



July 6, 2018

Honorable Kathleen H. Burgess
Secretary
New York State Board on Electric Generation Siting and the Environment
Three Empire State Plaza
Albany, New York 12233-1350

Re: Case 17-F-0617 – Application of Hecate Energy Albany 1 LLC and Hecate Energy Albany 2 LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Coeymans, Albany County.

Dear Secretary Burgess:

Hecate Energy Albany 1 LLC and Hecate Energy Albany 2 LLC (collectively “Hecate Albany” or “Co-Applicants”) is seeking authority from the New York State Board on Electric Generation Siting and the Environment (“Siting Board”) to construct a 40-megawatt (MW) photovoltaic solar major electric generating facility (the “Facility”) to be known as the Coeymans Solar Farm located in the Town of Coeymans, Albany County, New York pursuant to Article 10 of the Public Service Law (“PSL”) and the Siting Board’s rules (16 NYCRR Part 1000).

Hecate Albany filed its Preliminary Scoping Statement (“PSS”) on April 17, 2018. Comments on the PSS were due June 15, 2018. Pursuant to 16 NYCRR § 1000.5, Hecate Albany hereby timely files its response to comments received on the PSS. This response is being served on the individuals listed in Section 1000.5(c) of the Siting Board’s rules in the same manner prescribed for service of the PSS. Hecate Albany will also post a copy of its reply comments on the Facility website (www.coeymanssolarfarm.info).

Hecate Albany looks forward to working with interested parties and stakeholders during the pre-application phase of this process. Please contact me if you have any questions regarding this filing.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Jacqueline Bruce'.

Jacqueline Bruce, Environmental Planner
Tetra Tech

CC: Lorna Gillings, Office of Consumer Services
Gabriel Wapner, Hecate Energy LLC
Sam Laniado, Read and Laniado, LLP
Philip Mooney, Hecate Energy LLC

Commenter	Comment Number	Topic	PSS Section	Comment	Response
Scenic Hudson	PSS-SH-1	Facility Layout	General Comment	The PSS for this project is formatted to follow the requirements set out in the Siting Board's regulations at 16 NYCRR Part 1001, which dictates the content of an application for a certificate of under Article 10 of the Public Service Law. While this approach makes sense, the unique nature of solar projects, which are a clean source of electricity generation but require significant amounts of land for construction and operation, requires some special considerations when scoping out the studies to be conducted for the application in the PSS. In this case, specifically, accommodation should be made to ensure a full analysis of potential impacts to agricultural land use as well as agricultural soils, as well as to ensure that the clean energy, economic, and other benefits of the project are adequately demonstrated.	The Application will be prepared in accordance with 16 NYCRR §1001, except as modified and/or expanded upon through the studies stipulation process. A qualitative assessment of the compatibility of the Facility with existing land uses, including agricultural land uses, will be included in Exhibit 4: Land Use of the Article 10 Application (Application). The Application will also address the clean energy, economic and other benefits associated with the project.
Scenic Hudson	PSS-SH-2	Land Use	Section 4.4	The "qualitative assessment of the compatibility of the Facility" with existing, proposed and allowed land uses as required by regulation in this section should contain a separate discussion that specifically addresses the potential impacts to agricultural land use (i.e., farming) from construction and operation of the Facility as well as measures to avoid, minimize and mitigate such impacts. This assessment should include a detailed description of the existing agricultural uses on the site.	A qualitative assessment of the compatibility of the Facility with existing land uses, including agricultural land uses, will be included in Exhibit 4: Land Use of the Application. Measures to avoid, minimize and mitigate potential impacts to agricultural land from construction and operation of the Facility will also be assessed in the Application.
Scenic Hudson	PSS-SH-3	Electricity	Sections 4.5 and 4.6	In addition to the technical requirements that must be included in these sections of the Application, the PSS should include an easily understandable description of how the Facility will produce clean solar energy and who the likely benefited consumers will be.	Comment noted. The Article 10 Application will include a description of how the Facility will produce clean solar energy and who the likely benefited consumers will be.
Scenic Hudson	PSS-SH-4	Alternatives	Section 4.9	<p>The PSS is required to include "a description and evaluation of reasonable and available alternative locations for the proposed facility, including a description of the comparative advantages of the proposed and alternative locations," for locations owned or under option to the applicant or its affiliates. The PSS states only that "an identification and description of reasonable and available alternative location sites for the proposed facility owned by or under option to Hecate Albany or its affiliates will be provided in the application." To the extent any such sites exist, they must be included, along with a statement why the primary location is best suited to promote public health and welfare.</p> <p>The PSS also notes that, pursuant to regulation, the application will include a study of reasonable alternatives to the proposed facility at the proposed location, as well as the "no action" alternative and energy supply source alternatives. The PSS should provide more information on these alternatives in the interest of promoting public knowledge and feedback and to provide a basis for potential stipulations on the studies of such alternatives.</p> <p>According to the PSS, the "Facility Area" represents the broader area within which selected areas will be developed with Facility components, "providing flexibility ... to minimize and avoid potential impacts to wetlands, cultural resources, visual resources, wildlife habitat, and other sensitive resources." The PSS states that "potential avoidance and minimization measures to be assessed include, but are not limited to, conserving land to mitigate impacts to wildlife species, arranging the proposed solar array layout in order to preserve areas of farmland and/or adjusting the solar array layout to provide additional spacing as a means of visual impact mitigation." To the extent that alternatives incorporating such mitigation measures have already been developed, they should be included in the PSS.</p>	Comment noted. As required by the Board's regulations, the Application will include an identification and description of reasonable and available alternative location sites for the proposed facility owned by or under option to Hecate Albany or its affiliates and will include a statement why the primary location is best suited to promote public health and welfare. The no action alternative and energy supply source alternatives will be assessed in the Application as will an evaluation of mitigation measures to avoid potential impacts at the Facility Area.
Scenic Hudson	PSS-SH-5	State Laws and Regulations	Section 4.10	This section must include a discussion of the proposed Facility's consistency with the New York State Energy Plan. In particular, this discussion should include a discussion of how the proposed Facility will help to achieve the goals of the Renewable Energy Standard and New York's 50x30 goal.	Comment noted. The Application will include the requested information.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
Scenic Hudson	PSS-SH-6	State Laws and Regulations	Section 4.12	This section should indicate that the Application will include a discussion of compliance with the construction requirements for solar energy projects larger than 20 MW on agricultural lands contained in guidance issued by the New York State Department of Agriculture and Markets.	Comment noted. The Application will address the cited guidance.
Scenic Hudson	PSS-SH-7	Air Emissions	Section 4.17	As a renewable energy project, the proposed Facility will produce clean energy without generating air emissions. The PSS should indicate that the Application should include a discussion of the human health and other benefits from the net air emissions benefits of the Facility that will result from the pollutant displacement that will occur, to the extent possible.	Comment noted. The Application will include an estimate of statewide levels of sulfur dioxide (SO ₂), nitrogen oxides (NO _x), and carbon dioxide (CO ₂) emissions, both with, and without the proposed Facility, in Exhibit 8: Electric System Production Modeling. A discussion of health benefits resulting from the proposed Facility will be included in Exhibit 17: Air Emissions.
Scenic Hudson	PSS-SH-8	Noise	Section 4.19	The second sentence of the second paragraph in this section does not make sense: "Once operational, noise from the step-up transformer and electric inverters is not expected to be audible outside the fence, but it is not expected to be noticeable at nearby residences or other potentially sensitive receptors." Please clarify.	Comment noted. The sentence should read: "Once operational, noise from the step-up transformer and electric inverters is not expected to be audible outside the fence; no noticeable sound from the Facility is expected at nearby residences or other potentially sensitive receptors."
Scenic Hudson	PSS-SH-9	Cultural Resources	Section 4.20	According to the PSS, there are no known archaeological sites or historic properties identified within the Facility Area. However, the PSS indicates that studies will be conducted to identify, assess and address any potential impacts to archaeological and historic resources. Please clarify whether the intent was to use the term "architectural" rather than "archaeological" in the second, third and fourth to last bullet points in the list on pages 62-63.	While site file searches on the CRIS identified no previously identified archaeological sites within the Facility Area, it did indicate that portions of the Facility Area are considered archaeologically sensitive. A Phase 1B field investigation will be conducted to identify any archaeological sites within the Facility Area (considered the direct impact Area of Potential Effect [APE] for the Facility). The Facility will be designed to avoid, minimize, and mitigate, to the maximum extent practicable, any potential impact to NRHP-eligible archaeological sites. The PSS used the term "architectural" as an inventory will be taken of architectural resources listed in or potentially eligible for listing in the NRHP. In addition to archaeologically sensitive resources, the potential for Impacts from the Facility on these architectural resources will be assessed.
Scenic Hudson	PSS-SH-10	Geology	Section 4.21	The PSS indicates that karst conditions exist immediately adjacent to the Facility Area to the west. The proposed studies for this section should also include karst conditions assessment and maps (in addition to the studies included in Section 4.23).	As noted in the PSS, site specific preliminary karst condition assessments will be conducted to assess the potential for karst formation. Existing karst features in the vicinity of the Facility Area will be identified on maps and described in the Application.
Scenic Hudson	PSS-SH-11	Terrestrial Ecology	Section 4.22.1.4	While this section states that there will be no direct impacts to the relevant bat species, tree removal (even during winter months) would result in an indirect impact to their summer habitat. This indirect impact should be addressed.	Comment noted. The Application will address both direct and indirect impacts from the Facility on relevant bat species.
Scenic Hudson	PSS-SH-12	Terrestrial Ecology	Section 4.22.2	Based on surveyed plant communities and existing species records, surveys for any potential site-specific rare plant and/or animals should be designed and executed.	Surveys for plant communities and/or existing species records will be conducted as determined necessary in consultation with the New York

Commenter	Comment Number	Topic	PSS Section	Comment	Response
					State Department of Environmental Conservation (NYSDEC).
Scenic Hudson	PSS-SH-13	Terrestrial Ecology	Section 4.22.2.1	Plant community maps should use the Ecological Communities of NYS classification, not only that of GAP NLCD.	Land cover classes will be described in detail using Ecological Communities of New York State data (Edinger, et al. 2014) and supplemented by field observations of dominant vegetation within the Facility Area
Scenic Hudson	PSS-SH-14	Terrestrial Ecology	Section 4.22.2.3	The facility site provides habitat for avian species associated with open fields and grasslands. The survey period for overwintering raptors of conservation concern in this region (northern harrier and short-eared owl) is typically December-March. The PSS indicates that the winter raptor surveys already conducted were carried out in late March and early April, which is late enough that they may have missed detection of overwintering raptors (and could have been influenced by slight timing changes in behavior due to that year's weather). This survey should be repeated this winter between December and March, avoiding the earliest and latest times in this range, to increase the likelihood of the detection of any overwintering raptors of conservation concern at the site.	The Application will present information on birds from the New York State Breeding Bird Atlas (BBA). The Facility Area is located within or immediately adjacent to four survey blocks, including 5970A, 5970B, 5970C, and 5970D. Three other publicly available data sources that will be assessed include Ebird, the North American Breeding Bird Survey, and the Audubon Christmas Bird Count. The Application will compile a list of birds within the vicinity of the Facility Area based on records from these survey blocks and supplemented by on-site observations. Any additional studies to be performed on-site, if necessary, will continue to be coordinated with NYSDEC.
Scenic Hudson	PSS-SH-15	Soil	Section 4.22.3.6	This section should include soils maps, and a breakdown by agricultural soil types, as well as a detailed description of the existing agricultural uses on the site.	Exhibit 21: Geology, Seismology and Soils will include a map delineating soil types on the Facility Area based on current United States Department of Agriculture farmland classification mapping.
Scenic Hudson	PSS-SH-16	Aquatic Ecology	Section 4.23.1.4	This Section should also list (and Section 4.23.2.4 should also assess impacts to) other amphibian and reptile species that may be using aquatic and associated terrestrial habitats, not only salamanders (e.g. turtles, frogs).	Exhibit 23: Water Resources and Aquatic Ecology will include a complete list of amphibian and reptile species observed during studies and documented in the areas.
Scenic Hudson	PSS-SH-17	Water Resources	Section 4.23.3.3	Most, if not all, of the existing forest cover on the site is associated with streams (either the immediate riparian areas or the steeper slopes to the streams). Therefore, all forest clearing should be minimized (not just "near stream banks"). Please clarify the description and intent of the proposed "Restricted Activities Areas." Should they be established around the surface waters rather than around "essential construction"? The mapping and analysis of stream crossings should include all streams (including those ephemeral and intermittent ones mapped on site).	Comment noted. The PSS incorrectly stated that proposed "Restricted Activities Areas" would be established around essential construction but should rather have stated that they would be established around surface waters thereby limiting potential impacts to these resources. The Co-Applicants will 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 USACE regulated wetlands for all locations traversed by collection lines, transmission lines, or other Facility components.
Scenic Hudson	PSS-SH-18	Visual	Section 4.24	According to Table 4.24-1, three subunits of the Columbia-Greene Scenic Area of Statewide Significance ("SASS") could be subject to limited visual impact, i.e. there are potential visual impacts on views from this SASS. While the Facility itself is not in the Coastal Zone, we suggest the potential impact to visual resources should be discussed as they relate to any applicable Local Waterfront Revitalization Plans ("LWRPs"). We note that the Town of Schodack has an approved LWRP. Finally, if any federal permits are required or federal funding is used, a Consistency determination should be required, especially if the VIA finds any adverse impacts to views from the SASS subunits.	While the preliminary viewshed analysis conservatively indicates that views from these SASS areas may be possible, due to the distance from the Facility Area and obstructions in-between, it is unlikely that the Facility will be visible from these locations. Nevertheless,

Commenter	Comment Number	Topic	PSS Section	Comment	Response
					potential visual impacts to significant scenic and aesthetic resources, including these SASS areas, will be assessed according to NYSDEC Policy DEP-00-2 <i>Assessing and Mitigating Visual Impacts</i> . As the Facility Area is not located within a Coastal Zone and is not anticipated to affect any land or water use or natural resource of the coastal area, a coastal consistency determination is not anticipated to be required.
Scenic Hudson	PSS-SH-19	Visual	Section 4.24	Please note that there is a discrepancy in the description of the height of the perimeter fence (7' versus 8').	Comment noted. This inconsistency will be rectified in the Application.
Scenic Hudson	PSS-SH-20	Visual	Section 4.24	Please clarify whether the photographs to be used as the basis of visual simulations will be taken during leaf-on or leaf-off conditions. In order to simulate potential significant adverse visual impacts, the worst-case leaf-off condition should be utilized.	Photographs to be used in the Visual Impact Assessment were taken during early May 2018 when leaves were just beginning to emerge but clearly were not fully leaves on. According to the photographic consultant, no potential views were blocked due to leaves. Following correspondence with state agencies, municipal planning representatives, and other stakeholders to confirm the visually sensitive viewpoints and resources to be assessed in the Application, should photographs be required from additional locations, depending on the time of year they may or may not be taken during leaf-off conditions.
Scenic Hudson	PSS-SH-21		Section 4.27	The PSS indicates that the Applicant is investigating the feasibility of providing local access to energy generated by the Facility. If any further information is available, it should be included in the final scope.	Comment noted. The Application will include any additional information available on the feasibility of providing local access to energy generated by the Facility.
Scenic Hudson	PSS-SH-22	Site Restoration and Decommissioning	Section 4.29	This section should indicate that the Application will include a discussion of compliance with the restoration, monitoring and remediation, and decommissioning requirements for solar energy projects larger than 20 MW on agricultural lands contained in guidance issued by the New York State Department of Agriculture and Markets. This section should address the potential for returning the land to agricultural use after the life of the Facility.	The Application will include a discussion of consistency, to the maximum extent practicable, with the New York State Department of Agriculture and Markets guidance document entitled <i>Guidelines for Agricultural Mitigation for Solar Energy Projects</i> last revised April 2018.
Scenic Hudson	PSS-SH-23	Local Laws and Ordinances	Section 4.31	In the event the Applicant will seek a waiver of application of the lot coverage requirements of the Town of Coeymans zoning law as the PSS indicates is possible, the Applicant must adequately demonstrate that the requirement is unduly burdensome in order to justify such waiver under the provisions of the Public Service Law.	Comment noted.
Ag & Markets	PSS-A&M-1	Soil	Section 4.4.1	Section 4.4.1 indicates that approximately 50% of the affected soil units are comprised of Prime Farmland Soil, however it does not indicate whether these are soils designated as Soils of Statewide Importance. The applicant should note what percentage of the affected soil units are comprised of Soils of Statewide Importance.	Exhibit 21: Geology, Seismology and Soils will include a map delineating soil types on the Facility Area based on current United States Department of Agriculture farmland classification mapping, including Soils of Statewide Importance.
Ag & Markets	PSS-A&M-2	Land Use	Section 4.4.1	The PSS states that the farmland within the Facility Area consists of a combination of row crops (corn and soybeans), hay and pasture fields, and that the construction of the Project will result in the "temporary disturbance of agricultural land." The Applicant needs to specify what the "temporary disturbances" consist of and the expected length of the "temporary disturbance." The useful life of solar arrays is approximately 20 to 40 years. The Department considers the conversion of agricultural land to a nonagricultural use for up to 40 years to constitute a permanent conversion.	The term temporary disturbance was utilized to discuss the duration of construction activities physically disturbing soils within the Facility Area. The useful life of the solar array will be documented in the Application. The applicant also notes the position of the Department on what constitutes a permanent conversion.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
Ag & Markets	PSS-A&M-3	Land Use	Section 4.4.1	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 Facility Area. Therefore, the information in the PSS concerning the impact to the amount of agricultural land in the region is misleading. The Applicant should assess the cumulative impact of the Facility Area 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.	Comment noted. The Application will discuss potential impacts of the proposed Facility on the agricultural viability of the Facility Area. However, it is not within the Co-Applicant's capabilities to study the impacts of other "conversions in the area over the useful life of the project" as that information, over the next 40 years, is not reasonably available to the Co-Applicants and would involve activities outside the Facility Area on land that the Co-Applicants do not control.
Ag & Markets	PSS-A&M-4	Land Use	Section 4.4.3	Section 4.4.3 includes very minimal information on impact avoidance, minimization and mitigation measures for agricultural resources. The Application should include detailed information on impact avoidance, minimization, and mitigation measures for agricultural resources.	As required by the Article 10 regulations, a qualitative assessment of the compatibility of the Facility with existing land uses, including agricultural land uses within the Facility Area, will be included in Exhibit 4: Land Use of the Application. Measures to avoid, minimize and mitigate potential impacts to agricultural land from construction and operation of the Facility, to the maximum extent practicable, will also be assessed in the Application.
Ag & Markets	PSS-A&M-5	Land Use	Section 4.4.3	Section 4.4.3 describes a form of impact mitigation which would include payments to allow for the investment in "more successful" farming operation outside the facility area." To the extent which the Applicant suggests that the farm operation will simply vacate the proposed Project Area and find better farmland to resume their farming operation, the Department is unclear as to what the Applicant constitutes as "more successful farming operation." Further, the Department is unaware of any identified locations of "more successful farming operations" in the region which could reasonably be occupied by the farm operation displaced or relocated by the development of the Facility Area prior to the start of construction. If these statements are based on specific studies, the Applicant should provide references and/or identify specific sites for the Department [and others] to evaluate.	The Application will include a discussion of potential use of project resources for other agricultural operations.
Ag & Markets	PSS-A&M-6	Land Use	Section 4.4.3	Additionally, the impact avoidance measures identified in Section 4.3.3 are not acceptable to the Department. It should be noted that the PSS states in several locations that agricultural resources were actually targeted for the Facility Area. The Application should include information on impact avoidance measures for agricultural resources, if any have been considered. The construction of the Facility Area in its proposed location constitutes a permanent conversion of agricultural land to a non-agricultural use. The application should include the percentage of agricultural land in the Facility Area that will be converted to nonagricultural use as a result of the construction of the Facility.	The PSS does not state that "agricultural resources were actually targeted for the Facility Area". The Application will include a discussion of consistency, to the maximum extent practicable, with the New York State Department of Agriculture and Markets guidance document entitled <i>Guidelines for Agricultural Mitigation for Solar Energy Projects</i> last revised April 2018. Included in this discussion will be information on impact avoidance measures for agricultural resources. The Application will also include the percentage of agricultural land in the Facility Area that will be converted to nonagricultural use as a result of the construction of the Facility as requested.
Ag & Markets	PSS-A&M-7	Alternatives	Section 4.9	The Department strongly urges the Applicant to explore alternative sites which are not very flat, productive, well drained farmland comprised of Prime Farmland soil.	Comment noted. An identification and description of reasonable and available alternate location sites for the proposed Facility owned by or under option to Hecate Albany or its affiliates will be provided in the Application.
Ag & Markets	PSS-A&M-8	Construction	Section 4.21	Section 4.21 describes the Applicant's plan for Facility Area construction including access roads, temporary staging/storage areas, the use of fill, excavation techniques, underground collection and overhead transmission lines, etc. Most of what is described in	The Application will include a discussion of the consistency, to the maximum extent practicable,

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				this section is not consistent with the Department's Guidelines, which apply to the construction, restoration and follow-up monitoring for solar energy projects impacting agricultural land. The Applicant's plans need to be consistent with the Department's Guidelines.	with the New York State Department of Agriculture and Markets guidance document entitled <i>Guidelines for Agricultural Mitigation for Solar Energy Projects</i> last revised April 2018.
Ag & Markets	PSS-A&M-9	Agency Consultation	Section 4.21	Section 4.21 also references agency consultation with the Department which occurred on March 14, 2018 in which "impacts to farmland" were discussed. The Department expressed great concern with the amount of agricultural land being taken out of production by the Facility Area and the regional impact on agricultural viability. The Department is also largely concerned with the potential impact to agricultural subsurface drainage improvements in the area as a result of construction of the Facility. Both concerns should have been noted and should be addressed in the application.	Comment noted. Exhibit 4: Land Use of the Application will include a discussion on the potential impacts to agricultural uses within the Facility Area, and the region. Exhibit 29: Site Restoration and Decommissioning will include information on the Co-Applicant's plan for accounting for subsurface drainage improvements that have occurred at the Facility Area.
Ag & Markets	PSS-A&M-10		Section 4.22.3	Section 4.22.3.6 states that the Applicant will "evaluate areas that can be preserved as open field or hay fields to provide habitat." The Department is not clear whether the Applicant is implying that they intend on taking active rotation cropland out of production and converting it to permanent grass hay or meadow. Please clarify this statement. The conversion of active rotation cropland to open field for "habitat" purposes is not an acceptable mitigation practice. Mitigation measures should include avoidance measures which identify potential sites for the Facility Area on less productive or non-agricultural areas.	Comment noted. The Application will provide the requested clarification. Proposed mitigation measures as determined necessary for both agricultural and general wildlife habitat will be included within the Application. The required Article 10 discussion for identified reasonable and available alternative locations was addressed above in PSS-A&M-7 above.
NYSDEC	PSS-DEC-1		General Comments	NYSDEC requests shapefiles suitable for use in 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) be submitted to NYSDEC as soon as possible.	The Co-Applicants will provide shapefiles as requested and will reference the Department's guidelines to determine what information is to be provided. The Co-Applicants will provide this information as soon as feasibly possible; however, please note that the Co-Applicants are still in the process of finalizing the site layout and conducting surveys requested by NYDEC onsite.
NYSDEC	PSS-DEC-2		General Comments	Draft reports of all wildlife, habitat, and wetland surveys should be submitted to NYSDEC as soon as possible after they are prepared. These reports should include maps and shapefiles provided confidentially to NYSDEC depicting the location(s), observation date(s), species, and behavior(s) of all T&E species and SSC individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility.	The Co-Applicants intends to request a jurisdictional determination from the United States Army Corps of Engineers and NYSDEC in advance of the Application and will provide a wetland delineation report at that time. The Co-Applicants intend on providing draft wildlife/habitat studies to the NYSDEC as soon as possible under confidential protection.
NYSDEC	PSS-DEC-3	Terrestrial Ecology	Section 3.4	Table 3.4-1 should list the northern long-eared bat as state-threatened.	Comment noted. The proper state status of this species will be incorporated into the appropriate Exhibit in the Application.
NYSDEC	PSS-DEC-4	Wetlands	Section 3.5	The first sentence of the second paragraph opens with the statement "No National Wetland Inventory (NWI) or NYSDEC-mapped wetlands are located within the Facility Area..." This statement is misleading and should be removed or replaced with the following statement to be consistent with the first sentence in section 4.22.1.5: "No NYSDEC-mapped wetlands are located within the Facility Area." This statement should then be followed by a description of NWI mapped wetlands.	Comment noted. The description of on-site NWI- and NYSDEC-mapped wetlands will be clarified in the Application.
NYSDEC	PSS-DEC-5	Wetlands and Water Resources	Section 3.5	In addition to the small NWI mentioned in this section, there are also several mapped linear NWI features, primarily located in wooded portions of the Facility, which should be included in the PSS and Application.	Comment noted. All on-site NWI features will be listed and discussed in the Application.
NYSDEC	PSS-DEC-6	Facility Layout	Section 4.9.3	This section should indicate 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 or reviewed by resource agencies.	Comment noted. The Application will include an assessment of feasible alternative Facility layouts to avoid and/or minimize impacts, to the

Commenter	Comment Number	Topic	PSS Section	Comment	Response
					maximum extent practicable, to listed species, sensitive habitats or wetlands.
NYSDEC	PSS-DEC-7	Facility Layout	Section 4.11	Design drawings should demonstrate that the 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.	Comment noted.
NYSDEC	PSS-DEC-8	Wetlands and Water Resources	Section 4.11	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.	Comment noted. The site plans included in Exhibit 11: Preliminary Design Drawings will depict all Facility components in relation to wetland and stream resources.
NYSDEC	PSS-DEC-9	Wetlands and Water Resources	Section 4.11	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, the limits of disturbance, and proposed grading.	Comment noted. This information will be included in the Application.
NYSDEC	PSS-DEC-10	Water Resources	Section 4.11	Any culverts that are required for the project should 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, available at: http://www.dec.ny.gov/permits/49060.html	Comment noted. Design information on any proposed culverts will be included in the Application.
NYSDEC	PSS-DEC-11	Terrestrial Ecology	Section 4.22.1.2	This section does not include all mammal species that may occur on site, and erroneously includes two bird species.	Comment noted. Exhibit 22: Terrestrial Ecology and Wetland of the Application will include a list of all mammal species that are likely to occur on site and a separate list of birds documented during avian surveys.
NYSDEC	PSS-DEC-12	Wetlands	Section 4.22.1.5	This sections states that "18 wetlands were delineated within the Facility Area during two separate field efforts including November 15 to December 1, 2016, and September 5 and 6, 2017." These dates are outside of the accepted growing season for conducting wetland delineations.	Areas that were originally delineated during the November to December 2016 timeframe were verified during September 2017 which is within the accepted growing season for conducting wetland delineations.
NYSDEC	PSS-DEC-13	Terrestrial Ecology	Section 4.22.2.3	In addition to the sources of information listed in this section, NYSDEC recommends the Co-Applicants reach out to local birding and conservation groups for any information that is available on recent and historical occurrences of wildlife in the area, and continue coordination with NYSDEC regarding information on breeding grassland bird and wintering raptor use of the Project area.	The Co-Applicants have and will continue to consult with local conservation groups and will continue to coordinate with NYSDEC as requested.
NYSDEC	PSS-DEC-14	Terrestrial Ecology	Section 4.22.2.4	This section erroneously identifies 6 NYCRR Part 124 as pertaining to incidental taking of state-threatened or endangered species. This should be corrected to 6 NYCRR Part 182.	Comment noted.
NYSDEC	PSS-DEC-15	Wetlands	Section 4.22.2.5	If any tree removal will occur within or near a wetland or stream, such areas should be specifically noted on maps showing wetland impacts and areas of ground disturbance and grading.	This information will be included in the Application.
NYSDEC	PSS-DEC-16	Water Resources	Section 4.23.1.2	This sections states that "Two unnamed tributaries to Coeymans Creek are mapped in the northern and central portions of the Facility Area." As these two streams connect to a C(t) stream, a site visit with NYSDEC staff is required to make a jurisdictional determination for these resources.	The Co-Applicant intends to request a jurisdictional determination from the United States Army Corps of Engineers and NYSDEC in advance of the Application and it is assumed that NYSDEC will conduct a site visit as part of the process.
NYSDEC	PSS-DEC-17	Water Resources	Section 4.23.1.2	Surface water maps should include perennial, intermittent and ephemeral streams, and wetlands, and be based on data from NYSDEC, ESRI, USGS, NWI, and stream data collected during on-site surveys of water resources. Wetland and stream delineations should identify all surface waters (ponds, vernal pools, and ephemeral, intermittent, and perennial streams). These data should also be provided in tabular format that can be cross referenced to the maps and as shapefiles to NYSDEC.	This information will be included in the Application.
NYSDEC	PSS-DEC-18	Water Resources	Section 4.23.2.1	Spatial data on water wells is available for download via NYSDEC's website at: https://www.dec.ny.gov/lands/33317.html or may be accessed via the New York State GIS Clearinghouse at: http://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1203 .	Comment noted.
NYSDEC	PSS-DEC-19	Water Resources	Section 4.23.3.3	Every attempt should be made to avoid all impacts to surface waters, followed by a minimization of unavoidable impacts, before mitigation is considered. This section should include an evaluation of reasonable avoidance measures and Facility layout alternatives that may entirely avoid impacts to regulated waterbodies. Where impacts are unavoidable and have been minimized to the greatest extent practicable, mitigation measures should then be considered. Environmental impacts to be discussed and addressed should include thermal changes to waterbodies due to vegetative clearing, changes to in-stream structure and	Comment noted. The Application will include an evaluation of reasonable avoidance measures and alternatives to avoid impacts to regulated waterbodies. Where impacts are unavoidable, proposed measures to mitigate impacts to the maximum extent practicable will be discussed in

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				morphology, potential impacts to or taking of state-listed T&E, SSC and SGCN, and the effects of turbidity on nearby aquatic habitat.	the Application. Applicable potential environmental impacts, as required by Article 10, will also be evaluated in the Application.
NYSDEC	PSS-DEC-20	Water Resources	Section 4.23.3.3	All new stream crossings or upgrades of old crossings that may be necessary should be designed for a 100-year storm event. Culvert placement specifications should be described and enumerated, detail the expected flow calculations, and demonstrate culvert capacity with BMP 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 evaluated and established after the Application has identified which streams will be crossed. BMPs should be employed throughout the remainder of the year for all stream crossings.	Comment noted. Design information for any proposed culverts or upgrades to existing culverts for stream crossings will be provided in the Application. Alternatives for stream crossings will be assessed and the Co-Applicants will consult with NYSDEC to determine if work prohibition dates are required. BMPs will be utilized year-round for stream crossings as will be documented in the project's Stormwater Pollution Prevention Plan (SWPPP).
NYSDEC	PSS-DEC-21		Additional Comments	The Application should contain maps, information on, and a description of the plant communities within the Facility, electric interconnection lines, and adjacent properties. Maps, shapefiles and descriptions should show approximate locations and extent of identified plant communities, including areas of invasive species concentrations, overlaid with areas of proposed disturbance, and be based on results of observations and field verification during on-site surveys, roadside surveys from adjacent parcels, and review of recent aerial imagery and NLCD information. A list of all plant species observed during on-site field investigations and incidentally while in the Facility should be provided, including the date(s) each species was observed.	Comment noted. Information on plant communities, including mapping, will be included in the Application as requested.
NYSDEC	PSS-DEC-22		Additional Comments	The Application should contain results of pre-construction surveys, including the location(s) of areas of invasive species within the Facility, and maps and shapefiles of any concentration areas that may contain Project components.	The Co-Applicants will develop a plan, to be submitted as part of the Compliance Filing, to survey and identify the areas of invasive species prior to the commencement of construction activities in the particular area. This plan will also include measures to prevent the introduction and/or spread of invasive species within areas disturbed by construction of the Facility. No surveys are proposed before the Application is filed.
NYSDEC	PSS-DEC-23		Additional Comments	An Invasive Species Management Plan should be provided and address measures to prevent the introduction of and control the spread of all the species listed in 6 NYCRR Part 575. 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 plan should apply to all prohibited and regulated invasive species and include... <i>[refer to comment letter for remainder of comment]</i>	An Invasive Species Management Plan will be prepared to identify specific invasive species that may occur in the Facility Area and outline proposed management measures that will be implemented. Hecate Albany agrees that the Invasive Species Management Plan will be employed throughout Facility development. The Application will include a discussion on the items requested to be included within the Invasive Species Management Plan by NYSDEC.
NYSDEC	PSS-DEC-24		Additional Comments	The Application should demonstrate how the Project was designed to avoid and minimize impacts to vegetation by co-locating linear project components such as access roads and interconnection lines, and constructing all panel arrays, buildings, storage areas, and other structures in areas already developed or disturbed, to the greatest extent practicable. Post-construction vegetative restoration should 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.	Comment noted. This information will be included in the Application as requested.
NYSDEC	PSS-DEC-25		Additional Comments	The Application should include a narrative analysis and associated mapping to explain and illustrate potential and expected construction and operational impacts to vegetative cover types, wildlife habitats (including a discussion of impacts from habitat fragmentation), wildlife concentration areas, travel corridors, if identified, and terrestrial and aquatic organisms.	Comment noted. This information will be included in the Application as requested.
NYSDEC	PSS-DEC-26		Additional Comments	The Application should discuss all direct and indirect construction-related impacts that may occur to wildlife and wildlife habitat, including but not limited to incidental injury and mortality due to construction activity and vehicular movement, habitat	Comment noted. This information will be included in the Application as requested.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				disturbance and loss associated with vegetation clearing and earth-moving activities, and the displacement of wildlife from preferred habitat.	
NYSDEC	PSS-DEC-27		Additional Comments	The Application should discuss all direct and indirect operational and maintenance impacts including but not limited to functional loss and degradation of habitat, forest and grassland fragmentation, and wildlife displacement. To the extent any documented wildlife travel corridors or concentration areas are identified within or in the vicinity of the Facility Site, direct and indirect impacts to such corridors and concentration areas should be addressed.	Comment noted. This information will be included in the Application as requested.
NYSDEC	PSS-DEC-28	Terrestrial Ecology	Additional Comments	The Application should include a discussion of potential short- and long-term impacts to plants, animals, and habitats that may result from the application of biocides, if any, during site preparation, construction, operations, or maintenance of the Facility.	The Application will include an assessment of direct and indirect impacts on vegetation and wildlife resulting from the application of biocides, should any be utilized during site preparation, construction, operations or maintenance of the Facility.
NYSDEC	PSS-DEC-29	Terrestrial Ecology	Additional Comments	A summary impact table should be included that clearly quantifies anticipated temporary and permanent impacts associated with all Facility components in relation to wildlife habitats, identified concentration areas or travel corridors, and vegetation cover types, particularly grasslands, interior forests and young successional forests, if affected.	Commented noted. This information will be included in the Application.
NYSDEC	PSS-DEC-30	Cumulative Effects	Additional Comments	The Application should discuss the Facility's location in any identified concentration areas or migration corridors, as appropriate, and include a discussion of the potential cumulative impacts of the Facility on wildlife species and the habitats that support them with respect to the other solar energy projects that are currently operating and proposed to be constructed at other sites nearby the Facility and in New York State.	The Application will discuss potential impacts of the proposed Facility on any identified concentration areas or migration corridors identified within the Facility Area. However, it is not within the Co-Applicant's capabilities to acquire the required information in order to discuss the impacts of other privately-owned operating solar projects or solar projects proposed by others on land outside the Facility Area that the Co-Applicants do not control. Therefore, this discussion can only focus on what is within the Co-Applicants' control, i.e., the proposed Facility and potential impacts from it to the Facility Area, adjacent areas and the local region.
NYSDEC	PSS-DEC-31	Terrestrial Ecology	Additional Comments	Avian and bat occupancy and usage of the Facility site should be compared with other proposed and existing solar energy projects located nearby the Facility and in New York State. Analyses should be based on a discussion and comparative analysis of the extent, methodology, and results of the pre-construction wildlife studies conducted for the Facility, and studies from other solar energy projects for which data are publicly available, as well as any additional information provided by NYSDEC and USFWS.	The Application will describe avian and bat occupancy and usage of the Facility Area. The analysis will focus on construction and operation of the proposed Facility. However, it is not within the Co-Applicant's capabilities to discuss the impacts of other existing or proposed privately-owned solar projects on land outside the Facility Area that the Co-Applicants do not control. To the extent NYDEC or USFWS provides credible information relevant to bat and avian occupancy of the Facility Area, the Application will consider it together with the other information obtained during on-site surveys and from other reasonably available, public sources.
NYSDEC	PSS-DEC-32	Cumulative Effects	Additional Comments	A cumulative impact analysis should be performed to evaluate the actual and expected impacts from the construction, operation and maintenance of the Facility as they relate to other proposed and operating solar energy projects nearby the Facility and in the state. This analysis should minimally include a discussion and calculations describing and showing: i. Examination of data on currently installed utility-scale solar energy capacity in New York State, as well as projected increase in installed solar energy capacity for the life of the Facility;	See responses above. It is not within the Co-Applicant's capabilities to discuss the actual and expected impacts of other operating or proposed solar projects on land outside the Facility Area that the Co-Applicants do not

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				<p>ii. Estimated take of federally listed or protected and state-listed species at the Facility, based on post-construction studies done in the state and northeast, data provided by state and federal agencies, and any other available relevant information;</p> <p>iii. Acres of each habitat type lost directly through installation of panels and other project components, clearing, and cover type conversion;</p> <p>iv. Acres of each habitat type lost indirectly due to functional loss/degradation of habitat (for purposes of forest fragmentation analyses, it is assumed that indirect effects will extend up to 300 feet beyond the limits of disturbance); and</p> <p>v. Cumulative impacts of forest and grassland habitat fragmentation, particularly potential impacts on listed bird species.</p>	control. The Application will focus on the proposed Facility and potential impacts to the Facility Area, adjacent areas and the local region.
NYSDEC	PSS-DEC-33	Terrestrial Ecology	Additional Comments	The Application should contain a literature review and impact analysis evaluating how the construction, operation and maintenance of the Facility will affect wintering and breeding grassland bird species, including an assessment of the potential population-level effects of habitat loss is likely to have on grassland bird species at a regional scale should also be included.	This information will be included in the Application.
NYSDEC	PSS-DEC-34	Terrestrial Ecology	Additional Comments	The Application should include information regarding the presence of federally and state-listed T&E species, SSC, and SGCN, and a discussion of the Facility's potential to impact such species or their habitats. Analysis of documented T&E species, SSC, and SGCN should be based on database records obtained from the NHP, other known records documented by NYSDEC, USFWS, and observations made during on-site wildlife and habitat, ecological, and wetland surveys. A summary impact table containing information on all species within these categories should be compiled and included in the Application.	Commented noted. This information will be included in the Application.
NYSDEC	PSS-DEC-35	Terrestrial Ecology	Additional Comments	If it is determined by the Co-Applicants, NYSDEC, or USFWS that the construction or operation of the Facility is likely to result in a take of a listed T&E species, including the modification of habitat on which a listed T&E species depends, the Co-Applicants should submit with the Application an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species as defined pursuant to 6 NYCRR Part 182.11, along with the informational requirements of an Incidental Take Permit pursuant to 6 NYCRR Part 182, including proposed actions to avoid all impacts to listed species. The Application should include a discussion and analysis of information collected as part of pre-construction monitoring surveys at the Facility, surveys at existing solar energy projects in the northeast (if available), and information provided by state and federal agencies. If it is determined that adverse impacts are unavoidable, the Application should demonstrate this and contain thorough and clear justification describing why complete avoidance of impacts to each affected species is not feasible, how the proposed minimization actions will minimize impacts to the maximum extent practicable, and proposed mitigation and adaptive management actions. The minimization actions and mitigation measures to be implemented should: be developed in consultation with NYSDEC and USFWS (if federally-listed species may be impacted); result in a net conservation benefit to the target species; and require thorough post-construction monitoring that adequately measures the Facility's impact on the target species.	If it is determined that the construction or operation of the Facility is likely to result in a take of a listed T&E species, the Co-Applicant's will include an avoidance, minimization and mitigation plan in accordance with the requirements of 6 NYCRR Part 182. See previous responses with respect to the lack of the Co-Applicants' capabilities to access data from other existing solar energy projects.
NYSDEC	PSS-DEC-36	Terrestrial Ecology	Additional Comments	A post-construction monitoring plan should be developed on a site-specific basis through discussions between NYSDEC, the Co-Applicants, and USFWS (if federally-listed species may be impacted), finalized prior to the start of project operation, and at a minimum specify the following: the expected and allowed level of take of each target species; survey monitoring methods, effort, duration, data reporting and compliance documentation; construction parameters; proposed adaptive management responses, if applicable, and; mitigation measures sufficient to ensure the Co-Applicants comply with the substantive requirements of 6 NYCRR Part 182.	Comment noted. Should it be determined construction or operation of the Facility, is likely to result in an applicable take, the requested information will be included in the Application and a post-construction monitoring plan will be developed prior to start of commercial operations.
NYSDEC	PSS-DEC-37	Terrestrial Ecology	Additional Comments	The Application should include a detailed description of the impact avoidance and minimization efforts used in siting and developing the Facility, including project design, construction controls, and operational/maintenance measures that can reasonably be implemented to avoid, minimize and mitigate for impacts to wildlife and wildlife habitat. This should include a discussion of the impacts associated with habitat loss, fragmentation, and displacement. Any impacts that cannot be avoided must then be minimized to the greatest extent practicable. Appropriate and timely mitigation for unavoidable impacts to listed T&E species is considered only after all possible avoidance and minimization efforts have been undertaken, and must result in a net conservation benefit to the target species.	Comment noted. The information that is required by applicable regulations will be included in the Application.
NYSDEC	PSS-DEC-38	Wetlands	Additional Comments	The Application should include maps, at a scale of 1":50' showing all Facility components, including proposed grade changes and the limits of ground disturbance and vegetative clearing, field-delineated wetlands and 100-foot adjacent areas. Wetland delineations should include vernal pools and areas of ULI. Information should be provided indicating which delineated wetlands are likely state-regulated, including those that are part of wetland complexes that meet state-criteria for jurisdiction (e.g., 12.4 acres or larger, is of ULI, and/or support listed species), but are not currently mapped. All state-regulated wetlands should be identified by NYSDEC's alphanumeric code in addition to the code assigned by the Co-Applicants during delineation. Jurisdictional determination is required to fully and accurately assess potential impacts to wetlands and adjacent areas.	Maps will be included within Exhibit 11: Preliminary Design Drawings providing the information requested. The Co-Applicants intend to request a jurisdictional determination from the United States Army Corps of Engineers and NYSDEC in advance of the Application and will provide a wetland delineation report at that

Commenter	Comment Number	Topic	PSS Section	Comment	Response
					time detailing the information requested within the comment.
NYSDEC	PSS-DEC-39	Wetlands	Additional Comments	The 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 Corps jurisdiction (under Section 404 of the 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 ULI pursuant to 6 NYCRR 664.7(c)). A summary should be provided of 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 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 possible after delineations are completed to allow for NYSDEC to determine the full extent of state wetland jurisdiction.	The Co-Applicants intend to request a jurisdictional determination from the United States Army Corps of Engineers and NYSDEC in advance of the Application and will provide a wetland delineation report for the Facility Area (with shapefiles) at that time detailing the information requested within the comment. A summary of off-site wetlands adjacent to the Facility will be included in the Application.
NYSDEC	PSS-DEC-40	Wetlands	Additional Comments	The Application 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: the type of impact, including but not limited to permanent or temporary fill and forest conversion, to each wetland and adjacent area; associated crossing methodology for each wetland, clearly discerning between federal and state wetlands, and adjacent area impacts; acreage of each type of impact to regulated wetlands and adjacent areas; associated delineation and NYSDEC wetland identification code; and 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, grade changes, and the limits of disturbance.	Comment noted. This information will be provided in the Application as requested.
NYSDEC	PSS-DEC-41	Wetlands	Additional Comments	The Application should demonstrate that all attempts have been made to 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 practicable, the anticipated mitigation measures to be implemented to offset impacts to wetlands and state-regulated 100-foot adjacent areas should be discussed, including the use of reasonable alternative stream and wetland crossing methods.	Comment noted. The Application will include an assessment of potential impacts to wetlands and their adjacent areas and the Co-Applicants will consult with NYSDEC to discuss mitigation measures should it be determined they are required.
NYSDEC	PSS-DEC-42	Wetlands	Additional Comments	The Co-Applicants should provide a conceptual mitigation plan for impacts to state-regulated wetlands and adjacent areas to NYSDEC at least 30 days before the submission of an Application. At a minimum, such a plan should meet the following provisions: i. The mitigation occurs on or in the immediate vicinity of the Facility; ii. The area affected by the proposed mitigation is regulated by the Freshwater Wetlands Act and 6 NYCRR Part 663 after mitigation measures are completed; and iii. The mitigation provides substantially the same or more benefits than will be lost through the proposed activity.	Should wetland mitigation be determined necessary, the Co-Applicants will prepare a conceptual mitigation plan for inclusion in the Application and the Co-Applicants will make reasonable efforts to provide this information to NYSDEC prior to filing the Application if possible.
NYSDEC	PSS-DEC-43	Terrestrial Ecology	Additional Comments	The Application should include an identification of all federally and state-listed T&E species documented within or adjacent to the Facility site, along with a discussion of all potential direct and indirect impacts to these species, and the detailed contents of a T&E Species Avoidance, Minimization and Mitigation Plan, if needed. The results of pre-construction surveys and their associated impact analysis, as well as the estimated direct and indirect take of listed species and their habitats will provide a basis for ongoing consultation with NYSDEC, USFWS (if federally-listed species may be impacted), and NYSDPS to determine an appropriate post-construction monitoring protocol.	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-1		General Comments	In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.	Comment noted. The Application will be prepared in accordance with 16 NYCRR §1001, including as interpreted or clarified through the studies stipulation process.
NYSDPS	PSS-DPS-2		General Comments	GIS shapefiles of the Facility Area, preliminary Facility locations, and related resource information should be provided to DPS Staff for review during the scoping and stipulation process.	The Co-Applicants will provide shapefiles of the Facility Area and preliminary Facility layout to

Commenter	Comment Number	Topic	PSS Section	Comment	Response
					DPS Staff for review during the scoping and stipulations process.
NYSDPS	PSS-DPS-3	GIS	General Comments	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 Staff at the time the Application is filed.	Shapefiles including the information requested will be provided at the time the Application is filed.
NYSDPS	PSS-DPS-4	Complaint Resolution	Contents	The Application should make clear whether there will be one set of procedures to resolve all complaints. The procedures in the Application should also provide details on how complaints will be received and how and when these methods will be communicated to the public, the timeframe in which complaints will be responded to, steps to take when the complaints cannot be resolved by the Co-Applicants, and how complaints and resolutions will be recorded and tracked.	Comment noted. A Complaint Resolution Plan will be described in the Application.
NYSDPS	PSS-DPS-5	Public Involvement	Contents	DPS Staff notes throughout the PSS under the heading "Other Material Issues Raised by the Public and Affected Agencies" there are comments and responses for the different exhibits. For ease of reference, DPS Staff suggests that all the various issues, concerns, and comments raised should also be documented in the Meeting Log and referenced appropriately in Exhibit 2 of the Application.	Comment noted. The Meeting Log will be updated to reflect comments received and topics discussed.
NYSDPS	PSS-DPS-6	Public Involvement	Cover Letter and Affidavits	The Affidavit of Service indicates that the PSS was served on the regional directors for NYS Office of Parks, Recreation and Historic Preservation and the NYS Department of Transportation. A copy of the Application should also be provided to the director/central office for both agencies.	Comment noted. The additional agency contacts will be notified as requested.
NYSDPS	PSS-DPS-7	Public Involvement	Cover Letter and Affidavits	The Affidavit of Mailing indicates that adjacent landowners and local residents were provided a copy of the notice regarding the filing of the PSS. However, it is unclear whether host landowners were included in the mailing since they are not identified. The Co-Applicants should verify that the host landowner(s) were provided notification of the PSS. These landowners should be included in future mailings and notifications.	The host landowners are included in the mailings and are listed on the Master List of Stakeholders.
NYSDPS	PSS-DPS-8	Public Involvement	Section 4.2	The issues and/or concerns raised should be documented in the Meeting Log (see comment above). The Co-Applicants should provide an estimate of the attendance at the open house held on February 20, 2016.	Please note that the open house was held on February 20, 2018. The Meeting Log will be updated to reflect comments received and topics discussed. Based on the Open House sign-in sheet, approximately 15 individuals signed in when they attended the open house. Others attended by did not sign in and an estimate of those attendees is not available.
NYSDPS	PSS-DPS-9	Public Involvement	Section 4.2	The Co-Applicants should mail notice of the Application filing to a project mailing list comprised of the updated stakeholders list, including host and adjacent landowners, and additional addresses received through public outreach. The notice will include information on the project generally and the Article 10 Application specifically. A copy of the mailing list and documentation indicating the dates and mailings that were made should be provided to the Secretary.	Comment noted. In accordance with 16 NYCRR §1000.7(b) a notification will be sent to the Master Stakeholders List, as updated, regarding submission of the Application. An affidavit summarizing the distribution of this notification will be provided to the Secretary with or shortly after filing of the Application.
NYSDPS	PSS-DPS-10	Land Use	Section 4.4.2	DPS Staff requests that the Co-Applicants provide complete copies of Town of Coeymans zoning and land use regulations, including attachments, tables, zoning and other maps, and related documents for consideration in Project Scoping. This should also be provided as Appendices to the Application.	Comment noted. Zoning maps and codes are provided to DPS Staff electronically as attachments hereto, and will be incorporated as an electronic appendix to the appropriate exhibit in the Application. This information is also available online: https://ecode360.com/CO0785 ; https://coeymans.org/wp-content/uploads/2016/08/Zoning2017_36x48.pdf
NYSDPS	PSS-DPS-11	Land Use	Section 4.4.2	DPS Staff requests that the Application identify the extent of active agricultural land that will be displaced or otherwise affected by Project development both directly and indirectly. The Application should identify the extent of the Facility site enrolled in Agricultural District program, the year of enrollment, and the date such enrollment will expire if not renewed.	Comment noted. This information will be included in the Application as requested.
NYSDPS	PSS-DPS-12	Land Use	Section 4.4.5	Land use at Ravena Quarry on property located west of the proposed Facility site has the potential to affect proposed Facility use, in that airborne dust from blasting or quarrying operations may settle on solar panel arrays and reduce effective production	A qualitative assessment of the compatibility of the Facility with existing surrounding land uses,

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				capability of the solar fields. The extent of any future expansion of the active stone quarry to life-of-mine limits should be considered in devising solar project layout and operational plans. DPS Staff recommends consulting with New York State Department of Environmental Conservation (NYSDEC) Mineral Resources bureau regarding permitted life-of-mine limits and reclamation plans for the site.	including the Ravena Quarry, will be included in Exhibit 4: Land Use of the Application. The Co-Applicant's will consult with the NYSDEC Mineral Resources Bureau as requested.
NYSDPS	PSS-DPS-13	Land Use	Section 4.4.5	The Application should analyze reduction in agricultural lands associated with the Project in relation to the extent of Active Agricultural Land within the rest of the designated Agricultural District. Identify other threats of non-agricultural development within the Agricultural District, and identify cumulative impact on the Agricultural District. Consideration of impacts on local agricultural support businesses and services serving the Agricultural District should also be evaluated.	A qualitative assessment of the compatibility of the Facility with existing surrounding land uses, including the agricultural uses, will be included in Exhibit 4: Land Use of the Application. Identification of reasonably available public information on threats of non-agricultural development and consideration of impacts on local agricultural support businesses and services serving the Agricultural District will be evaluated in relation to the proposed Facility.
NYSDPS	PSS-DPS-14	Electricity	Section 4.5.1	The PSS states that a System Impact Study (SIS) is currently being prepared by the New York Independent System Operator (NYISO). It should be noted that 16 NYCRR §1001.5(a) requires the preparation of a system reliability impact study (SRIS), performed in accordance with the Open Access Transmission Tariff of the NYISO approved by the Federal Energy Regulatory Commission. It appears that the description provided on pages 32 and 33 contains the necessary considerations of the study as required by 16 NYCRR §1001.5 (a). However, the study is noted in the PSS as a SIS, as opposed to a SRIS as required for proposed generation plants. DPS Staff advises that the Co-Applicants provide clarification regarding the discrepancy between the terminology used in the PSS verses the requirement of 16 NYCRR §1001.5(a). Alternatively, consideration of the proper study should be pursued if the required SRIS is not currently being performed.	The Application will include a study meeting the requirements of 16 NYCRR §1001.5. The project interconnection consists of two taps on the same National Grid interconnection line. Two studies are underway under the NYISO's Small Generator Interconnection Process. Under that process, a System Impact Study (SIS) is performed as opposed to an SRIS associated with Large Generator Interconnection Process. The studies required by NYISO under an SIS are the same as those required for a SRIS. Accordingly, the requirements of NYCRR §1001.5 will be satisfied.
NYSDPS	PSS-DPS-15	Alternatives	Section 4.9.3	The Application should address the following: <ul style="list-style-type: none"> • alternative Facility technology, scale, layout and design considerations that could enable a range of degrees of continued agricultural use of the Facility site; • taller rack system and pole-mounted arrays that would reduce the Facility footprint while enabling greater access within the arrays for livestock grazing, hay- or row-cropping or other agricultural uses of the ground surface; • alternative configurations that minimize the impact of isolated or "orphaned" field corners and edges that become un-farmable due to size and orientation; and • identify alternative fencing designs that would support agricultural uses such as grazing while maintaining the more traditional appearance of agricultural fencing rather than industrial-security fencing; avoid use of razor-wire-topped perimeter fencing particularly along public roads, areas of open views, and near residences. The alternatives discussion should address consideration of adding energy storage capability as an ancillary feature of Project design.	The Co-Applicants are currently assessing potential viable opportunities for maintaining agricultural uses at the Facility Area during operation of the Facility. These opportunities will be described in the Application, along with alternative design considerations. The Application will also include a preliminary assessment of adding energy storage as an ancillary feature of Project design, considering the potential for delays to the project schedule, the Co-Applicants' goals and objectives for the Project and its capabilities.
NYSDPS	PSS-DPS-16	Preliminary Design	Section 4.11.1	The subsection lists several categories of Facility components that will be shown on preliminary site plans. The list should be comprehensive to both Project Facilities, including all fencing and gates, and clearing associated with fencing. Site plans should provide indication of property lines and setbacks. Also, the number of circuits per proposed electric cable route should be indicated on the site plans. Site plans should also include the following features: inverters and access routes; any ancillary facilities; site security features, including perimeter fencing, site security features, closed-circuit television or similar monitoring equipment; any Operations and Maintenance (O&M) facilities including access, parking areas, site maintenance shops or equipment storage areas, and the location of any proposed water supply and septic system(s). In addition, Project Facility locations should be shown in relation to existing utility equipment locations and easement limits of those existing locations, including electric and gas transmission or distribution lines, cable and telecommunication lines, and other features should be indicated.	Comment noted. The information requested will be included on the site plan drawings in the Application.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
NYSDPS	PSS-DPS-17	Preliminary Design	Section 4.11.2	This subsection lists Facility features to be indicated in design drawings. Design drawings of all items listed in the preceding comment should be provided. Elevation figures are required for all Facility structures and buildings, including the following proposed components: collection substation and POI switchyard and interconnection equipment, and site security features, such as CCTV or other monitoring equipment support structures should be indicated, as well as, any O&M or other operational support buildings and structures, including retaining walls, and fences.	Comment noted. The information requested will be included on the site plan drawings in the Application.
NYSDPS	PSS-DPS-18	Preliminary Design	Section 4.11.2	Page 43 of the PSS notes that overhead and underground cable routes (collection lines) will be differentiated with specific line types. Subsection 4.11.2(g)(4) of the PSS notes that typical design detail drawings will include a circuit map indicating overhead and underground installations. DPS Staff advises that the circuit map should also include the number of required circuits proposed per collection line run.	Comment noted. The information requested will be included on the site plan drawings in the Application.
NYSDPS	PSS-DPS-19	Preliminary Design	Section 4.11.2	The PSS also notes that site plans will include proposed locations of electric cable installations for crossings of streams, waterbodies, roads, etc. DPS Staff advises that the site plans should also show any proposed locations of such crossings that will utilize trenchless methods of installation, including the approximate laydown area (outline of approximate work space needed) and approximate trenchless installation distances.	Comment noted. The information requested will be included on the site plan drawings in the Application.
NYSDPS	PSS-DPS-20	Preliminary Design	Section 4.11.2	DPS Staff recommends that the Co-Applicants provide a completed DPS Appendix 1, Maps Sizes and Scales sheet, in the response to PSS comments, regarding approximations of drawing scales to be used for Application content. This attachment contains a list of typical solar farm drawings and includes headings for anticipated corresponding extent limits, scales, and proposed drawing paper sizes.	At this time, as the Co-Applicants are still in the process of studying the Facility Area and scoping studies to be included in the Application, it is not possible to provide the acres of extents and number of sheets. However, during the studies stipulation process, the Co-Applicants will attempt to provide this information prior to the filing of the Application.
NYSDPS	PSS-DPS-21	Preliminary Design	Section 4.11.2	DPS Staff requests that the Co-Applicants provide four, full size copies of the preliminary design drawing set (utilizing a common engineering scale) at the time of Application submittal. Additionally, DPS Staff will request that the Co-Applicants provide a CD-ROM containing AutoCAD drawings.	The Co-Applicants will provide four full-size copies of the preliminary design drawing set and a CD-ROM containing AutoCAD drawings at the time of Application submittal as requested.
NYSDPS	PSS-DPS-22	Complaint Resolution	Section 4.12	The Complaint Resolution Plan should include steps for informing the public about the complaint plan and the process to file a complaint (i.e., written, electronic and oral). Complaints due to noise are an important consideration as part of an overall Complaint Resolution Plan for construction and operation of the facilities so this should also be addressed in the Plan.	Comment noted.
NYSDPS	PSS-DPS-23	Construction	Section 4.12.1	In subsection 4.12.1(c) on page 46, it states that “the Application will include preliminary plans and descriptions indicating design, location and construction controls to avoid interference with existing utility transmission and distribution systems, indicating locations and typical separations of proposed facilities from existing electric, gas, and communications infrastructure and measures to minimize interferences where avoidances cannot be reasonably achieved.” It is noted that this section will include a discussion on the existing gas main that traverses the Facility Area, including a review of easements associated with the gas main and the Application will indicate any publicly recorded restrictions associated with the easement for crossings and setbacks. Additionally, DPS Staff advises that the Co-Applicants should consult with the owner of the gas main to obtain specific information regarding crossings of or Facility component installations nearby the existing utility. Results of this consultation should be reported in the Application. DPS Staff recommends that this section of the Application include the following additional information from consultations with the gas utility owner(s): <ul style="list-style-type: none"> a. Utility owner criteria for installations of Facility components near the existing gas utility; b. Descriptions of any potential studies required or recommended by the gas utility owner (along with an indication of timing of the studies); c. Specific separation requirements or recommendations regarding specific Facility components (collection lines, panels, etc.) in relation to the existing gas utility; d. Descriptions and typical details of any required or recommended protective features to be placed at crossings of or nearby the existing gas utility; and e. Communications and coordination requirements of the pipeline facility owner-operator for construction within the pipeline right-of-way. Item (d) should be separate from the Complaint Plan and be made item (e).	The Application will include information on the existing gas main that traverses the Facility Area as requested. The owner of the gas main will be consulted for additional information and the results of this consultation will be reported in the Application.
NYSDPS	PSS-DPS-24	Real Property	Section 4.13	Subsection 4.13.1(c) refers to “crossing natural gas and transmission lines.” DPS Staff advises that the pipeline crossing the middle of the Facilities Site is a liquid propane line. Easement and property restrictions for any activities, including access along or within the easement, construction and operations maintenance near or within the pipeline easement should be addressed.	Comment noted. This information will be addressed in the Application.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
NYSDPS	PSS-DPS-25		Section 4.16	Subsections 4.16.1 and 4.16.2 indicate that NYSDEC will issue a Clean Water Act §401 Water Quality Certification; however, issuance of the WQC for the Project is subject to Article 10 provisions at 16 NYCRR §1000.8.	Comment noted.
NYSDPS	PSS-DPS-26	Safety and Security	Section 4.18.1.2	This subsection describes the potential for use of “motion lights” for security of solar arrays and inverters. DPS Staff encourages the Co-Applicants to avoid reliance on motion lights, which are subject to activation by animals and wind-blown debris or trash.	Comment noted. The Co-Applicants will consider alternative approaches in the Application.
NYSDPS	PSS-DPS-27	Emergency Response	Sections 4.18.1.3 and 4.18.1.8	DPS Staff recommends identifying the first responders/emergency services that will be consulted during the development of the emergency response plan (ERP) and will receive copies of the final plan.	This information on the consultation will be included in the Application. Co-Applicants will coordinate with first responders to develop an emergency response plan prior to construction.
NYSDPS	PSS-DPS-28	Emergency Response	Sections 4.18.1.3 and 4.18.1.8	The ERP should identify specific protocols for notifying different members of the public (e.g., emergency responders, host and adjacent landowners, utilities, environmental agencies, etc.) in the event of an emergency.	Comment noted.
NYSDPS	PSS-DPS-29	Safety and Security	Sections 4.18.1.3 and 4.18.1.8	The Co-Applicants must develop a clear plan on how it will coordinate with all pipeline operators at all phases of this project. This plan must demonstrate that all pipeline facilities within the Facility Area are protected at all times, and must be developed in coordination with the pipeline operator(s).	Commented noted. This information will be included in the Application as requested.
NYSDPS	PSS-DPS-30	Excavation	Sections 4.18.1.3 and 4.18.1.8	All excavation work, no matter how minimal it is, must be completed pursuant to 16 NYCRR Part 753 and be in keeping with Common Ground Alliance’s Best Practices.	Comment noted. All excavation work will be completed pursuant to 16 NYCRR Part 753 and be in keeping with Common Ground Alliance’s Best Practices.
NYSDPS	PSS-DPS-31	Blasting	Sections 4.18.1.3 and 4.18.1.8	If blasting is to be required, the preliminary blasting plan must include protocols to protect all pipeline facilities potentially impacted by blasting operations. These protocols must be developed in coordination with the pipeline operator(s).	No blasting is anticipated for the proposed Facility construction. If required, blasting would be conducted in compliance with a Blasting Plan, that would be submitted for approval in the Compliance Filing. The Co-Applicants would also coordinate with the pipeline operator(s).
NYSDPS	PSS-DPS-32	Safety and Security	Sections 4.18.1.3 and 4.18.1.8	The Co-Applicants must present a study to determine any risk of electric current being induced or applied to pipelines in close proximity to the proposed Facility as a result of operation of the proposed Facility, including, but not limited to, normal and abnormal operating conditions, ground faults, lightning strikes and gradient study of ground bed. This study and any resulting recommendations for mitigating or eliminating the risk of electric current impact to the pipeline facility must be completed in coordination with the pipeline operator(s).	An analysis will be performed and included in the Application to determine any risk of electric current be induced or applied to pipelines in close proximity to the Facility. Should any risks exist, mitigation measures will be assessed in the Application. The Co-Applicants will coordinate with the pipeline operator(s).
NYSDPS	PSS-DPS-33	Safety and Security	Sections 4.18.1.3 and 4.18.1.8	Transportation or use of heavy equipment within the right-of-way (ROW) of any belowground pipeline facility, must be completed in such a manner as to avoid any disturbance of the integrity of the pipeline facilities. The Co-Applicants must coordinate a crossing plan with pipeline operator(s) prior to such crossings and adhere to a crossing plan approved by the pipeline operator(s).	Comment noted. Co-Applicants will consult with owner(s) of the pipeline(s) to establish requirements and procedures for crossing the pipeline(s). This information will be included in the Application.
NYSDPS	PSS-DPS-34	Noise	Section 4.19	The PSS should address all the requirements of 16 NYCRR §1001.19 Exhibit 19. Please see DPS comments and recommendations in Appendix 2. The Co-Applicants should revise and expand the scope of proposed studies to address all the requirements of 16 NYCRR §1001.19 Exhibit 19. The parties will continue discussing the scope of studies during the pre-application PSS and stipulation phases.	Comments noted. We agree that the parties will continue to discuss the scope of studies during the pre-application PSS and stipulation phases.
NYSDPS	PSS-DPS-35	Cultural Resources	Sections 4.20.1.1 and 4.20.1.2	For these two sections, tables are provided in the PSS, but the Archaeological Resources uses a study area of one mile, while the Historic Architectural Resources uses a study area of one-half mile. Based on the portion of Table 4.24-1 that concerns Properties Listed in or Eligible for the National or State Register of Historic Places (NRHP), the Tobias Ten Eyck House and Cemeteries is another NRHP-eligible location that is within one mile of the Facility. The viewshed setting for this historic resource may be	The Tobias Ten Eyck House and Cemeteries will be included to the Historic Architectural Resources table in the Application and potential impacts resulting from the Facility will be assessed.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				affected by the Project. DPS Staff recommends that consideration be given to expanding the Historic Architectural Resources survey to at least one mile.	
NYSDPS	PSS-DPS-36	Cultural Resources	Sections 4.20.1.2 and 4.20.3.2	DPS Staff advises that historic resources impact evaluations should include consideration of both visual and noise impacts on resources listed or determined to be eligible for listing on the State or National Register of Historic Places, as considered by 9 NYCRR §428.4(b).	As outlined in the New York State Historic Preservation Act of 1980, 9 NYCRR §428.4(b), the Historic Architectural Resources impact evaluation will consider potential direct and indirect impacts to resources listed or determined to be eligible for listing on the State or National Register of Historic Places. The potential for the Project to introduce visual, audible, or atmospheric elements or any other actions which might cause or contribute to the destruction, alteration, or neglect of the property will be considered.
NYSDPS	PSS-DPS-37	Stormwater	Section 4.21.1.2	The assessment of impacts to potential receptors of stormwater runoff from construction on slopes greater than 25% should include downslope and downstream drinking water resources, including public and private wells and surface water intakes, active agricultural lands, and existing dwellings and other infrastructure.	Comment noted. Should construction be proposed on areas with slopes greater than 25%, these additional items will be assessed in the Application.
NYSDPS	PSS-DPS-38	Soil	Section 4.21.1.8	The PSS states that the Application will describe the characteristics and suitability of existing soils, including soil corrosivity. DPS Staff advises that separate evaluations should be provided for the potential for corrosion of uncoated steel and the potential for corrosion and degradation of concrete.	The geotechnical study will include assessment of the potential for corrosion of uncoated steel and degradation of concrete as requested.
NYSDPS	PSS-DPS-39	Soil	Section 4.21.1.8	Existing Soils for Construction: The discussion of the suitability of existing soils for construction and fill should include an evaluation of structural damage or displacement due to frost action and soil shrink/swell potential.	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-40	Geology	Section 4.21.1.13	Site-specific karst conditions assessments should: <ul style="list-style-type: none"> a. identify how construction activities will minimize excavations in karst-prone areas where excavations may facilitate subsurface erosion; b. address risks and impacts to karst features and aquifers from directional drilling frac-outs and soil and bedrock displacement during excavations, c. boring operations, and pile driving; and d. c. if blasting is proposed, description of potential impacts to karst features from blasting operations. 	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-41	Construction	Section 4.21.2	Subsection 4.21.2(r)(1), page 82, states that the Application will provide an evaluation for determination of suitable building and equipment foundations, including a statement that all potential foundation types and installation techniques under consideration will conform to applicable building codes or industry standards. DPS Staff advises that this statement should include a reference to the Building Code of New York State: “[a]ll potential foundation types and installation techniques under consideration will conform to applicable building codes, including the Building Code of New York State, and/or industry standards.”	Comment noted.
NYSDPS	PSS-DPS-42	Construction	Section 4.21.2	Subsection 4.21.2(i) should include procedures and timeframes for notifying host communities and property owners within a one-half mile radius of the blasting site.	No blasting is anticipated for construction of the Facility. Should it be determined blasting is required, procedures and timeframes for notifying host communities and property owners will be developed.
NYSDPS	PSS-DPS-43	Terrestrial Ecology	Section 4.22.1	Pursuant to 16 NYCRR §1001.22(a), the Application must contain identification and description of plant communities and, pursuant to 16 NYCRR §1001.22(b), the Application must contain an analysis of impacts to vegetation from construction and operation. DPS Staff advises that the Application should contain the following: <ul style="list-style-type: none"> a. Maps, based on aerial photography, showing approximate locations and extent of identified plant communities as classified according to Ecological Communities of New York State (Edinger et al., 2014); and b. for project areas within 500 feet of disturbance areas, provide maps at a scale of 1:2000, or otherwise agreed to between Co-Applicants and DPS Staff, showing approximate locations and extent of identified plant communities as classified according to Ecological Communities of New York State (Edinger et al., 2014). 	Comment noted. This information will be included in the Application.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
NYSDPS	PSS-DPS-44	Terrestrial Ecology	Section 4.22.1	The plant community mapping referenced in §1001.22(a) above shall also depict vegetation cover types in relation to proposed limits of vegetation disturbance, and associated GIS shapefiles of all areas of disturbance shall be provided to NYSDEC and DPS Staff.	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-45	Terrestrial Ecology	Section 4.22.1	Pursuant to 16 NYCRR §1001.22(d), the Application must include identification and description of plant communities, species, and wildlife habitat. DPS Staff advises that the Application should contain the following: <ul style="list-style-type: none"> a. A table of state and federally listed species occurring or likely to occur within the project including the following columns: <ul style="list-style-type: none"> i. Species name; ii. Federal status; iii. NYS status; iv. SGCN listing; v. Habitat preference identified according to Ecological Communities of New York State (Edinger et al., 2014); vi. Identify maps from 1001.22(a) that include habitat for each species; vii. Source of information indicating potential presence of species; and, viii. indicate if species was observed onsite. b. A discussion that evaluates use by salamanders of habitats, including vernal pools found within the Project boundary and the potential impacts to those species and habitats resulting from the construction and operation of the proposed project. 	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-46	Terrestrial Ecology	Section 4.22.1	Pursuant to 16 NYCRR §1001.22(f), the Application must contain an analysis of the impact of construction and operation, which shall include: <ul style="list-style-type: none"> a. A discussion of any direct and indirect construction-related impacts that may occur to wildlife and wildlife habitat, including: <ul style="list-style-type: none"> i. habitat disturbance or loss; ii. forest and grassland fragmentation; iii. wildlife displacement; iv. to the extent any wildlife travel corridors or winter concentration areas are identified within or adjacent to the Facility Site, direct and indirect impacts to such corridors will be addressed; and, v. discuss the potential impacts of perimeter fencing of the facility on wildlife movement, and options for minimizing adverse impacts. b. An overview of vegetation management plans for operation and construction of the Facility, including a discussion of ground cover maintenance and forest clearing and ongoing vegetation maintenance required to prevent shading of solar panels. Provide 1:250 scale maps depicting areas of vegetation clearing required for solar panel placement during construction and subsequent vegetation/shade management. c. A summary table quantifying anticipated temporary and permanent impacts associated with the various Facility components, in relation to vegetation cover types classified according to Ecological Communities of New York State (Edinger et al, 2014). 	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-47	Terrestrial Ecology	Section 4.22.3	Subsection 4.22.3.1 provides a discussion of invasive species, but does not more broadly consider wildlife and wildlife habitats. The Application must provide a description of wildlife and wildlife habitat impact avoidance and minimization efforts used in developing the Facility. The description should include 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.	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-47	Terrestrial Ecology	Section 4.22.3	Subsection 4.22.3.1 provides a discussion of invasive species, but does not more broadly consider wildlife and wildlife habitats. The Application must provide a description of wildlife and wildlife habitat impact avoidance and minimization efforts used in developing the Facility. The description should include 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.	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-47	Terrestrial Ecology	Section 4.22.3	The invasive species prevention and management plan should include: <ul style="list-style-type: none"> a. A list of all invasive plant species observed during site-specific field investigations and known to occur within the Facility site. The list of invasive plant species in areas of proposed disturbance shall be based on a qualitative survey conducted concurrent with field surveys in support of Exhibits 22 and 23. b. As useful for management of individual invasive species, identify an area and concentration threshold that requires mapping and a treatment plan. 	The Co-Applicants will develop a plan to identify the presence of invasive species and submit the plan in the Compliance Filing prior to the commencement of construction activities, including proposed measures to prevent the introduction and/or spread of invasive species

Commenter	Comment Number	Topic	PSS Section	Comment	Response
				<ul style="list-style-type: none"> c. Provide maps at a scale of 1:2000, or as otherwise agreed to between Co-Applicants and DPS Staff, of any identified concentrations of non-native invasive plant species in areas of proposed disturbance. d. A list of invasive species other than plants included in 6 NYCRR §575.3 (Prohibited Invasive species) and §575.4 (Regulated invasive species), if any, limited to those incidentally observed during field work in support of Exhibits 22 and 23. 	within areas disturbed by construction of the Facility.
NYSDPS	PSS-DPS-50	Land Use	Section 4.22.3.6	The analysis of impacts on agricultural resources should include a discussion of methods for identifying drainage tile lines prior to construction, along with restoration of any tile lines impacted by Facility construction activities.	Exhibit 29: Site Restoration and Decommissioning will include information on the Co-Applicant's plan for accounting for subsurface drainage improvements that have occurred at the Facility Area.
NYSDPS	PSS-DPS-51	Land Use	Section 4.22.3.6	See numerous comments above regarding Section 4 - Land Use and Agricultural considerations including Alternative design, etc.	Comment noted.
NYSDPS	PSS-DPS-52	Water Resources	Section 4.23.2.1	In addition to the NYSDEC and Albany County, the Co-Applicants should submit a Freedom of Information Law request to the New York State Department of Health (NYSDOH) for information pertaining to groundwater wells. Requests for information pertaining to existing groundwater wells should include a study area within 500 feet of the Facility Area and within one-half mile of blasting operations (if proposed).	No blasting is anticipated for the project and therefore no impacts are anticipated on nearby wells. However, the Co-Applicants will include the submission of a FOIL request to the NYSDOH for information pertaining to groundwater wells as requested. Requests will be for data within 500 feet of the Facility Area.
NYSDPS	PSS-DPS-53	Water Resources	Section 4.23.2.1	<p>The Co-Applicants should also distribute a water well survey to local residents, businesses, and property owners to identify the locations of private water supply wells within 500 feet of the Facility Area (and within one-half mile of blasting operations, if proposed) and solicit well construction details, usage patterns, and water quality data, if available.</p> <p>The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Co-Applicants. 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. GIS data for the public and private well locations should be provided to DPS Staff.</p>	As noted above, the Co-Applicants intend to conduct FOIL requests to determine the locations of existing groundwater wells. Mapping of these locations will be included in the Application. Maps depicting groundwater aquifers, recharge areas and shallow aquifer groundwater flow direction will be based upon publicly available information and a site-specific geotechnical investigation. As no blasting is anticipated and excavation will be limited to areas for collection lines, access roads and foundations all within the Facility Area, no impacts are anticipated to existing groundwater well. Accordingly, the Co-Applicants assert that public surveys are not warranted.
NYSDPS	PSS-DPS-54	Water Resources	Section 4.23.2.1	<p>This exhibit should include a description of the residential well survey, including details of the survey instrument. The survey should include:</p> <ul style="list-style-type: none"> a. descriptions of the project and the Article 10 process; b. contact information for the Applicant; c. description of where the well owner can get more information about the project (i.e. project website, document repositories, etc.); and d. an invitation to join the project stakeholder list. 	See response to comment PSS-DPS-53 above. Blasting is not planned nor any extensive excavation, and therefore residential well survey is not warranted.
NYSDPS	PSS-DPS-55	Visual	Section 4.24.1	DPS Staff advises that the NYSDEC Visual Policy provides some useful guidance in terms of identifying classes of important resources, and listing a range of mitigation measures that warrant consideration in reducing or minimizing visual contrasts. The Policy, however, does not account for all requirements of the analysis required by 16 NYCRR §1001.24, including consideration of visual resources of local concern, and incorporating input from municipalities and potentially local interest groups. DPS Staff encourages the Co-Applicants to engage in an outreach effort that garners local input to identify additional resources of interest, and is available to advise the Co-Applicants in procedures.	Comment noted. Pursuant to §1001.24(b)(4)(v), the Co-Applicants will seek input from the State agency staffs, municipal planning representatives and local public sources in order to determine important visual resources as recommended by NYSDPS staff.
NYSDPS	PSS-DPS-56	Visual	Section 4.24.1	DPS Staff recommends that this exhibit document the identification and outreach to visual stakeholders pursuant to §1001.24(b)(4). Any visual stakeholders identified through the Viewpoint Selection process should be provided an opportunity to be added to the master stakeholder list. In addition, the Co-Applicants should consider hosting an in-person meeting of the visual stakeholders during the viewshed analysis process.	Comment noted. The Co-Applicants will document outreach efforts conducted as recommended and if visual impacts are determined in the analysis, will consider hosting in-person meetings of those visual stakeholders.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
NYSDPS	PSS-DPS-57	Visual	Section 4.24.1	For Visual Impact Assessment procedures, DPS Staff recommends also maintaining consistency with the U.S. Department of Transportation, Federal Highway Administration (FHWA) Guidelines for the Visual Impact Assessment of Highway Projects (there is a January 2015 Version as well as a 1981 Version) since major transportation corridors have potential views of the site.	Views from major transportation corridors are anticipated to be minimal and will be assessed in the Application. The Co-Applicants will consider the use of the FHWA Guidelines for the Visual Impact Assessment of Highway Project when conducting the Facility's visual impact assessment.
NYSDPS	PSS-DPS-58	Visual	Sections 4.24.1.1 and 4.24.3.3	DPS Staff recommends maintaining consistency when describing Facility components. Subsection 4.24.1.1 states, "the approximately 7-foot tall perimeter chain-link fence," whereas subsection 4.24.3.3 states, "fences (anticipated to be 8-foot high chain link fence)."	This discrepancy will be rectified in the Application.
NYSDPS	PSS-DPS-59	Visual	Section 4.24.1.3	DPS Staff advises that, while the collection panel arrays will potentially have a mass appearance that warrants particular attention in visual assessment, Project visibility predictions should also consider the tallest elements of the proposed Facility, likely to be substation equipment such as lightning masts, rather than solely be limited to solar collection panels. As noted in comments on Ex. 9 above, DPS Staff recommends consideration of alternative collector panel heights and arrangements as potential land use mitigation measures.	Comment noted. This information will be included in the Application.
NYSDPS	PSS-DPS-60	Visual	Section 4.23.3.2	DPS Staff recommends using a resolution of at least 10 Mega Pixels as the resolution to be used is not stated but instead says, "The resolution of the photography will be suitable for use in small and large format page layouts." It is very important to have high-quality photos for simulations.	Photographs were taken with a Nikon D3100 digital camera, which has a 14.2-Mega Pixel resolution. Additional photographs to be taken will also consist of high resolution photos.
NYSDPS	PSS-DPS-61	Transportation	Section 4.25.1.2	From §1001.25 (b)(2) of the Article 10 Regulations, in addition to consideration of the Ravena-Coeymans-Selkirk Central School System bus routes, DPS Staff recommends identifying and reviewing the routes of any other transit facilities (Public Transportation (CDTA Capital District Transportation Authority); Senior Citizen Transportation (Department of Aging's transportation provider is CDTA ACCESS for Albany County for seniors age 60+); Albany County ARC; etc.) in the area that may be affected.	The Application will include a discussion on other transit facilities and any potential impacts resulting from the Facility's construction.
NYSDPS	PSS-DPS-62	Socioeconomic Effects	Section 4.27	The analysis of secondary employment and economic activity should also reflect the economic impacts associated with and changes in the retail price of electricity, as well as, the economic impacts associated with the cancellation or closure of any new or existing power plants made unnecessary by the added solar capacity of the Facility. The Co-Applicants should consult NYSERDA's 2012 New York Solar Study as a guide for estimating these economic impacts. If making such secondary employment estimates is not reasonably practicable, the Co-Applicants should nevertheless acknowledge that such secondary employment and economic activity impacts will result from the Project, even though no quantitative estimate has been made. In such a situation, and given that the net impact on secondary employment would not be known to be positive or negative, the Co-Applicants should only include direct job estimates.	Comments noted. The NYSERDA solar study will be reviewed and these comments will be addressed in the Application, with the following proviso: Exhibit 8 requires the simulation of projected changes to the wholesale prices of electricity, not retail prices. The PSC sets retail prices based upon the numerous variables that are common to rate cases. The Co-Applicants do not have the capability to predict the changes in the retail price of electricity as a result of operation of the project. Similarly, cancellation or closure of new or existing power plants can result from a variety of factors, such as fuel prices and environmental regulations and the rate of return considered necessary by the owner or developer of a power plant. Indeed, to the contrary the implementation of renewables in NYS could spur the development/repowering of new fast start, flexible generation facilities as well as energy storage, thus leading to positive secondary employment and economic activity. The Co-Applicants have no ability to access this information. We agree it is not possible to quantify estimates of these possible power plant decisions in the market place.

Commenter	Comment Number	Topic	PSS Section	Comment	Response
NYS DPS	PSS-DPS-63	Socioeconomic Effects	Section 4.27	The Co-Applicants' direct job, expenditure, and economic activity estimates should be based on actual budgeted estimates for the Project, including contractor quotes and consultations.	Comment noted.
NYS DPS	PSS-DPS-64	Environmental Justice	Section 4.28	DPS Staff advises that the Application should contain a map of the environmental justice (EJ) communities in relation to the project facilities.	Comment noted. A map of the potential EJ communities in relation to the Facility Area will be included in the Application.
NYS DPS	PSS-DPS-65	Environmental Justice	Section 4.28	The Application should include a brief description of the specific outreach activities the Co-Applicants have taken to inform the EJ communities of the project.	As discussed in Section 4.28.1 of the PSS, based on data obtained from the NYSDEC's GIS Tools for Environmental Justice website, there are no Potential Environmental Justice Areas within a 0.5-mile radius of the Facility Area. Following further analysis, should it be determined that EJ communities do exist near the Facility, outreach activities will be undertaken.
NYS DPS	PSS-DPS-66	Decommissioning	Section 4.29	The Decommissioning Plan should note that the Town will be provided written notification two weeks prior to site restoration and decommissioning activities. This section should also indicate when landowners will be notified of the start of these activities.	Comment noted. The decommissioning plan will incorporate the suggested communication activities.
NYS DPS	PSS-DPS-67	Local Laws and Ordinances	Sections 4.31.1 through 4.31.3	DPS Staff advises that Co-Applicants should address potential permitting and approval authority of the Albany County Highway Department regarding access to the Facility site from County Route 101, and the use of County ROW for any addition or modification of access driveways or encroachments by the Facility's arrangement.	Comment noted. Should approval be required from the Albany County Highway Department, it will be included in Exhibit 31: Local Laws and Ordinances.
NYS DPS	PSS-DPS-68	Local Laws and Ordinances	Sections 4.31.1 through 4.31.3	Section 4.31.3 does not specifically address land use restrictions or definitions of uses in the particular zones within which the proposed Facility would be located. DPS Staff requests that full copies of local land use and development codes be provided, including attachments of maps, tables and references as applicable, as Appendices to the Application. DPS Staff requests that Zoning maps and codes be provided as attachments to the Co-Applicants' pending response to parties' PSS comments.	Comment noted. An assessment of land use restrictions or definitions of uses will be included in the Application. Full electronic copies of local land use and development codes will also be provided, including attachments of maps, tables and references as applicable, with the Application. Zoning maps and codes are provided to DPS Staff as electronic attachments here to.
NYS DPS	PSS-DPS-69	State Laws and Regulations	Section 4.32.1	DPS Staff notes that Table 4.32.1 should reference 16 NYCRR §1000.8 for appropriate procedures associated with issuance of the Clean Water Act §401 Water Quality Certification. NYSDPS is responsible for consideration of issuance of the §401 Certification, rather than NYSDEC.	Comment noted.
NYS DPS	PSS-DPS-70	State Laws and Regulations	Section 4.32.1	Table 4.32.1 should also provide citations to specific provisions of NYS Agriculture and Markets Agricultural Districts laws and regulations.	Comment noted.
NYS DPS	PSS-DPS-71	Figures	Figure 3	Preliminary Layout: DPS Staff advises that the symbology for "Project Roads" is not appropriate as it does not correspond with proposed roadways indicated on the Figure.	Comment noted. The site plan drawings included with the Application will clearly depict all public roads and access drives.