated. The PILOT payments will increase the revenues of the local taxing jurisdictions, and will represent a significant portion of their total tax levy. The Article 10 Application will provide more detail regarding the anticipated PILOT agreement." An estimate of annual taxes and payments will be provided in a description of PILOT agreement.
73	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.27	Exhibit 27: Socioeconomic Effects	7. The Applicant should provide: a. Estimates of direct construction employment, annual construction payroll and non-payroll expenditures using project-specific information, as consistent with information provided during the Project's budgeting and financial projection processes (Sections 2.27 (a-b)); and b. Secondary employment numbers for Section 2.27(c). This should include a thoroughly explained and auditable multiplier for detailed review by DPS Staff and other parties.	To the extent that applicable data is available, the Applicant will provide estimates of direct construction employment, annual construction payroll and non-payroll expenditures using project-specific information, as is available at the time of analysis, as consistent with information provided during the Project's budgeting and financial projection processes. The Applicant will also provide secondary employment numbers that are derived from the JEDI (or similar) model in which multipliers are used. The methodology for selecting and source of the specific multipliers used for deriving secondary employment numbers (for example, statewide, regional, or countywide) will be provided.
74	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.29	Exhibit 29: Site Restoration and Decommissioning	1. DPS Staff advises that preliminary per-solar panel decommissioning and per-foot of access road restoration estimates should be included in the Application. If a panel model/foundation is not selected at the time of Application submission, the per-panel estimate shall be based on a model under consideration with the highest decommissioning estimate.	The Applicant will provide a per-panel and per-foot estimate of decommissioning costs in the Article 10 Application.
75	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.29	Exhibit 29: Site Restoration and Decommissioning	2. Also, DPS advises that the Application should include the proposed type of, and justification for, the financial assurance that will be provided for decommissioning and restoration activities. The justification shall include a brief description of potential financial assurance options and an explanation as to why each option is a reasonable form of financial assurance.	The Applicant's preferred method of financial surety is a Parent Guaranty, a copy of which will be provided to both Towns prior to Application. Justification for and negotiation of the Parent Guaranty will be completed with the Towns, and that information will be included in the Application.
76	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.29	Exhibit 29: Site Restoration and Decommissioning	3. It is noted that the Applicant will provide two weeks' prior notification to the Towns before the commencement of site restoration following decommissioning activities. DPS Staff advises that notification of site restoration should also be provided to landowners that will be impacted by such activities. Also, Staff advises that the Applicant propose, in its response to PSS comments, a window of time for noticing the Towns and landowners regarding decommissioning activities.	The Applicant will provide notice to landowners as well as the Towns prior to start of decommissioning and restoration activities. Such notice will be provided 90 days prior to the intended start of decommissioning and restoration activities.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
77	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.31	Exhibit 31: Local Laws and Regulations	1. Please provide complete copies of local laws, ordinances and codes for DPS review as an attachment to Applicant's response to comments on the PSS.	A copy of the local laws, ordinances, and codes for the Towns of Canajoharie and Minden are attached to the Applicant's response to comments on the PSS.
78	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.32	Exhibit 32: State Laws and Regulations	1. The list of "Procedural" State Approvals at Table 6 warrants revisions: a. Parks, Recreation and Historic Preservation Law §14.09 requires consultation with Historic Preservation office by State Agencies unless the review is pre-empted by National Historic Preservation Act §106 review. DPS will engage in reviews and consultation with Historic Preservation office to the extent necessary to fulfill requirements of §14.09. b. The SPDES General Permit process subject to ECL Article 17, Title 8 and 6 NYCRR Part 750 is not supplanted by Article 10. This is a permitting approval that should be listed in Section 2.33(a) Other Applications of Filing Concerning the Subject Matter of the Proceeding. c. NYS PSL §68 Certificate of Public Convenience and Necessity is applicable in its entirety and should be listed in Exhibit 33(a). d. NYS Route 10 crosses through the Project Facilities Area, with Preliminary Facility Layout indicating Solar Panel arrays both east and west of this State highway. Electrical collection lines associated with Panels located west of Route 10 will of necessity cross the highway to connect to the Project Collection Substation; and access roads to the Facility Site parcels could front on the highway. Both procedural (and substantive) standards for Highway Work Permit and Use and Occupancy Permit requirements of the NYS Department of Transportation need to be identified and addressed in the Application. (Grants of easements by NYS DOT for location of Facilities within State Road Right-of-Way are not procedural requirements, and should be identified in Exhibits 13 – Real Property- and 33(a).)	The requested additions will be added to the list of Procedural State Approvals included in the Article 10 Application.
79	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.35	Exhibit 35: Electric and Magnetic Fields	1. The Applicant should provide an EMF study for any known overhead transmission, sub-transmission and distribution facilities showing structural details and dimensions and identifying phase spacing, and any other characteristic affecting EMF emission; including the 115-kV transmission line segment to be constructed from the collector Substation to the Point of Interconnection (POI). The EMF calculation should include a calculation at 5-foot increments for 1000 feet from the edges of the ROW.	The Applicant will provide EMF studies for any overhead transmission, sub-transmission and/or distribution facilities to be constructed as part of the Facility. Such EMF study will be included in the Application.
80	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	2.35	Exhibit 35: Electric and Magnetic Fields	2. The Applicant should provide a Study which evaluates potential induced voltages on Facility Components (Perimeter Fencing; Solar Array structures) located in proximity to existing and proposed high-voltage electric transmission facilities.	The Applicant will provide a study in the Application of any induced voltages on Facility Components.
81	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	Appendix B	Appendix B: Meeting Log	1. The meeting log should provide a summary of issues, concerns and questions and indicate how Mohawk Solar plans to address these items as the project moves forward.	The "Comments" column of the meeting log was intended to also contain issues raised by various public outreach activities. This column will be changed to "Comments/Issues" and the Applicant will ensure that all issues are clearly identified going forward as well as indicate follow-up steps necessary to address such issues.
82	Filed Documents - NYSDPS	11/8/2017	New York Department of Public Service	DPS	Appendix B	Appendix B: Meeting Log	2. The items logged for July 24, 2017 and July 26, 2017 reference attachments and note that they are "on file." The Applicant should reference the DMM filing that includes these attachments, e.g. "filed in DMM on 8/23/17 under "Public Outreach Log." This tracking will allow interested parties to locate the proper attachments even when the log has been updated.	The requested revisions have been made to the meeting log. An updated meeting log is provided as an attachment to these responses.
83	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	General	NA	Section 1.1 Facility Description, describes facility components to be located on approximately 1,000 acres of leased private land. Section 2.2 Overview and Public Comments, describes the facility components encompassing 830 acres. Please clarify the difference between these acreage figures.	As stated in the PSS (page iii), the term "Facility Site" refers to "Those parcels currently under, or being pursued, for lease (or other real property interests) with the Applicant for the location of all Facility components." The total area of these parcels will be approximately 1,000 acres. A preliminary Facility layout is presented in the PSS to illustrate the potential layout of the Facility. Based on this preliminary Facility layout, proposed PV panels would occupy approximately 830 acres within these leased parcels. Ongoing design of the proposed Facility is considering a variety of factors including landowner preferences and potential environmental impacts. An updated Facility layout will be presented in the Article 10 Application.
84	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	General	NA	Shapefiles suitable for use in Geographical Information System (GIS) software via ESRI's ArcGIS suite of software (e.g. ArcMap) containing all applicable project and survey components as described in NYSDEC's <i>Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects</i> (June 2016) should be submitted to NYSDEC as soon as possible but not later than 60 days before the Applicant submits an Article 10 Application. Shapefiles should depict the location of all Facility components including (separately): extent of current Facility site; panel array locations; new access and maintenance roads; existing roads that will be widened/altered; electric collection and transmission lines (specified above ground and/or underground); laydown and storage area(s); substation(s); temporary and permanent meteorological tower(s), if applicable; any other temporary or permanent infrastructure constructed in support of the Facility; and all areas to be cleared around panels, access roads, electric lines, and all other Facility components.	The Applicant will provide all Facility shapefiles concurrent with the filing of the Application. The Applicant will work with the NYSDEC to determine GIS files that should be provided in relation to natural resource and wildlife studies; however, the Applicant wishes to make it clear that the proposed Facility is not a wind power project and as such the pending Application, and the studies needed to support it, should be determined and reviewed completely independent of a wind power project. The Applicant is conducting environmental studies that are applicable to a solar project and will provide the data generated by those studies, as requested by DEC. With respect to the timing of providing shapefiles to the NYSDEC, these will be provided concurrent with the filing of the Application, which is consistent to what has been stipulated to in other cases.
85	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	General	NA	Shapefiles should also show all wildlife and habitat survey locations as applicable (labeled by year) and should separately include: breeding bird survey transects; winter raptor survey locations and driving routes; viewsheds for winter raptor observation points, indicating the area visible from each point; bat acoustic monitoring and/or mist net locations; all delineated wetland boundaries and adjacent areas; and stream crossings. Draft reports of all wildlife, habitat, and wetland surveys should be submitted to NYSDEC at least 60 days before the Applicant submits an Article 10 Application. These reports should include maps and shapefiles provided confidentially to NYSDEC depicting the location(s), observation date(s), species, and behavior(s) of all state-listed threatened and endangered species (T&E) and New York State Species of Special Concern (SSC) individuals observed during pre-construction surveys and incidentally in the Facility.	See response immediately above with respect to shapefiles. Please also note that the Applicant does not intend on conducting bat acoustic monitoring or mist-netting given the nature of the proposed Facility. The Applicant intends on providing draft wildlife studies to the NYSDEC for review prior to filing the Application. With respect to the wetland delineation report, this will also be provided in advance of filing the Application in support of the NYSDEC's jurisdictional determination.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
86	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	1.4	Potential Impacts	This section should include discussion of potential impacts to grassland bird species that are known to or suspected to occur in the project area, particularly federally and state-listed species.	Exhibit 22 of the Article 10 Application will contain this discussion based on site-specific studies that will be included in the Application.
87	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	1.5	Impact Avoidance Measures	<p>This section should include the planned impact avoidance, minimization and mitigation measures for direct and indirect loss of habitat of federally and state-listed threatened and endangered species (T&E), New York State Species of Special Concern (SSC), and State Species of Greatest Conservation Need (SGCN). Examples of such measures include re-siting or removing panels from occupied habitat or other sensitive areas, and date restrictions on construction activities to avoid impacts to breeding and wintering birds and bats.</p> <p>If NYSDEC, U.S. Fish and Wildlife Service (USFWS) or the Applicant determines there is a likelihood of take of T&E species or their habitat as a result of the construction and operation of the project, the requirements of 6 NYCRR Part 182 must be met and fulfilled.</p> <p>Bullet Number 4 on page 10 describes that "construction procedures will follow best management practices for sediment and erosion control." Other environmental protection provisions, identified during the review process, should be incorporated into construction procedures and project construction specifications.</p>	Exhibit 22 of the Application will contain the requested information regarding planned impact avoidance, minimization, and mitigation measures.
88	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.9	Exhibit 9: Alternatives	<p>(c) Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location (c)(1) General Arrangement and Design</p> <p>NYSDEC became aware of this project during a meeting with the Applicant on August 29, 2017, and has not yet had an opportunity to provide feedback regarding wildlife and wetland studies that may be required for this project. Section 2.9 provides no indication that the panel layout may be adjusted to avoid impacts to listed species, sensitive habitats or wetlands based on the results of field studies that have not yet been conducted. Maps and GIS shapefiles showing the preliminary layout, including panel locations, access roads, interconnection lines, and any other project components should be provided to NYSDEC as soon as possible to facilitate a thorough and timely environmental review.</p>	Exhibit 22 of the Application will address avoidance of impacts to listed species, sensitive habitats or wetlands based on the results of field studies.
89	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.11	Exhibit 11: Preliminary Design Drawings	<p>(a) Site Plan</p> <p>Design drawings should demonstrate that the proposed project has been designed to co-locate project components to the maximum extent practicable (e.g., collection lines and access roads), and minimize fragmentation of grassland and other habitat areas.</p> <p>Wetland and stream impacts should be shown on the site plan together with all project elements that involve any potential ground disturbance, grade changes, change to runoff patterns, and the construction of any facility components.</p> <p>Wetland impacts should also be presented on a separate set of site plan drawings at 1": 50' scale, showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance.</p>	The Preliminary Design Drawings will provide a site plan (i.e., proposed location of all Facility components), proposed grading, typical details, etc. as required by 1001.11 of the PSL, and as further refined through the pending stipulations process. It is expected that the Preliminary Design Drawings will include a significant amount of design-specific information, and as such it unlikely that adding additional information to these drawings (e.g., stream, wetland, and adjacent area impacts as recommended by the commenter) would be effective, and in fact such additional information would likely detract from the information required to be presented on the design drawings. However, all impact to streams, wetlands, adjacent areas, etc. will be clearly explained and presented/depicted in support of Exhibit 22 (Terrestrial Ecology and Wetlands), which is specifically intended for such information by regulation.
90	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.11	Exhibit 11: Preliminary Design Drawings	<p>(g) Typical Design Detail Drawings</p> <p>Any culverts that are required for the project must be designed for a 100-year storm event, and where it is determined that stream continuity must be maintained, designed to incorporate specifications such as those described in NYSDEC's Stream Crossing Guidelines, which can be found at: http://www.dec.ny.gov/permits/49060.html</p>	Comment noted. Culvert design will incorporate specifications as described in NYSDEC's Stream Crossing Guidelines.
91	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.5	Exhibit 5: Electric Systems Effects	<p>Part f (4) Maintenance, and Management Plans Procedures and Criteria</p> <p>This section mentions a Preliminary operations and maintenance plan which will be prepared. These plans should include information on maintaining/mowing grasses under and between the panels, including information such as time of year and the number of times/year mowing will occur. It should also present information on how the invasive species prevention plan will be implemented with these yearly activities, to prevent to the introduction and spread of species.</p>	Information on maintaining/mowing grasses under and between the panels will be included as part of the Application. Information on the invasive species prevention plan will also be included. Regarding anticipated measures to maintain vegetation and manage invasive species, the project area within the fence line will be planted and maintained in a turf cover suitable to the local soils, climate, and growth potential compatible with solar projects. An appropriate turf cover mix will be selected that does not grow so high as to shade panels and require mowing only on an occasional basis, normally about twice a year once established. It will cover the entire area including under the panels. It is anticipated that the schedule for mowing will be managed to mitigate any potential impacts on nesting species. The Applicant will work with the local agricultural extension office and the landowners to select the proper turf cover, seed mix and application, and maintenance schedule. A list of invasive weeds will be identified and monitored for control. Because of the presence of organic farmers in the region, use of herbicides will be limited and carefully controlled when necessary. See also response to Comment 93, below.

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92	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>Part (b)- Impact to Plant Communities</p> <p>Pre-construction surveys should include locating areas of invasive species within the Facility, and producing maps and shapefiles of any concentration areas that may contain project components. This information will assist in appropriate siting of project components in areas that will not facilitate the spread of invasive species.</p>	The Application will include maps and shapefiles of concentrated areas of invasive species.
93	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>Part (b)- Impact to Plant Communities</p> <p>This section should clarify that the Invasive Species Control Plan (ISCP) will address measures to prevent the introduction of and control the spread of all the species listed in 6 NYCRR Part 575, including all the terrestrial and aquatic species listed at http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf. Additional species not included on this list (i.e. reed canary grass and wild parsnip) may also warrant specific management and control measures, depending on current populations of such species within and nearby the Facility. Specifically, the ISCP should apply to all prohibited and regulated invasive species and include the following:</p> <ul style="list-style-type: none"> - A summary of the survey methods the Applicant will use to identify and mark existing nonnative invasive species within the Facility site, including the transmission line corridor; - Specific methods the Applicant will use to ensure that 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 nonnative invasive species material, seeds, and parts, or only used within areas already containing those specific non-native invasive plant and invertebrate species infestation; - Proposed 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; - 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; - Detailed description of the Best Management Practices (BMP) or procedures that will be implemented, and the education measures that will be used to educate workers; - Detailed description of a minimum of 5-year post-construction monitoring and corrective action plan, and survey measures and procedures for revising the Invasive Species Control Plan in the event that the goals of the initial plan (including no net increase in invasive species abundance) are not met within a specified timeframe; - Anticipated methods and procedures used to treat non-native invasive species that have been introduced or spread as a result of the construction, operation or maintenance of the Facility; and - Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate. 	<p>The Applicant will prepare an Invasive Species Control Plan (ISCP) for inclusion in the Article 10 Application that includes the details specified by NYSDEC. The ISCP for the Mohawk Solar Facility will include a plan for post-construction monitoring and survey measures, including a timeline for conducting monitoring and implementing those measures, and procedures for revising the Invasive Species Control Plan in the event that the goals are not met within a specified timeframe.</p> <p>Regarding anticipated measures to maintain vegetation and manage invasive species, the project area within the fence line will be planted and maintained in a turf cover suitable to the local soils, climate, and growth potential compatible with solar projects. An appropriate turf cover mix will be selected that does not grow so high as to shade panels and require mowing only on an occasional basis, normally about twice a year once established. It will cover the entire area including under the panels. It is anticipated that the schedule for mowing will be managed to mitigate any potential impacts on nesting species. The Applicant will work with the local agricultural extension office and the landowners to select the proper turf cover, seed mix and application, and maintenance schedule. A list of invasive weeds will be identified and monitored for control. Because of the presence of organic farmers in the region, use of herbicides will be limited and carefully controlled when necessary.</p>
94	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(c) Measures to Avoid or Mitigate Plant Community Impacts</p> <p>This section should include the following:</p> <ul style="list-style-type: none"> - A detailed description of the proposed measures that will be implemented to first avoid, then minimize, and finally mitigate for any unavoidable temporary and permanent impacts to existing, non-invasive plant communities, particularly grasslands, interior forests, wetlands, shrublands, and young successional forests, as a result of the construction, operation and maintenance of the Facility. - To avoid and minimize impacts to vegetation, linear project components such as access roads and interconnection lines will be co-located, and all panel arrays, buildings, storage areas, and other structures will be constructed in areas already developed or disturbed, to the greatest extent possible. - Post-construction vegetative restoration will include reseeding disturbed areas with appropriate native seed mix, planting native woody species, if necessary, and implementing appropriate mowing, cutting, or other vegetation management regimes to recreate or enhance wildlife habitat. An alternatives analysis should be presented in Exhibit 9 (Alternatives), which should include a discussion of vegetative clearing, and the associated impacts under each of the alternatives analyzed. 	Exhibit 22 of the Application will include information on plant community impacts, and measures to avoid such impacts. It should be noted that the PSS provides information regarding a preliminary Facility layout in relation to such communities that reflects efforts to avoid and minimize impacts to plant communities. Specifically, PSS Section 22(c) states that "Such measures may include siting considerations, minimizing tree clearing, demonstrated avoidance of sensitive vegetative communities, locating Facility Components within existing disturbances (e.g., existing farm roads), and access restrictions to be implemented during construction and operation." In addition, PSS Section 1.4 states that "The Applicant has sited the Facility in a rural agricultural region in effort to minimize the need for land clearing and typical construction processes such as surface grading, and soil compaction" and "siting Facility components has been designed to minimize impacts to undisturbed habitat by utilization of agricultural areas and avoiding forest and shrubland communities. The Facility is being designed to avoid or minimize the need for tree-clearing to the greatest extent practicable." Furthermore, PSS Section 1.4 also states that "The Applicant has already conducted reconnaissance-level wetland identification within the Facility Area to facilitate a project design that will avoid or minimize wetland impacts to the greatest extent practicable".

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
95	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(d) Vegetation, Wildlife, and Wildlife Habitats Wildlife - Birds</p> <p>In addition to the sources of information mentioned in this section regarding birds occurring in or near the project area, other sources of information that should be used identify bird species presence and use of the site include: NYSDEC and USFWS staff; New York Natural Heritage Program (NYNHP) reports; Hawk Migration Association of North America; eBird; and contacting local birding groups for information on recent and historical occurrences.</p> <p>This section indicates that the Applicant met with NYSDEC staff to introduce this project on August 8, 2017. This date is incorrect. The meeting date was August 29, 2017. No decisions or recommendations have been made yet regarding wildlife studies at this site. NYSDEC expects further communication with and information from the Applicant to occur in the near future to draft and finalize survey protocols. Winter raptor surveys occur from mid-November to March or April, and breeding bird surveys from late May to late July.</p>	The Application will include the additional sources to identify bird species presence and use. A draft work plan detailing proposed site-specific bird surveys for the upcoming winter season has been submitted to NYSDEC for review. This draft work plan addresses wintering raptor species (including New York State-listed grassland species) and information concerning the Facility's potential effect on other avian resources will be addressed in separate studies conducted by the Applicant.
96	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>Wildlife Habitat</p> <p>This section mentions that a request was made in June 2016 to NYNHP for information on tracked species in the project area. NYSDEC and NYNHP recommends that such requests be made again one year after the original request if the project has not yet commenced construction, as records are updated and new information may be available on species and natural communities in and near the project site.</p>	Another ecological information request was made in August 2017 to NYNHP and a response was received from NYNHP on August 25, 2017.
97	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(f) Impacts to Vegetation, Wildlife, Wildlife Habitats, and Wildlife Travel Corridors</p> <p>This section should specifically discuss the impacts that construction and operation of the project will have on breeding and wintering grassland birds and the habitats they depend on, including grassland habitat loss and fragmentation. The Applicant should also consult directly with NYSDEC and USFWS for information on the presence or likelihood of occurrence of listed, rare, and sensitive T&E species, SSC, and SGCN in and near the project area.</p>	The Applicant will consult directly with NYSDEC and USFWS as requested. As noted in the response to NYSDPS (comment 50), a draft work plan detailing proposed pre-application bird surveys for the upcoming winter season has been submitted to NYSDEC for review. This draft work plan addresses wintering raptor species (including New York State-listed grassland species) and information concerning the Facility's potential effect on other avian resources will be addressed in separate studies conducted by the Applicant. The results of these pre-construction surveys and the associated impact analysis will provide the information to determine if and to what degree post-construction monitoring would occur.
98	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(g) Measures to Avoid or Mitigate Impacts to Vegetation, Wildlife and Wildlife Habitat</p> <p>When assessing potential and expected impacts to vegetation, wildlife, and wildlife habitat, every effort must be made to first avoid all impacts. Any impacts that cannot be avoided must then be minimized to the greatest extent practicable. Mitigation for unavoidable impacts is considered only after all possible avoidance and minimization efforts have been undertaken.</p>	As stated in Section 2.22(g) of the PSS, the Application will describe avoidance and mitigation measures that "will include careful site design (e.g., utilizing existing roads, avoiding sensitive habitat, avoiding tree clearing, and minimizing disturbance to the extent practicable), adherence to designated construction limits and avoidance of off-limit sensitive areas, adhering to seasonal restrictions (e.g., tree clearing dates), and adhering to construction best management practices." A detailed discussion of the impact avoidance and minimization efforts used in developing the Facility will be included. The narrative discussion will describe and evaluate the Facility design, construction controls, and operational measures that can be reasonably implemented to avoid or minimize impacts to wildlife and wildlife habitat within the Facility Site. Measures to avoid or mitigate impacts to vegetation will be addressed in part (c) of Exhibit 22.
99	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(h) Avian and Bat Impact Analysis and Monitoring Program</p> <p>Many of the requirements set forth in 16 NYCRR 1001.22(h) apply to solar-powered projects, as well as wind-powered projects. Section 1001.22(h)(1) requires an identification and evaluation of potential environmental impacts that the project may have on bird and bat species and the habitats that support them. Pre-construction studies to determine bird use of the site should be conducted following protocols recommended by NYSDEC. Though the cumulative impacts of habitat loss and fragmentation as a result of widespread solar energy project development is not yet a well-studied topic, an analysis and discussion of the available information that has been collected at other large-scale solar projects in New York and the northeast should also be included when evaluating this project's impact on grassland and other habitats, and the species that utilize them.</p>	1001.22(h) is specifically for "proposed wind-powered facilities". The Applicant is proposing a solar-powered facility, and as such the requirements of 1001.22(h) do not apply (see NYSDPS comment 50 regarding 16 NYCRR §1001.22(o)). However, the Applicant has been, and will continue to work with the NYSDEC regarding the appropriate studies that should be conducted for a solar-powered facility. See also responses to Comments 50 and 97 describing the development of pre-construction wintering raptor surveys.
100	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(h) Avian and Bat Impact Analysis and Monitoring Program</p> <p>Section 1001.22(h)(2) requires a description of the post-construction monitoring to be done to evaluate direct and indirect impacts to birds, bats, and their habitats. Although post-construction mortality of birds and bats is generally not expected during the operation of projects utilizing photovoltaic panels, the effects of habitat loss and fragmentation, as well as impacts to terrestrial species such as reptiles and amphibians, should be evaluated. Post-construction studies following protocols recommended by NYSDEC to determine what impacts the presence and operation of the project has on wildlife should be conducted.</p>	1001.22(h) is specifically for "proposed wind-powered facilities". The Applicant is proposing a solar-powered facility, and as such the requirements of 1001.22(h) do not apply (see NYSDPS comment 50 regarding 16 NYCRR §1001.22(o)). However, the Applicant has been, and will continue to work with the NYSDEC regarding the appropriate studies that should be conducted for a solar-powered facility. See also responses to Comments 50 and 97 describing the development of pre-construction wintering raptor surveys.

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101	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(h) Avian and Bat Impact Analysis and Monitoring Program Section 1001.22(h)(3) requires a plan to avoid, minimize, and mitigate impacts to wildlife that may occur as a result of the construction and operation of the project. The Applicant should develop a Bird and Bat Conservation Strategy, Avian and Bat Risk Assessment, or similar document to describe actions to be taken to avoid, minimize, and mitigate for expected and potential impacts to birds and bats, and adaptive management strategies as appropriate. This evaluation will include discussion and analysis of information collected as part of pre- and post construction monitoring surveys at the project, and other proposed and existing solar energy projects in the state, as applicable.	1001.22(h) is specifically for "proposed wind-powered facilities". The Applicant is proposing a solar-powered facility, and as such the requirements of 1001.22(h) do not apply (see NYSDPS comment 50 regarding 16 NYCRR §1001.22(o)). However, the Applicant has been, and will continue to work with the NYSDEC regarding the appropriate studies that should be conducted for a solar-powered facility. See also responses to Comments 50 and 97 describing the development of pre-construction wintering raptor surveys.
102	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(h) Avian and Bat Impact Analysis and Monitoring Program If it is determined by NYSDEC, USFWS or the Applicant that listed species or the habitats they depend on will be impacted by the project, a plan describing strategies to avoid, minimize and mitigate for unavoidable impacts to listed species is required. Such a plan will: 1) include the components of an Incidental Take Permit pursuant to 6 NYCRR Part 182.11; 2) be developed in consultation with NYSDEC (and USFWS should federally-listed species be impacted); 3) result in a net conservation benefit to the target species; and 4) require post-construction monitoring that adequately measures the project's impact on the target species.	1001.22(h) is specifically for "proposed wind-powered facilities". The Applicant is proposing a solar-powered facility, and as such the requirements of 1001.22(h) do not apply (see NYSDPS comment 50 regarding 16 NYCRR §1001.22(o)). However, the Applicant has been, and will continue to work with the NYSDEC regarding the appropriate studies that should be conducted for a solar-powered facility. See also responses to Comments 50 and 97 describing the development of pre-construction wintering raptor surveys.
103	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(h) Avian and Bat Impact Analysis and Monitoring Program Such a post-construction monitoring plan will specify: 1) the expected and allowed level of take of each target species; 2) survey monitoring methods; 3) effort; 4) duration; 5) data reporting and compliance documentation; 6) construction parameters; and 7) mitigation measures sufficient to ensure the Applicant complies with the substantive requirements of 6 NYCRR Part 182.	1001.22(h) is specifically for "proposed wind-powered facilities". The Applicant is proposing a solar-powered facility, and as such the requirements of 1001.22(h) do not apply (see NYSDPS comment 50 regarding 16 NYCRR §1001.22(o)). However, the Applicant has been, and will continue to work with the NYSDEC regarding the appropriate studies that should be conducted for a solar-powered facility. See also responses to Comments 50 and 97 describing the development of pre-construction wintering raptor surveys.
104	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 1. This section should include a map and shapefiles showing delineated wetland boundaries for federally and state-regulated wetlands and adjacent areas within the entire Facility. Additionally, a map and shapefiles showing probable wetland boundaries for federally and state-regulated wetlands and adjacent areas occurring within 500 feet from all Facility components should be provided. The map should be developed using interpretation of aerial imagery signatures, on-site observations, analysis of topography, existing data bases of hydric soils, and wetland mapping maintained by National Wetland Inventory (NWI) and NYSDEC. Wetlands identified in this way should be referred to as "predicted wetlands".	All wetlands identified outside the delineation study area will be referred to in the Application as "predicted wetlands" or "approximate wetlands".
105	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 2. The determination of wetland boundaries during on-site field delineations should be made according to the three-parameter methodology described in the U.S. Army Corps of Engineers (USACE) <i>Wetland Delineation Manual</i> (Environmental Laboratory, 1987), and the appropriate <i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual</i> . In addition, boundaries of freshwater wetlands regulated under Article 24 of the ECL must be delineated according to methods described in the <i>New York State Freshwater Wetlands Delineation Manual</i> (1995). These delineations should include all vernal pools and other similar wetlands regardless of the possible lack of hydrologic connectivity to waters of the United States. Vernal pools should be delineated in accordance with the <i>Regional Supplement</i> .	Comment noted. Delineations will be made according to the methods listed.
106	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 3. Wetland boundaries should be defined in the field by sequentially numbered pink surveyor's flagging marked "wetland delineation", the locations of which will be documented using Global Positioning System (GPS) technology with reported sub-meter accuracy. Wetlands identified by these methods should be referred to as "delineated wetlands", and wetlands that are verified by the Corps and the NYSDEC should be referred to as "jurisdictional wetlands".	Comment noted. Delineations will be made and identified as recommended.
107	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 4. On-site field delineations should consist of boundary flagging of all wetlands and adjacent areas that occur within 500 feet of any edge of disturbance around all Facility components such as access roads, electric interconnection lines, turbines and other components such as temporary and permanent meteorological tower(s), staging areas, O&M building(s), substation(s), etc. These delineation protocols should apply to all wetlands and vernal pools.	As stated in Section 2.22(i), "Wetland delineations within the Facility Site will be conducted within a 200-foot wide corridor centered on linear Facility components (e.g., access roads, buried electrical interconnect, overhead transmission line), and within a 200-foot radius of PV panel modules and other components such as construction staging areas, and the collection substation and POI switchyard." In addition, Section 2.22(i) of the PSS notes that "In order to define boundaries out to 500 feet from Facility components, the Applicant's consultant will use interpretation of aerial imagery signatures, on-site observations, analysis of topography, and existing databases of wetland mapping maintained by National Wetland Inventory (NWI) and NYSDEC. Wetlands identified in this way will be referred to as approximate wetlands." As addressed in response 104, all wetlands identified outside the delineation study area will be referred to in the Application as "predicted wetlands" or "approximate wetlands".

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108	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 5. All wetland boundaries should be keyed to the submissions described in Exhibit 11 (Preliminary Design Drawings). The interpolated boundaries shown on site plans should be differentiated from field delineated boundaries when displayed on maps, site plans, and shapefiles.	As described above in response to Comment 89, the Preliminary Design Drawings will provide a site plan (i.e., proposed location of all Facility components), proposed grading, typical details, etc. as required by 1001.11 of the PSL, and as further refined through the pending stipulations process. It is expected that the Preliminary Design Drawings will include a significant amount of design-specific information, and as such it is unlikely that adding additional information to these drawings (e.g., stream, wetland, and adjacent area impacts as recommended by the commenter) would be effective, and in fact such additional information would likely detract from the information required to be presented on the design drawings. However, all impact to streams, wetlands, adjacent areas, etc. will be clearly explained and presented/depicted in support of Exhibit 22 (Terrestrial Ecology and Wetlands), which is specifically intended for such information by regulation.
109	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 6. Information on any onsite non-Article VII 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, should also be included in this section. For adjacent properties without accessibility, initial surveys may be based on remote-sensing data, interpretation of published wetlands and soils mapping, roadside observations, and aerial photography.	As stated in Section 2.22(i), "In order to define boundaries out to 500 feet from Facility components, the Applicant's consultant will use interpretation of aerial imagery signatures, on-site observations, analysis of topography, and existing databases of wetland mapping maintained by National Wetland Inventory (NWI) and NYSDEC. Wetlands identified in this way will be referred to as approximate wetlands." As addressed in response 104, all wetlands identified outside the delineation study area will be referred to in the Application as "predicted wetlands" or "approximate wetlands".
110	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 7. Maps depicting all Facility components, field-delineated wetlands and adjacent areas, and predicted wetland boundaries and adjacent areas located within 500 feet of all areas to be disturbed by construction should be included in the Application. Shapefiles depicting the same should be provided to NYSDEC prior to the submission of an Application. The Application and its Exhibits should be updated as needed with final wetland delineations, determinations, and the resulting impact calculations, following field visits by NYSDEC and the USACE.	Comment noted. Maps and shapefiles will be provided as requested.
111	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(i) Map Showing Delineated Wetland Boundaries 8. It is the responsibility of the Applicant to facilitate the confirmation of field delineated wetland boundaries by regional NYSDEC staff and USACE staff as needed.	Comment noted. The Applicant acknowledges this responsibility.
112	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(j) Description of Wetlands It should be specified that the Cowardin classification of all federally, state, and locally regulated delineated wetland communities will be provided.	Comment noted. The Cowardin classification will be provided.
113	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(k) Wetland Functional Assessment NYSDEC recommends that a qualitative and descriptive wetland functional assessment, including seasonal variations, for all delineated wetlands be conducted. Qualitative scores that assess functions and values for each delineated wetland will be based on methodology proposed by the Applicant and approved by NYSDEC.	A functions and values assessment will be included in the Article 10 Application. It is anticipated that this assessment will follow the general methodology described in the Wetlands Functions and Values: Descriptive Approach in the September 1999 supplement to The Highway Methodology Workbook (Supplement) by the New England Division of the USACE (USACE, 1995).
114	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(l) Offsite Wetlands Analysis An application should include a description of the hydrologic connectivity of all wetlands within the Facility, including a summary of those wetlands anticipated to fall under NYSDEC jurisdiction (under Article 24 of the ECL) and USACE jurisdiction (under Section 404 of the Federal Clean Water Act or Section 10 of the Rivers and Harbors Act). Assessments of potential state wetlands jurisdiction should include both "mapped" and "unmapped wetlands" that meet NYSDEC's 12.4-acre size threshold (including any wetlands 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 (e.g. wetlands or vernal pools determined to be of Unusual Local Importance, pursuant to 6 NYCRR 664.7(c)). A summary should also include off-site wetlands adjacent to the Facility 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 (NYSDOS), if any, and public lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility. All information, including maps and shapefiles of delineated wetlands, should be provided to NYSDEC as soon as delineations are completed and before the Application is submitted, to allow for NYSDEC to determine the full extent of state wetland jurisdiction.	The Applicant intends on consulting with NYSDEC prior to submitting the Application in an effort to obtain NYSDEC jurisdictional determinations, and include such determinations in the Application.

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115	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(m) Wetland Impacts</p> <p>This section should include an identification and quantification of temporary and permanent impacts to, and any permanent conversions of wetlands and state-regulated 100-foot adjacent areas based on the proposed footprint of all Facility components and associated impact assumptions. This assessment should also include a description of applicable permanent forest conversion, if any, which would occur as a result of the construction of the Facility. Impacts should be summarized and presented in a table that identifies and calculates the following: 1) the type of impact, including but not limited to permanent or temporary fill and forest conversion, to each wetland and adjacent area; 2) associated crossing methodology for each wetland, which clearly discerns the difference between federal and state wetlands, and adjacent area impacts; 3) acreage of each type of impact to regulated wetlands and adjacent areas; 4) associated delineation and NYSDEC wetland identification code; and 5) the page number on preliminary design drawings depicting the resource. Impacts to wetlands should also be presented on a separate set of site plan drawings at 1":50' scale, showing wetland boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, and the limits of disturbance.</p>	<p>The Preliminary Design Drawings will provide a site plan (i.e., proposed location of all Facility components), proposed grading, typical details, etc. as required by 1001.11 of the PSL, and as further refined through the pending stipulations process. It is expected that the Preliminary Design Drawings will include a significant amount of design-specific information, and as such it is unlikely that adding additional information to these drawings (e.g., stream, wetland, and adjacent area impacts as recommended by the commenter) would be effective, and in fact such additional information would likely detract from the information required to be presented on the design drawings. However, all impact to streams, wetlands, adjacent areas, etc. will be clearly explained and presented/depicted in support of Exhibit 22 (Terrestrial Ecology and Wetlands), which is specifically intended for such information by regulation.</p> <p>Scale for wetland impact information graphics presented in support of Exhibit 22 will be determined during preparation of these drawings, and will be appropriate for the intended purposes.</p>
116	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(n) Measures to Avoid/Mitigate Wetland Impacts</p> <p>All attempts must be made to first avoid all impacts to wetlands, followed by minimization of unavoidable impacts, before mitigation is considered. Where impacts to wetlands are unavoidable, and have been minimized to the extent possible, the anticipated mitigation measures to be implemented to offset impacts to wetlands and state-regulated 100-foot adjacent areas must be discussed, including the use of reasonable alternative stream and wetland crossing methods.</p>	<p>Comment noted. As stated in Section 2.22(n) of the PSS, "The Article 10 Application will discuss measures to be implemented to avoid, temporally limit, and mitigate wetland impacts. It is anticipated that direct impacts to wetlands/streams will be minimized by utilizing existing or narrow crossing locations whenever possible. Additional measures may include special crossing techniques, equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures."</p>
117	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(n) Measures to Avoid/Mitigate Wetland Impacts</p> <p>Pursuant to 6 NYCRR Part 663.5(g), a conceptual mitigation plan for impacts to state-regulated wetlands and adjacent areas should be provided to NYSDEC at least 30 days before the submission of an Application and at a minimum must meet the following provisions:</p> <ol style="list-style-type: none"> 1. The mitigation must occur on or in the immediate vicinity of the Facility; 2. The area affected by the proposed mitigation must be regulated by the Freshwater Wetlands Act and 6 NYCRR Part 663 after mitigation measures are completed; 3. The mitigation must provide substantially the same or more benefits than will be lost through the proposed activity. 	<p>The Applicant has initiated consultation with NYSDEC. NYSDEC understands that certain project details, to include the precise location of Facility components and related ground disturbance, has not been identified with certainty. Once Facility siting plans are developed with greater certainty, the Applicant will continue to conduct detailed coordination with NYSDEC. The Applicant views this process as an ongoing, iterative one. Accordingly, the Applicant anticipates meeting and conferring with NYSDEC prior to submission of the Article 10 Application in order to address wetlands issues and to determine the scope and potential applicability of 6 NYCRR Part 663.5(g).</p>
118	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(o) State and Federal Endangered or Threatened Species</p> <p>This section indicates that the Applicant met with NYSDEC staff to introduce this project on August 8, 2017. This date is incorrect. The meeting date was August 29, 2017. This section states that a request was made in June 2016 to NYNHP for information on tracked species in the project area. As mentioned above, NYSDEC and NYNHP recommends that such requests be made again one year after the original request if the project has not yet commenced construction, as records are updated and new information may be available on species and natural communities in and near the project site. The Applicant should coordinate with NYSDEC regarding the timing and scope of pre-construction surveys for wintering and breeding grassland birds, and any other listed species that may be impacted by the project.</p>	<p>Comment noted, the date of the meeting included in the PSS was incorrect. Please refer to the response to Comment 95 regarding coordination with NYSDEC for pre-construction avian surveys and response 96 regarding information requests from NYNHP.</p>
119	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.23	Exhibit 23: Water Resources and Aquatic Ecology	<p>(b) Surface Waters</p> <p>(1) Surface Waters Map</p> <p>The map should include both intermittent and ephemeral streams, and wetlands, and be based on data from NYSDEC, GIS ESRI, US Geological Survey, National Wetlands Inventory and stream data collected during on-site surveys of water resources. Wetland and stream delineations will identify all surface waters (ponds, vernal pools, and ephemeral, intermittent, and perennial streams). This data should also be provided to NYSDEC as shapefiles and in tabular format that can be cross referenced to the maps.</p>	<p>Comment noted. Maps and related data will be provided to NYSDEC.</p>

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
120	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.23	Exhibit 23: Water Resources and Aquatic Ecology	(b) Surface Waters (4) Impacts to Surface Waters Every attempt must be made to first avoid all impacts to surface waters, followed by a minimization of unavoidable impacts, before mitigation is considered. Environmental impacts to be discussed and addressed should include thermal changes to waterbodies due to vegetative clearing, changes to in-stream structure and morphology, potential impacts to or taking of state listed T&E, SSC and SGCN, and the effects of turbidity on nearby habitat. The nature of the facility in relation to the sediment control plans should be described so as to evaluate the anticipated effects of the project. A demonstration that any discharge into waters of the United States shall comply with the effluent limitations, effluent prohibitions, water quality-related effluent limitations, and pre-treatment standards set forth in 6 NYCRR Part 750-1.11 and Part 750-2.1; water quality standards and thermal discharge criteria set forth in 6 NYCRR Parts 701, 702, 703 and 704; standards of performance for new sources set forth in 6 NYCRR Part 750-1.11 and Part 750-2.1; prohibited discharges set forth in 6 NYCRR part 750-1.3; and regulations and criteria otherwise applicable to such activities must also be provided.	The Applicant does not anticipate impacts to surface waters. As indicated in response to Comment #117, above, the Applicant has initiated consultation with NYSDEC. NYSDEC understands that certain project details, to include the precise location of Facility components and related ground disturbance, has not been identified with certainty. Once Facility siting plans are developed with greater certainty, the Applicant will continue to conduct detailed coordination with NYSDEC. Part of this consultative process will include an identification of jurisdictional resources which may be impacted by the proposed Facility. Accordingly, the Applicant anticipates meeting and conferring with NYSDEC in order to identify applicable regulatory requirements in order to ensure compliance with all applicable standards.
121	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	2.23	Exhibit 23: Water Resources and Aquatic Ecology	(b) Surface Waters (5) Measures to Avoid or Mitigate Surface Water Impacts This section should include an identification and evaluation of reasonable avoidance measures and Facility layout alternatives. This should include an evaluation of alternatives that may entirely avoid impacts to regulated waterbodies. Where impacts are unavoidable and have been minimized to the greatest extent possible, mitigation measures will then be considered. All new stream crossings or upgrades of old crossings that may be necessary must 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 considerations for culvert placement. The feasibility of using trenchless stream crossings should be assessed for all streams proposed to be crossed. Work prohibition dates will be established after the Application has identified which streams will be crossed. BMPs will be employed throughout the remainder of the year for all stream crossings.	For unavoidable, minimized impact stream crossings, a site specific "Stream Crossing Plan" detailing the proposed culvert placement and other crossing specifications will be submitted to NYSDEC for approval prior to the creation, modification, or improvement of any permanent road/stream crossing. NYSDEC will need to approve these plans prior to construction. Stream Crossing Plans will be prepared and submitted as part of post-certification compliance filing with the final engineering plans.
122	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	Appendix H	Appendix H: Ecological Communities and Threatened and Endangered Species Habitat Assessment	3.1 Agricultural Land A distinction should be made when identifying the amount of row crop, hayfield and pasture land within the project area, rather than lumping all cover types together as one category. The amount of expected disturbance to each of these cover types should also be distinguished. Row crops are generally not suitable habitat for grassland birds, particularly during the breeding season, while hayfields and pastures are often utilized by breeding and wintering grassland birds.	Specific agricultural ecological community types will be identified and described in the Article 10 Application as suggested and the amount of disturbance to each specific type will also be distinguished. Based on Ecological Communities of New York State (Edinger et al., 2014), the following terrestrial cultural ecological community types will be addressed: (1) Cropland/row crops - includes row crops such as corn, potatoes, and soybeans; (2) Cropland/field crops - includes field crops such as alfalfa, wheat, timothy, oats, also includes hayfields; (3) Pastureland - includes land permanently maintained (or recently abandoned) as a pasture area for livestock.
123	Filed Documents - NYSDPS	11/8/2017	New York Department of Environmental Conservation	DEC	Appendix H	Appendix H: Ecological Communities and Threatened and Endangered Species Habitat Assessment	The Applicant should consult with NYSDEC regarding other available data pertaining to listed species observations, survey results, and documented presence within and nearby the project area. NYSDEC recommends breeding grassland bird and wintering raptor surveys be conducted at this site. A minimum of two years of appropriately executed pre-construction surveys will provide a baseline of bird use at the site, determine if state-listed species are utilizing the project area, and provide data that can be compared with post-construction surveys intended to evaluate what impact the project may have on breeding and wintering birds. Wintering raptor surveys should begin by November 15, and breeding bird surveys should begin by May 20. If data collected by the Applicant or NYSDEC indicate state-listed species are present on site and may be impacted by the construction or operation of the project, the substantive requirements of an incidental take permit must be provided with the Application, including a mitigation plan that provides a net conservation benefit to the affected species.	As discussed in Section 2.22 of the PSS, the Applicant initiated site-specific data review and field studies, including ecological community mapping, threatened and endangered species (and other wildlife) habitat characterization, and identification of wetlands within the Facility Area in 2017. As noted in the response to Comment 95, a draft work plan detailing proposed site-specific bird surveys for the upcoming winter season has been submitted to NYSDEC for review. This draft work plan addresses wintering raptor species (including New York State-listed grassland species) and information concerning the Facility's potential effect on other avian resources will be addressed in separate studies conducted by the Applicant.
124	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	1.4	Potential Impacts	On page 7 of the PSS it states "[t]he Applicant's preliminary estimates indicate that up to 1,000 acres of agricultural land will be required to develop the facility; which is less than 1% of the land currently dedicated to agriculture in Montgomery County. However, construction of the Facility will not permanently remove these lands from future use for agriculture." The Applicant also states on page 151 of the PSS that the "useful life" of the Facility is "approximately 20 to 40 years." The Department considers the conversion of agricultural land to a nonagricultural use for up to 40 years to be a permanent conversion. The Department is primarily concerned with the percent of agricultural land in the project area that is being converted to nonagricultural use and the impact on the agricultural viability in the project area. Therefore, the information in the PSS concerning the impact to the percentage of agricultural land in the entire county is misleading. The Applicant should assess the cumulative impact of the Facility and other conversions in the area over the useful life of the project. The Applicant should also discuss the impact of the project on agricultural viability in the area over the next 40 years.	NYSAM's comment that it considers the Project to be a permanent conversion of agricultural land is noted. The Applicant does not consider construction of the Facility to be a permanent conversion of agricultural land. Operation of the Facility, because it can be decommissioned, does not represent an irretrievable commitment of resources. In other words, if the Facility is decommissioned, the land within the Facility can be used for other purposes (including agriculture) at a future date. The Article 10 application will also address the Project's impact on land uses, including agriculture, in the Study Area. Section 2.4 of the PSS states that, "[t]he Article 10 Application will identify nearby land uses of particular concern to the communities, and will address the land use impacts of the Facility on residential areas, agricultural areas, schools, civic facilities, recreational facilities and commercial areas." As requested, the Applicant will present the percentage of land within the Facility Area that will be in use by photovoltaic panels during operation of the project and a discussion of the impact of that use the viability on agriculture in the vicinity. The Applicant has no means to predict the potential for other non-agricultural uses in the project vicinity or the potential impact of those uses on agriculture.
125	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	1.4	Potential Impacts	On Page 7 of the PSS, the Applicant also states "[a]llowing the on-site soils to 'rest' over the life of the Project will result in an added benefit of restoring nutrients and productivity to the soils." The Department is not aware of any studies documenting such benefits. If this statement is based on any specific studies, the Applicant should provide a reference. Otherwise, this statement is speculation.	The Article 10 Application will include a more detailed discussion of the potential benefits of removing land from active agricultural production in terms of soil productivity. The Application will include appropriate references that support this discussion.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
126	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	1.5	Impact Avoidance Measures	Section 1.5 of the PSS (page 9) discusses Impact Avoidance Measures. This section includes very minimal information on impact avoidance measures for agricultural resources and even indicates that agricultural resources were targeted for the project. The Application should include detailed information on impact avoidance measures for agricultural resources, if any have been considered.	<p>The Article 10 application will contain detailed information on impact avoidance measures for agricultural resources.</p> <p>What must be taken into consideration is that over the past few years, New York has adopted strongly proactive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the system most notably reflected in the 2015 State Energy Plan ("SEP"), issued June 25, 2015, by the New York State Energy Planning Board. The SEP describes the State's energy future through a series of goals such as a 40% reduction in GHG emissions from 1990 levels, procurement of 50% of electricity generation from renewable energy sources by 2030. On August 1, 2016, in accordance with the statutory obligation that agency actions must be reasonably consistent with the most recent SEP, the Public Service Commission adopted the SEP's goals that 50% of New York's electricity is to be generated by renewable sources by 2030 as part of a strategy to reduce statewide greenhouse gas emissions by 40% by 2030 and approved the Clean Energy Standard ("CES").</p> <p>In order to achieve these goals, large-scale renewable generation is needed and sufficient land best suited for such facilities must be identified. Sufficient and unappropriated land and access to the existing transmission system are two of the most important considerations in selecting a facility site. Proper siting considerations for solar projects also include avoidance of areas with significant aesthetic or scenic resources and selection of sites that are not used by the public for recreation. The Applicant has sited the Facility in a rural agricultural region in effort to minimize the need for land clearing and typical construction processes such as surface grading, and soil compaction. The Applicant is also choosing the least intrusive PV panel mounting systems available to minimize soil disturbance so that the land can return to its current agricultural use following the decommissioning of the Facility.</p> <p>Moreover, there are approximately 131,386 acres of farmland in Montgomery County, which is approximately 50% of the total overall land area within the county. The Applicant's preliminary estimates indicate that up to 1,000 acres of agricultural land will be required to develop the Facility; which is less than 1% of the land currently dedicated to agriculture in Montgomery County.</p> <p>Therefore, the agricultural land on which the Project will be located was not targeted. Rather, the land in question was chosen because it is one of few locations in the state that satisfies all of the above siting criteria.</p>
127	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	2.4	Exhibit 4: Land Use	<p>(i) Compatibility of the Facility with Existing and Proposed Land Uses</p> <p>On page 25, paragraph (i), the Applicant states "[t]he Article 10 Application will present, in acres, the permanent (if any) and temporary impacts to each of the existing and proposed land use classes to be physically affected by the Facility." As stated above, the Department considers the Facility a permanent conversion of agricultural land. The application should include the percentage of agricultural land in the project area that will be converted to nonagricultural use as a result of the construction of the Facility. Additionally, the Applicant should set forth the impacts to sub-surface drainage systems that will be impacted as a result of the project.</p>	<p>As stated in Section 2.22(q) of the PSS, "The presence of agricultural land will be documented based on site-specific field investigations and review of aerial imagery. The type of agricultural use (e.g., row crops, hayfields, pasture) will also be documented in the Article 10 Application. In addition, the Article 10 Application will include a map and summary of all locations classified as "prime farmland," "prime farmland if drained", "unique farmland", "farmland of statewide importance", and "farmland of local importance" within the Facility Site. All impacts to agricultural land will be based on GIS calculations, as described above in association with 1001.22(b), and mitigation is anticipated to generally follow the guidelines established by the New York State Department of Agriculture and Markets (NYSDAM)."</p> <p>Please also refer to the response to Comment 126 regarding impact avoidance measures.</p>
128	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	2.4	Exhibit 4: Land Use	<p>(j) Compatibility of Above-Ground Interconnection with Existing and Proposed Land Uses</p> <p>Page 26, paragraph (j) states "[t]he proposed Facility may utilize above-ground interconnect lines where the usage of underground lines would cause greater environmental impacts, and/or are cost prohibitive, including (but not limited to) along the edges of selected agricultural fields, and crossing steep terrain, streams, wetlands, and public roads." It is unclear why underground lines would cause greater environmental impacts or are cost prohibitive "along the edges of select agricultural fields." Above-ground interconnection lines should not be installed in agricultural fields.</p>	<p>The Applicant does not anticipate that overhead collection lines will be constructed as part of the Facility. In the event that overhead collection lines are determined to be necessary, the siting of these overhead lines would be carefully considered with respect to avoiding or minimizing potential environmental impacts. The Applicant has and will continue to consider participating landowner preferences to shift Facility components away from active agricultural land as much as possible to try to maintain existing farming operations in agricultural lands.</p>
129	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	2.9	Exhibit 9: Alternatives	<p>(b) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations</p> <p>(1) Environmental Setting</p> <p>The second paragraph under the heading Environmental Setting (page 40) states "[w]hile both temporary and long-term impacts to land use will occur, these changes will affect a small percentage of leased lands, and the Facility will not interfere with land uses that dominate the surrounding areas." As a result of the agricultural land being converted to a nonagricultural use, the Department is extremely concerned about the long-term viability of agriculture in the project area. The Applicant should assess the cumulative impact of the Facility and other conversions in the area over the useful life of the Facility.</p>	<p>Ag & Markets comment regarding its concern over the long-term viability of agriculture in the Project area is noted.</p> <p>Please see response to Ag & Market comment on Section 1.4, above.</p>
130	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	2.12	Exhibit 12: Construction	<p>The third paragraph on page 57 states "[t]he majority of the collection system will be buried to a depth of 3 feet utilizing a trenching method." Collection lines in agricultural areas are to be buried to a minimum depth of 4 feet.</p>	<p>Comment noted. The Application will reference "a minimum depth of 4 feet".</p>

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
131	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	(q) Agricultural Impacts Paragraph (q) on page 113 discusses the agricultural resource information that will be included in the application. See above comments concerning documentation of cumulative impacts on the viability of agriculture in the area for the life of the Facility.	Please refer to responses to Comments 122 and 126 above regarding agricultural impacts.
132	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	2.29	Exhibit 29: Site Restoration and Decommissioning	(b) Decommissioning and Restoration Plan Section 2.29 on page 151 discusses the Site Restoration and Decommissioning. It should be noted in the Decommissioning and Restoration Plan that all structures in agricultural areas (with the exception of the buried collection lines) will be removed to a depth of 4 feet.	Comment noted. The Applicant acknowledges removal of structures (with the exception of buried collection lines) to a depth of 4 feet in agricultural areas.
133	Filed Documents - NYSDPS	11/8/2017	New York Department of Agriculture and Markets	DAM	Table 8	Table 8. Comparison of Contents of this PSS with the Requirements of 1000.5(l)	The table on page 176 includes a statement that "no material issues have been raised by the public or affected agencies beyond what will be addressed in the Article 10 Application." As indicated in Appendix B of the PSS, the Department met with representatives from Mohawk Solar on two occasions. During both meetings, the Department expressed great concern with the amount of agricultural land being taken out of production by the Facility and the impact on agricultural viability in the area. The Department also expressed concern with the potential impact to agricultural subsurface drainage improvements in the area resulting from the construction of the Facility. Both concerns should have been noted in the table and should be addressed in the application.	Comment noted. The Applicant is keenly aware of and sensitive to the Department of Ag & Markets concerns regarding agricultural land being taken out of production. However, use of agricultural land must be balanced against the benefits of increased renewable generation and the many factors associated with choosing a viable location for large scale solar projects. Nevertheless, with respect to the Project's impact on agricultural viability in the area, Section 2.4 states that, "[t]he Article 10 Application will identify nearby land uses of particular concern to the communities, and will address the land use impacts of the Facility on residential areas, agricultural areas, schools, civic facilities, recreational facilities and commercial areas." The Applicant is also aware of the Ag & Markets concerns regarding Project impacts on drainage tiles within the area. The Article 10 application will address this issue as well as propose mitigation, monitoring and restorative measures for any disturbance to subsurface drain tiles. The meeting log has also been updated to reflect issues raised by Ag & Markets during meetings with Mohawk Solar representatives.
134	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.31	Exhibit 31: Local Laws and Regulations	Waivers of Local Laws Of primary concern to the Towns is that the design of the solar power facility, which may impact, directly or indirectly, greater than 6000 acres comply with the laws adopted by the Towns to address the siting of utility grade solar power projects within the Towns. In the PSS the Applicant provides in Section 2.31 a list of substantive local ordinances/laws that the Applicant requests the board not apply to its project. Section 2.31 identifies local laws and ordinances that may impact the proposed project. Section 2.31(b) notes that all "local procedural requirements are supplanted by Article 10 unless otherwise requested by the Applicant or expressly authorized by the Board." Section 2.31 (e) notes that the Applicant "anticipates complying with all substantive local laws and ordinances, other than those that are unduly burdensome." The Towns respectfully request that the Siting Board not grant any waiver to the Applicant of any local laws or ordinances, including but not limited to Local Law No. 1 of the year 2017, a local law regulating solar facilities in the Town of Minden pursuant to Section 90-52.24 of the Town of Minden Town Code and Local Law No. 2 of 2017 of the Town of Canajoharie which establishes town-wide solar energy rules and regulations. The Towns request, moreover, that the Applicant provide additional details regarding: (1) the local laws from which it is requesting a waiver; (2) the specific waiver that is being requested; and (3) the ways in which the proposed project will not comply with local laws if any waiver is granted. The Towns through their Code Enforcement Officers and Planning Boards are willing to work with the Applicant to examine the details of the proposed project and the Towns' local laws to show the Applicant how it can comply with the laws without such compliance being unduly burdensome. This process should be undertaken now as part of the development of stipulations for the Article X application.	The Towns' request that the Siting Board not grant any waiver of local laws or ordinances is premature and not properly contained in comments on the PSS. Nevertheless, at this point the Applicant believes that the Project will comply with all local laws and ordinances and no waivers will be required. If by the time the application is filed it is determined that waivers are required, the application will contain the information requested by the Towns as required by the Siting Board's rules. The Siting Board's regulations require that an Article 10 application contain "[a] list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the proposed major electric generating facility " that are of both a procedural and substantive nature. Procedural laws are supplanted by Article 10 unless requested that the Towns be allowed to apply any local law. For each local substantive requirement identified, the application will contain a statement justifying the request. The statement of justification will 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 proposed facility, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.
135	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.24	Exhibit 24: Visual Impacts	Assessment of Visual Impacts The PSS sets forth in Section 2.24 how visual impacts will be evaluated for the Article 10 application. This proposal is sensitive to historic properties, to the Route 20 scenic byway (many miles distant from the Project), and to properties that may be used by the public for recreational purposes. Unfortunately, the proposed assessment of visual impacts does not set forth a process that will identify impacts upon those property owners whose land is proximate to the proposed project. In a municipal context, the Town Planning Board spends a considerable amount of time focusing on alleviating direct impacts on neighboring property owners. To achieve that goal specific information concerning the visibility of a proposed project from a neighbor's house is necessary. Only if the Board members can understand what the neighbor will see can they ensure that appropriate mitigation measures are employed to protect such views. While the PSS mentions mitigation measures such as planted berms, landscaped hedges, and the use of native vegetation such as bushes and tall grasses, it does not provide a way in which the Towns can evaluate if sufficient mitigation will be proposed in the Application to protect the views of neighbors. One method that receives very little recognition is the provision of setbacks and buffers, as well as the maintenance of existing hedgerows which are traditionally found on farmland. While solar facilities may be only 10 feet high, they will introduce a very different and discordant element into the farming landscape. The facilities will also continuously cover an expansive area as shown on the Preliminary Panel Layout from August of 2017. The Towns respectfully request that this initial scoping and stipulation process provide sufficient information to evaluate the visual impacts on neighboring property owners and to ensure the design of mitigation measures to counteract those potential impacts.	As noted in Section 2.24 of the PSS, the Article 10 Application will include consideration of the Facility's visibility from and visual effects on visually sensitive sites. The Article 10 Application will include identification of residences adjacent to the Facility Site and include an analysis of potential visibility and visual impacts on those residential properties. The Application will also include discussion of potential mitigation measures (such as vegetative screening) that could be installed to minimize or mitigate visual impacts on residential properties. The Article 10 Application will also include consideration of setbacks and viewing distance (in terms of visual effects). Mapping of hedgerows within and adjacent to the Facility Site, as well as consideration of the screening effect of those features, will be included in the description and assessment of the visual setting within the visual study area. The Applicant will continue to consult with the Towns to identify concerns related to potential visual impacts and discuss measures to address those concerns.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
136	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.25	Exhibit 25: Effect on Transportation	<p>(d) Traffic and Transportation Impacts (5) Road Use and Restoration Agreements</p> <p>Roadway Impacts</p> <p>The Towns are responsible for the maintenance and upkeep of their local roads. The PSS indicates that the Applicant plans to enter into Road Use Agreements with the local jurisdictions to address impacts to the roads caused by construction equipment. This would include situations where public roads may need to be upgraded to support such equipment. The Towns request that the agreements be negotiated as part of the stipulations so that sufficient information can be provided in the Application on such impacts. Rural towns and town highway superintendents devote considerable sums to roadway maintenance. Addressing this issue early in the process is critically important. Similarly, extensive communication with the local Fire Companies is important as the access roads are proposed to be only 15 feet wide and to be constructed of gravel. Addressing firefighting means and methods at the facility is important. Enough information should be provided to demonstrate that the access roads will be open in the winter (snow removal) and capable of supporting the weight of the firetrucks in the Spring and Fall when wetter conditions prevail.</p>	<p>The Towns' comments regarding road use agreements do not raise any deficiency or other issue with the PSS. Rather, the Towns request that agreements be negotiated as part of the stipulation process. Accordingly, no proposed modification of or expansion to the PSS is warranted.</p> <p>At present, the Applicant does not anticipate that any upgrades or changes to existing road conditions will be required based on Project construction or operation. Construction vehicles are of the size and type currently utilizing local roads to service existing uses in the area.</p> <p>With respect to communication with local Fire Companies, the PIP provides "that Facility development, construction and operation will also include specific measures to mitigate potential impacts to specific resources, which could include the following types of measures: - Developing an Emergency and Fire Response Plan with local first responders."</p> <p>With respect to the Towns' comments regarding adequacy of access roads to permit first responders, the Article 10 application will describe and discuss actions that would be implemented in the event a fire emergency occurs including the specific care that will be taken to ensure fire fighters have access to the Facility in addition to adequate roads to respond to emergencies.</p> <p>The PSS further states that "consultations [with first responders] will result in the fire departments learning about the Facility, the Article 10 process, and how the Applicant typically interacts with fire and emergency service providers during construction and operation. The Applicant will alert all Fire Departments that there will be a fire and emergency training and communication plan developed as part of the Article 10 process."</p>
137	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.22	Exhibit 22: Terrestrial Ecology and Wetlands	<p>(q) Agricultural Impacts</p> <p>Farmland Impacts</p> <p>The Applicant indicates that much of the property to be used for the project is sub-prime agricultural land. The information collected on the farmland is not particularly extensive as set forth in section [2.22] (q), particularly when compared to the information on threatened and endangered species in the preceding section. The PSS and the stipulations should set forth how and what information will be collected by the Applicant concerning the existing uses of the farmland. This should include whether drain tile or other improvements have been installed on the property to enhance its quality as farmland. Carefully examining this issue and the mitigation measures to be taken to preserve even the land that will be used as part of the solar project is necessary because of the proposed decommissioning plan discussed below. The PSS also refers to standard mitigation measures required by the NYS Department of Agriculture and Markets but it does not go into detail as to what those measures will be or how they will be applied. The Towns would also recommend that willing local farms participate in the negotiation of farmland protection measures as such local farmers may have insights and suggestions based on farmland characteristics unique to Montgomery County.</p>	<p>Throughout the development process, the Applicant has consulted with, and relied heavily on the knowledge of the participating farmers. The Applicant acknowledges that valuable information on agricultural resources is available from public sources, but the most intimate knowledge of the immediate project area can only be offered by those working the land each day. Therefore, although Applicant will consult with the Department of Ag & Markets and local ag extension offices for guidance on farmland protective measures, the landowners themselves will be considered an invaluable resource for protecting their farmland, identifying drain tile locations, repairing drain tile that might become damaged during construction activities, weed control, and protection of organic-certified farms. Information gained from interaction with the Departments and local farmers will be included in the Application, and used to the greatest extent possible to minimize impacts to the current agricultural nature of the project area.</p>
138	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.29	Exhibit 29: Site Restoration and Decommissioning	<p>(b) Decommissioning and Restoration Plan</p> <p>Decommissioning Plan</p> <p>The decommissioning plan discussion in the PSS is very rudimentary. It does not provide sufficient detail on how the use of the land for solar panels can be reversed so that it has the potential to be productive farmland in the future. It also assumes that there will be a salvage value for the solar panels and other equipment to be removed at the end of the life of the project. The elements of the plan, the need to cover prevailing wage costs in the event the State or the Towns are charged with the removal of the solar facility in the future, i.e. if the owner fails to implement the decommissioning plan, should be discussed. The stipulation process should cover the information necessary to ensure an adequate decommissioning plan and to help ensure the future use of the property as farmland. Moreover, since the Applicant does not own the property on which the project will be constructed, it is unclear how the Certificate, if issued, and the approved decommissioning plan would grant to either the Towns or the State legally sufficient access to undertake the plan.</p>	<p>Decommissioning plans are a very important part of any project development. The Applicant intends to provide more detail concerning the decommissioning plan to the Towns during the stipulations process and prior to submitting the Article 10 Application as requested by the commenter. Details of the methodology for removal of the equipment, salvage value, wage assumptions for future equipment removal, and periodic updates to the cost estimates and value of financial surety will be discussed with the Towns.</p>

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
139	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.27	Exhibit 27: Socioeconomic Effects	<p>Economic Benefits of the Project</p> <p>The method for determining the extent to which the project will benefit the local community is insufficiently addressed in the PSS. The PSS indicates that a general study will be undertaken showing the direct and indirect economic benefits of the project. These studies often fail to capture or adequately describe the benefits and detriments likely to be experienced by the local community. For example, one problem with specialized energy projects is that local workers and contractors do not have the necessary training in panel installation and electrical facilities to be hired as part of the workforce to construct the project. Solar facilities are being constructed in many rural places. It would be helpful if the Application identified training opportunities for local workers early in this process.</p> <p>Another issue that has been raised is the concern that the project will adversely affect local property values. Since large solar facilities have been built in similar rural locations, presenting a study assessing this likelihood as part of the Application would be helpful. Lastly, the Applicant refers to future payments in lieu of taxes to the Towns, the affected School Districts and the County. It would be helpful if the Applicant provided greater detail on the PILOT terms it intends to propose as part of the Application.</p>	<p>As described above in the response to Comment 67, the Applicant is in communication with Montgomery County regarding use of data/modeling for the socioeconomic analyses to be included in the Article 10 Application based on economic modeling that the County is conducting as part of developing a PILOT agreement. The Applicant will evaluate the suitability of that data/modeling for use in the Application. In addition, it is the Applicant's understanding that the purpose of stipulations is to negotiate agreements on the scope and methodology, including models, to be used for the studies to be included in the Application. Regarding the potential for local employment and training opportunities, the Applicant is conducting local outreach events (as described in the PIP Plan) that include opportunities for discussion with local contractors regarding potential opportunities during Facility construction.</p> <p>The Application will include a discussion of the Facility's potential effect on local property values. In the Applicant's experience, solar projects that are properly sited with adequate setbacks and landscaping will not impact home values. The Applicant will continue to notify neighbors and visit with them as requested to discuss the project and its operation. The Applicant is unaware of any rigorous evaluations of impact on real estate values post construction for utility scale solar projects. The Applicant is also unaware of such claims associated with operating projects.</p> <p>The PILOT process is still in early stages, so specifics on the value of the PILOT are not able to be provided at this time. However, the Towns, School Districts, and County will be offered the opportunity to provide input to the Montgomery County IDA during the PILOT negotiation process. Final values of the PILOT will be provided as part of the Application. In general, what can be said regarding the PILOT is that it will not negatively impact current tax revenues to any of the taxing bodies affected by the project. Rather, the PILOT amounts are in addition to the current tax revenue offered by the land's present use. In addition, due to the change of use of the land which will occur when the project is built, additional tax revenue will flow to the taxing bodies in the form of a one-time roll-back tax payment, and on-going increased taxes due to the removal of ag exemption status on the land. All of the additional taxes mentioned will be borne by the Applicant, with no taxes associated with the installation of the project to be paid by the landowner.</p>
140	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.10	Exhibit 10: Consistency with Energy Planning Objectives	<p>(h) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations</p> <p>Alternatives</p> <p>In the PSS section 2.10(h), the Applicant states that "a full comparison between the proposed Facility Location and alternative locations will not be contained in the Application. Instead the Article 10 Application will focus on comparing alternative facility configurations within the proposed Facility Area." While the proposed Facility Area is very large, it is unclear why the evaluation of alternative locations is limited to this area. If the Applicant is going to take this position then the nature of the evaluation should be stipulated in greater detail, otherwise the evaluation of alternatives presented in the Article 10 Application may be insufficient.</p>	<p>As described above in the response to Comment 18, the Facility requires reasonable proximity to a transmission line with existing capacity for interconnection. Despite other property interests that Avangrid Renewables, LLC is currently seeking in New York State, the proposed location for Mohawk Solar remains the most reasonable location site for the Facility given the presence of a suitable interconnection opportunity (the St. Johnsville-Marshville 115-kV transmission line) and given this location's compatibility with other important siting factors as described in PSS Section 2.9(a). Namely, the proposed location site has compatible land use and willing land lease participants. Further consideration of alternative locations for the Facility will be provided in the Article 10 Application.</p>
141	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.2	Exhibit 2: Overview and Public Involvement	<p>Additional Technical Comments</p> <p>1. Facility Site Size. Various instances within the PSS indicate the facility site will be approximately 1,000 acres of leased private land. Section 2.2(a) states "the actual footprint of the proposed Facility will encompass approximately 830 acres." Please clarify what the facility site size is estimated to be and the difference, if any, in the varying figures cited.</p>	<p>As stated in the PSS (page iii), the term "Facility Site" refers to "Those parcels currently under, or being pursued, for lease (or other real property interests) with the Applicant for the location of all Facility components." The total area of these parcels will be approximately 1,000 acres. A preliminary Facility layout is presented in the PSS to illustrate the potential layout of the Facility. Based on this preliminary Facility layout, proposed PV panels would occupy approximately 830 acres within these leased parcels. Ongoing design of the proposed Facility is considering a variety of factors including landowner preferences and potential environmental impacts. An updated Facility layout will be presented in the Article 10 Application.</p>
142	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.1	General Requirements	<p>Additional Technical Comments</p> <p>2. Certificate of Formation. Sections 2.1(6) and 2.1(7) indicate the certificate of formation for Mohawk Solar LLC is included in Appendix C. This could not be located as Appendix C is a master list of stakeholders. Please include certificate of formation or appropriate documentation in compliance with 16 CRR-NY 1001.1(f)(6) and 16 CRR-NY 1001.1(f)(7).</p>	<p>The PSS incorrectly states that the Certificate of Formation is included as Appendix C in the PSS. The required Certificate of Formation will be provided with the Article 10 Application.</p>
143	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.11	Exhibit 11: Preliminary Design Drawings	<p>Additional Technical Comments</p> <p>3. Off site Improvement Plans. In addition to those features indicated to be shown on the preliminary design drawings per section 2.11(a) of the PSS, "all offsite facilities and ancillary features" should be shown on the site plans in conformance with 16 CRR-NY 1001.11(a). This is likely to include, at minimum, improvements to local roads as is discussed elsewhere in the PSS and under comment 6, below.</p>	<p>The Applicant does not anticipate that construction or operation of the Project will necessitate any improvements to local roads. However, the Article 10 application will identify the anticipated haul routes to be utilized, and the adequacy of these routes to accommodate deliveries during construction as well as traffic during operation of the Facility. This information will also be provided to the Towns prior to submission of the Application. A detailed description of potential haul routes will be provided, and will include information associated with roadway condition, width, bridges, culverts, and any observed potential obstacles. Any improvements to local roads will be represented on maps showing their relation to the Project facilities.</p> <p>See also response to Town's comment re: section 2.25.</p>
144	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.39	Exhibit 39: Wastewater Interconnection	<p>Additional Technical Comments</p> <p>4. O&M Facility Building. Multiple references are made within the PSS to a possible O&M facility building. Please clarify when the decision will be made as to whether such a facility is required and whether an existing structure will be repurposed or if a new structure will be built. This decision will have multiple impacts throughout the application including on water and wastewater connections. The applicant should verify the permitting authority for well and septic installation as these may be under the authority of the NYS Department of Health. While the PSS indicates that architectural drawings are not necessary, at a minimum it appears that such drawings would be necessary if an O&M Facility Building is proposed to be built.</p>	<p>The Applicant will make the final decision to build, rent, or renovate an on-site or off-site O&M building prior to submitting the Article 10 Application. The appropriate information will be provided within the Article 10 Application based on the outcome of that decision. Specifically, as requested, Applicant will address water, sewer, and architectural drawings, as well as any other pertinent permitting requirements. The Applicant will provide architectural drawings of any new O&M facility, as well as identify water and sewer needs, if construction of a new Operations and Maintenance facility is determined to be necessary.</p>

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Exhibit	Comment	Response
145	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.23	Exhibit 23: Water Resources and Aquatic Ecology	<p>Additional Technical Comments</p> <p>5. Stormwater Pollution Prevention Plan. Section 2.23(c)(2) indicates that a preliminary SWPPP will be included in the Article 10 application with discussion of erosion, sediment, and post-construction stormwater management controls but will not include hydrologic modeling. While we acknowledge the fact that final engineered site plans will not be completed until after the Article 10 process, a complete SWPPP including pre- and post-development hydrologic modeling should be included with the application to evaluate the adequacy of post-construction controls.</p>	<p>The preliminary design drawings and SWPPP will be prepared using USGS topographic data. These data are considered sufficient for the hydrologic modeling of off-site and large watersheds. However, these data are not accurate enough for final site design or for hydrologic modeling and design of on-site post-construction stormwater management practices.</p> <p>If a pre- and post-development model were to be completed based on this topography, it would have limited accuracy and would require significant rework at the final design stage. Therefore, the Applicant will identify as necessary the post-construction stormwater management practices that are anticipated to be implemented to meet the stormwater quality and quantity requirements of the 2015 NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (General Permit) on the preliminary design drawings. In accordance with the General Permit, hydrologic modeling and complete design of the post-construction stormwater management will be completed prior to construction.</p>
146	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	2.25	Exhibit 25: Effect on Transportation	<p>Additional Technical Comments</p> <p>6. Road Use and Restoration Agreements. In addition to the proposed Route Evaluation Study, the Article 10 application should include a support study regarding the anticipated quantity of material to be imported to the facility site and an analysis of impacts on existing public transportation infrastructure. Any public road upgrades, anticipated restoration, and/or bonding for damages should be discussed herein along with draft road use and restoration agreements (or similar) with the respective owner (e.g. Town, County, etc.).</p>	<p>Section 25 of the Article 10 application will analyze construction and post-construction traffic to the Project site and analyze potential impacts on existing public transportation.</p> <p>Section 25 of the Article 10 application will also identify all anticipated County and Town road use and restoration agreements that will be required for construction and post-construction use of public roads.</p> <p>See also response to Town's comment re: Section 2.25 of the PSS.</p>
147	Filed Documents - NYSDPS	11/8/2017	Towns of Canajoharie and Minden	Towns	3.0	Summary and Conclusions	<p>Additional Technical Comments</p> <p>7. Pending Reports & Support Studies. In addition to those reports and support studies listed in section 3.0 of the PSS and those referenced elsewhere in this letter, the following should also be included in the Article 10 application:</p> <ul style="list-style-type: none"> a. Visual Impact Analysis b. Road Use and Restoration Agreements (or similar) c. Operations and Maintenance Plan d. Health and Safety Plan e. Site Security Plan f. Emergency and Fire Response Plan <p>All of the above reports/studies and the need therefore are discussed elsewhere in the PSS or this comment letter.</p>	<p>The requested reports/studies are listed and described throughout the PSS, though not all were listed on pages 166-167 of Section 3.0. These reports/studies will be prepared for the Application, as indicated in the following PSS sections:</p> <p>PSS Section 2.24(a) states that "A Visual Impact Assessment (VIA) will be conducted to determine the extent, and assess the significance of, Facility visibility. The components of the VIA will include identification of visually sensitive resources, viewshed mapping, confirmatory visual assessment fieldwork, visual simulations (photographic overlays), and proposed visual impact mitigation."</p> <p>PSS Section 2.25(d)(5) states that "This section of the Article 10 Application will identify and tabulate all anticipated County and Town road use agreements that will be required for construction and post-construction use of public roads, including highway work permits and special use permits from the NYSDOT. The Applicant will provide a draft road use agreement as an Appendix to the Article 10 Application."</p> <p>PSS Section 2.5(f)(4) states that "The Applicant will prepare a Preliminary Operations and Maintenance Plan (O&M Plan), which will be included in the Application. This plan is intended to be the foundation of the final O&M Plan that will be implemented at the Facility once it becomes operational, and will be based on the Applicant's experience and typical O&M maintenance requirements for solar power projects."</p> <p>PSS Section 2.18 states that "The Applicant has developed, based on its experience with other solar projects and reasonable expectations associated with the Facility, preliminary plans for site security, health and safety, and emergency action."</p> <p>PSS Section 2.18(b) states that "The Article 10 Application will contain a preliminary site security plan for operation".</p> <p>PSS Section 2.18(g) states that "The EAP will contain a section describing actions that would be implemented in the event a fire emergency or hazardous substance incident occurs. Specific care will be taken to ensure fire fighters have access to the Facility in addition to adequate roads to respond to emergencies."</p>
148	Public Comments - NYSDPS	11/2/2017	Deborah S. Windecker	NYSDOT	NA	NA	<p>The New York State Department of Transportation (NYSDOT) acknowledges receipt of the "Notice of filing of a preliminary scoping statement and deadline for submitting comments" and the "Notice of availability of pre-application intervenor funds and deadline to request funds," both issued October 24th. This is regarding the application of Mohawk Solar for a Certificate of Environmental and Compatibility and Public Need to construct a solar facility in the towns of Canajoharie and Minden.</p> <p>The NYSDOT has no comments at this time.</p>	<p>Comment noted. The Applicant appreciates NYSDOT's review of the PSS.</p>
149	Public Comments - NYSDPS; Submitted to Cultural Resource Information System (CRIS)	11/9/2017	New York State Office of Parks, Recreation, and Historic Preservation	NYSOPRHP	NA	NA	<p>Hello - Thank you for providing copies of the Visual Outreach Letter and Stakeholders Mailing list. I would like to confirm the non-profit organization Otsego 2000 (http://www.otsego2000.org/) is part of the discussion. Thank you.</p>	<p>A copy of the visual outreach letter was provided to Otsego 2000 on November 27, 2017. Otsego 2000 has been added to the visual outreach stakeholder list and will be included in future outreach related to potential visual impacts for the project.</p>