BLISS WIND REPOWERING PROJECT

MATTER NO. 23-03030

16 NYCRR § 1100-2.16 Exhibit 15

Agricultural Resources

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ACRONYM LIST

CDL	Cropland Data Layer
GIS	Geographic Information System
kV	kilovolt
MSG	New York State Agricultural Land Classified Mineral Soil Groups
MW	megawatt
NASS	National Agricultural Statistics Service
NLCD	National Land Cover Database
NYCRR	New York Codes, Rules and Regulations
NYPA	New York Power Authority
NYSAGM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
NYSERDA	New York State Energy Research and Development Authority
RU	rural residence
SWPPP	Stormwater Pollution Prevention Plan
USDA	U.S. Department of Agriculture

GLOSSARY TERMS

Key terms used frequently in this Application are defined below:

Applicant: Means Valcour Bliss NewCo, LLC.

Existing Facility: Refers to the existing 100.5-megawatt (MW) wind energy facility and its components located in the Town of Eagle, Wyoming County, New York, and commonly known as the Bliss Windpark.

Facility Site: Refers to those privately owned parcels under option to lease, purchase, create an easement, or other real property interests with the Applicant on which all Repowered Facility components will be sited, including roads, collector lines, and interconnection with the electrical grid.

Limits of Disturbance: Refers to the portion of the Facility Site that will necessarily be utilized to facilitate construction and operation of the Repowered Facility, including temporary workspaces.

Repowered Facility: Refers to the Bliss Wind Repowering Project, an approximately 110.5 MW wind energy generation facility located in the Town of Eagle, Wyoming County, New York, that will consist of new wind turbines, access roads, buried electric collection lines, collection substation facility improvements, temporary laydown and parking, permanent meteorological towers, and an aircraft detection lighting system tower. The Repowered Facility will reuse other existing aboveground components, including overhead collection lines, access roads, an operations and maintenance building, a 34.5-kilovolt (kV) to 115 kV collection substation; and a point of interconnection switchyard station owned by National Grid.

Study Area: Refers to the area evaluated for specific resource identification and/or resource impact assessment. The size of this area is appropriate for the target resource and takes into account the project setting, the significance of the resource or impact being identified or evaluated, and the specific survey distances included in 16 New York Codes, Rules, and Regulations Part 1100. Unless indicated otherwise in a specific exhibit, the Study Area represents the area within a 5-mile radius of the Facility Site.

16 NYCRR §1100-2.16 Exhibit 15 Agricultural Resources

Exhibit 15 Information	Found in Section
Exhibit 15 shall contain:	
a. An assessment within the Study Area, which shall include the following data sets and illustrations:	
1. Land in NYS Certified Agricultural Districts by tax parcel;	15.2 Appendix 15-A: Figure 15-1
2. Land receiving Real Property Agricultural Value Assessment by tax parcel;	15.3 Appendix 15-G, Appendix 15-A: Figure 15-2
3. Municipal zoning districts or overlay zones including those designated for renewable energy;	15.4 Appendix 15-A: Exhibit 3: Figure 3-5
4. Most recent United States Department of Agriculture (USDA) National Agricultural Statistics Service (NASS) Cropland Data Layer (CDL), National Landcover Data Base (NLCD) data and/or the results of on-site surveys and mapping identifying plant communities and calculating percentages of agricultural land use compared to non-agricultural land uses (e.g., disturbed, developed, woodland/forested areas, successional non-agricultural areas, wetlands, etc.);	15.5 Appendix 15-A: Figure 15-3 and Figure 15-4
5. Existing energy infrastructure and completed renewable energy facilities;	15.6 Exhibit 3: Figure 3-3
6. Active agricultural businesses and/or facilities and all related infrastructure;	15.7
7. Potential construction impacts and the methods available to facilitate farming activity during construction; and	15.8
8. Temporary and/or permanent impacts to agricultural production areas within the proposed facility footprint (including all planned structures, fenced facility areas, etc.), and areas not feasible to continue farming;	15.9
b. Maps showing the following within the study area:	
1. Field-verified active agriculture land use (including all lands involved in the production of crops, livestock and livestock products for three (3) of the last five (5) years);	15.10.1 Appendix 15-A: Figure 15-5
2. All agricultural production acreage proposed to remain in agricultural use;	15.10.2 Appendix 15-A: Figure 15-6
3. Any agreed upon landowner-imposed development restrictions (e.g., locations within the facility site on which the landowner will not allow facility development);	15.10.3
4. Locations of known or suspected sub-surface drainage systems (including outlets), surface drainages, irrigation lines, or other unique agricultural facilities;	15.10.4 Appendix 15-A: Figure 15-7
5. USDA soil mapping for the Facility Site; and	15.10.5 Appendix 15-A: Figure 15-8 and Figure 15-10 Appendix 15-F
6. NYS Agricultural Land Classification Mineral Soil Groups 1 through 10 for impacted agricultural areas within the Facility Site.	15.10.6 Appendix 15-A: Figure 15-9

Exhibit 15 Information	Found in Section
c. An Agricultural Plan, consistent with the New York State Department of Agriculture and Markets Guidelines (see sections 1100-15.1(l)(1)(i) and (ii) of this Part) to the maximum extent practicable, to avoid, minimize, and mitigate agricultural impacts to active agricultural lands (i.e., land in active agriculture production defined as active three (3) of the last five (5) years) within NYS Agricultural Land Classified Mineral Soil Groups 1 through 4.	15.11 Appendix 15-D
d. A remediation plan to address inadvertent damages to surface or sub-surface drainage, including:	
1. A demonstration of the likelihood of impacts to surface of subsurface drainage and how the interruption of drainage may impact farmland within and outside of the facility site; and	15.12 Appendix 15-E
2. An identification of methods of repair for damaged drainage features.	15.12 Appendix 15-E
e. Any agricultural co-utilization plan for the lifespan of the facility shall demonstrate that the proposed agricultural co-utilization will be feasible. The plan shall be assembled by a qualified or accredited third party agricultural professional. The plan should include an itemization of the investments made by the applicant to facilitate the agricultural co-utilization (e.g., grazing plan, planting pasture species, development of watering facilities, modified access for livestock trailers, panel spacing, additional fencing, access roads, gates, housing, etc.).	15.13

15.0 EXHIBIT 15 – AGRICULTURAL RESOURCES

SUMMARY OF EXHIBIT

Valcour Bliss NewCo, LLC (the Applicant) assessed agricultural resources within the 5-mile Study Area, Facility Site, Facility footprint (herein referred to as the Limits of Disturbance [LOD]), and potential impacts associated with construction and operation of the Repowered Facility. This exhibit was completed using existing information obtained from publicly available agency sources, including data from the U.S. Department of Agriculture (USDA), New York State Department of Agriculture and Markets (NYSAGM), and New York State Department of Environmental Conservation (NYSDEC), and agriculture and farmland protection plans from the towns in the Study Area. In addition, the Applicant sent surveys to landowners to identify current active agricultural businesses and gather additional information required by 16 New York Codes, Rules and Regulations (NYCRR) § 1100-2.16(b).

The Repowered Facility will use 49 of the 53 Existing Facility parcels, and will comprise fewer wind turbines (up to 34 turbines) than the Existing Facility (67 turbines). The Applicant sited 22 of the 34 turbines outside of active agricultural lands. The Repowered Facility will reuse much of the Existing Facility infrastructure, including access roads, collector lines, and substation, reducing the amount of land needed for new infrastructure. Where turbines are proposed to be sited near active agriculture, the Applicant carefully sited them at the edge of fields to minimize impacts, and operational impacts will be similar to those of the Existing Facility. The Applicant consulted with landowners to identify current agricultural practices and drainage tiles. Overall, construction and operation of the Facility will not significantly diminish agricultural activity within the Study Area.

Field-verified active agricultural land use, including all lands involved in the production of crops, livestock, and livestock products for three of the last five years, represents approximately 43,040 acres of the Study Area (39 percent), 2,617 acres of the Facility Site (39 percent) and 281 acres of the LOD (46 percent). New York State Agricultural Land Classified Mineral Soil Groups (MSG) 1 through 4 are present within the Facility Site and MSG 2-4 are present within the LOD. During construction, 74 acres of active agricultural lands will temporarily be impacted by construction activities but will be allowed to return to active agricultural use once the Repowered Facility is operational. Following operations, the Applicant will implement the Decommissioning Plan (Appendix 23-A) to restore the land used to preconstruction conditions, to the maximum extent practicable, and will remove aboveground Repowered Facility components and underground components to whichever depth is less—the depth of bedrock or 48 inches below grade in agricultural lands. Therefore, no permanent impacts would occur to lands actively farmed and MSGs 1 through 4.

During construction and operation, the Applicant will protect agricultural resources by implementing an Agricultural Plan described in Section 15.11, following the Office of Renewable Energy Siting and Electric Transmission (ORES) Uniform Standards and Conditions governing construction in agricultural lands, and adhering to the NYSAGM's 2018 Guidelines for Agricultural

Mitigation for Wind Power Projects to the maximum extent practicable (NYSAGM 2018). Further, the Applicant has prepared a Drainage Remediation Plan (Appendix 15-E) to address inadvertent damages to subsurface agricultural drainage features.

15.1 AGRICULTURAL ASSESSMENT (16 NYCRR § 1100-2.16(a))

As required by 16 NYCRR § 1100-2.16(a), an assessment within the Study Area was conducted, including datasets and illustrations to characterize agricultural activities. The Study Area, as defined in 16 NYCRR § 1100-1.2(bx), represents the area within a 5-mile radius of the Facility Site.

15.2 NEW YORK STATE CERTIFIED AGRICULTURAL DISTRICTS (16 NYCRR § 1100-2.16(a)(1))

The New York State Legislature enacted the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law) in 1971 to protect and promote the availability of land for farming purposes. Agricultural districts are geographic areas composed primarily of viable agricultural land. Agricultural operations within the district are the main land use and are provided with benefits and protections to promote the continuation of farming and the preservation of agricultural land (NYSAGM n.d.). These districts may include land that is actively farmed, idle, or forested, as well as residential and commercial uses.

In Wyoming, Allegany and Cattaraugus Counties, there are over 665,000 acres of State certified districts (NYSAGM 2024). Figure 15-1 in Appendix 15-A depicts the agricultural districts in the 5-mile Study Area by tax parcel. State-certified agricultural districts in the Study Area span across the Towns of Centerville, Hume, Freedom, Arcade, Eagle, Gainesville, Java, Pike, and Wethersfield. Approximately 73,812 acres (64 percent) of lands within the Study Area fall within agricultural districts.

15.3 REAL PROPERTY AGRICULTURAL VALUE ASSESSMENT (16 NYCRR § 1100-2.16(a)(2))

Figure 15-2 in Appendix 15-A shows parcels in the 5-mile Study Area with an agricultural value assessment. Appendix 15-G provides the list of parcels in the 5-mile Study Area with an agricultural value assessment, as well as the year of the last agricultural assessment (Wyoming County Real Property Department 2024; Allegany County Real Property Department 2024; Cattaraugus County Real Property Department 2024). Based on communication with Wyoming, Allegany and Cattaraugus Counties' Real Property Tax Services Supervisors, the Towns of Eagle, Wethersfield, Pike, and Gainesville (Wyoming County); Centerville and Hume (Allegany County); and Freedom (Cattaraugus County) contain data with parcels with Real Property Agricultural Value Assessment (exemption codes 41720, 41730, or 41700) (S. Lippincott, personal communication, November 13, 2024; J. O'Kelly, personal communication, October 2, 2024; C. Holewinski, personal communication, November 13, 2024).

The Agricultural Districts Law allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of that land to its prescribed agricultural assessment value. Two factors are necessary to determine agricultural assessments. First, NYSAGM uses soil productivity to classify New York State farmland. Highly productive soils include those identified in a county soil survey as prime farmlands, farmlands of statewide importance, and MSGs. NYSAGM considers MSG 1 through 4 as highly productive soils (NYSDEC n.d.). Section 15.10.6 provides more information about MSGs within the Facility Site. Second, a base agricultural assessment value requires that an agricultural assessment (per acre) be assigned for each level of land quality designated. Landowners whose land satisfies eligibility requirements may apply for an agricultural assessment, and the farmland must satisfy certain gross sales and acreage eligibility requirements (NYSDTF 2021). Eligibility is determined by the assessor or board of assessors where the application is filed. Land generally must consist of 7 acres or more that were used in the preceding two years for the production for sale of crops, livestock, or livestock products.

15.4 MUNICIPAL ZONING DISTRICTS (16 NYCRR § 1100-2.16(a)(3))

Table 15.4-1 summarizes the zoning categories within the Study Area. The majority of the area includes the zoning designation of agricultural residential and agricultural. The Towns of Freedom, Centerville, Hume, and Wethersfield do not currently have a zoning ordinance in place. Exhibit 3 (Location of Facilities and Surrounding Land Use) describes the municipal zoning categories in the Study Area, and these are shown on Figure 3-5 in Exhibit 3, Appendix 3-A. Zoning categories and districts are also discussed in detail in Exhibit 24 (Local Laws).

Table 15.4-1 Zoning Categories within the Study Area

Zoning Category	Acreage	% of Classified Zoning in Study Area
Agricultural Residential	24,607	22%
Agricultural	16,244	15%
Low Density District	13,566	12%
Agricultural Rural Residential	2,751	2%
Medium Density District	759	<1%
Commercial Recreation Use	635	<1%
Light Industrial, Hwy Commercial	349	<1%
Low Density NPS	233	<1%
Hamlet Residential	137	<1%
High Density District	114	<1%
Commercial District	107	<1%
Gravel Pit	96	<1%
Recreational District	37	<1%
General Commercial	36	<1%
Hamlet Commercial	15	<1%
Central Business District	11	<1%
Mining Overlay	7	<1%
Subtotal	**59,706**	**54%**
No designation/data	51,070	46%
Total	**110,776**	**100%**

Note: Acreage totals may not add up due to rounding.

15.5 LAND COVER AND AGRICULTURAL LAND USE (16 NYCRR § 1100-2.16(a)(4))

15.5.1 Land Cover

The National Land Cover Database (NLCD) is a nationwide dataset with a classification system that covers 15 distinct land cover categories that indicate land characteristics and their potential land use. Table 15.5-1 identifies the 15 land cover classifications within the Study Area, comparing agricultural land use to non-agricultural land uses. Figure 15-3 in Appendix 15-A provides land cover classifications using U.S. Geological Survey NLCD data from 2021. The primary land cover types within the 5-mile Study Area are deciduous forest, cultivated crops, and hay/pasture. Approximately 38% of the Study Area includes agricultural land cover types composed of hay/pastureland and cultivated cropland, and 62% of the Study Area comprises non-agricultural land cover types.

Table 15.5-1 NLCD 2021 Land Cover Types within the 5-mile Study Area

Land Cover Type	Area (Acres)	Percent
Deciduous Forest	39,558	36%
Cultivated Crops	24,507	22%
Hay/Pasture	17,789	16%
Mixed Forest	9,409	8%
Woody Wetlands	6,875	6%
Developed, Open Space	4,638	4%
Evergreen Forest	4,595	4%
Developed, Low Intensity	886	1%
Shrub/Scrub	769	1%
Emergent Herbaceous Wetlands	546	<1%
Open Water	455	<1%
Herbaceous	289	<1%
Developed, Medium Intensity	258	<1%
Barren Land	146	<1%
Developed, High Intensity	56	<1%
Total	**110,776**	**100%**

Note: Acreage totals may not add up due to rounding.

15.5.2 Agricultural Land

The National Agricultural Statistics Service (NASS) Cropland Data Layer (CDL) depicts crop-specific land cover categories (USDA 2023). Table 15.5-2 details the cropland coverage classifications within the 5-mile Study Area. Figure 15-4 in Appendix 15-A shows the USDA NASS cropland coverage of the Study Area. Of the designated land cover types within the Study Area, the largest crop coverage types are Alfalfa, Corn, and Other Hay/Non Alfalfa. Other predominant land cover in the Study Area that is not cropland but is considered active agricultural includes Grassland/Pasture.

Table 15.5-2 2023 National Agricultural Statistics Service Cropland Data Type within the 5-mile Study Area

Land Cover Type	Area (Acres)
Alfalfa	11,637
Grassland/Pasture	10,324
Corn	9,900
Other Hay/Non Alfalfa	7,887
Potatoes	1,842
Winter Wheat	1,317
Soybeans	520
Oats	317
Dry Beans	229
Triticale	172
Sweet Corn	161
Clover/Wildflowers	135
Peas	104
Dbl Crop Triticale/Corn	72
Barren	54
Sorghum	38
Fallow/Idle Cropland	23
Christmas Trees	23
Grapes	20
Apples	18
Cucumbers	17
Pumpkins	9
Buckwheat	8
Rye	8
Blueberries	6
Squash	5
Barley	3
Sugarbeets	2
Cabbage	2
Misc Vegs & Fruits	1
Aquaculture	1
Onions	1
Pears	1
Broccoli	1
Sod/Grass Seed	1
Carrots	<1
Cherries	<1
Dbl Crop WinWht/Corn	<1
Millet	<1
Peaches	<1
Spring Wheat	<1

15.6 EXISTING ENERGY INFRASTRUCTURE AND COMPLETED RENEWABLE ENERGY FACILITIES (16 NYCRR § 1100-2.16(a)(5))

Existing energy infrastructure includes infrastructure affiliated with natural gas, electric transmission, and renewable energy. Renewable energy facilities refer to solar and wind energy. Figure 3-3 in Exhibit 3 Location of Facilities and Surrounding Land Use shows the location of transmission infrastructure, including existing overhead and underground major facilities for electric, gas, or telecommunications transmission within the Study Area.

One major existing electric transmission facility is located in the Study Area and passes through the Facility Site: the National Grid Eagle to Arcade 115 kilovolt (kV) transmission line. The Repowered Facility will interconnect to that transmission line through the existing National Grid Village of Arcade Freedom Substation and existing switchyard station in the town of Eagle.

According to the NYSDEC's oil and gas well database, no regulated oil, gas, or mining solution wells exist within 500 feet of areas to be disturbed within a proposed facility boundary or the LOD (NYSDEC 2024). Appendix 3-F provides the magnetometer survey report which determined that abandoned oil and gas wells are likely not present within the surveyed area.

Table 15.6-1 identifies the completed renewable energy projects in the Study Area as reported by the New York State Energy Research and Development Authority (NSYERDA) as having greater than 0.1 megawatt direct-current capacity (NYSERDA 2024a, 2024b; Wyoming County IDA n.d.). The existing Wethersfield and Bliss Wind Projects listed will be decommissioned concurrent with or prior to the commissioning of the Repowered Project.

Table 15.6-1 Large-Scale Renewable Energy Projects in the Study Area[1]

Type	Year of Delivery Start/ Interconnection	Utility	County	City/ Town	Zip	Project Name/ Developer	System Capacity (MW)
Wind	2009	NYPA	Wyoming	Eagle, Wethersfield	14066	Wethersfield Windpark/ AES Corporation	126
Wind	2008	NYPA	Wyoming	Eagle	14024	Bliss Windpark/ AES Corporation2	100.5
Solar	2020	NS	Wyoming	Pike	14130	NY Pike I Solar/ Delaware River Solar	2
Solar	2020	NS	Wyoming	Pike	14130	NY Pike II Solar/ Delaware River Solar	5
Solar	2020	NS	Wyoming	Pike	14024	NY Pike III Solar/ Delaware River Solar	3.8
Solar	2020	NS	Wyoming	Pike	14024	NY Pike IV Solar/ Delaware River Solar	2
Solar	2022	RGE	Wyoming	Pike	14066	Generate Capital, Inc.	6.9

Source: NYSERDA 2024a 2024b; Wyoming County IDA n.d.

Note:

[1] Includes Renewable Energy Projects identified within zip codes within the 5-mile Study Area; therefore, some projects may be further than 5-miles from the Facility.

[2] This is the Existing Facility.

Key:

MW = megawatts

NS = not specified

NYPA = New York Power Authority

RGE = Rochester Gas & Electric

15.7 ACTIVE AGRICULTURAL BUSINESSES (16 NYCRR § 1100-2.16(a)(6))

Agriculture is an important component of Wyoming, Allegany and Cattaraugus Counties' economy and communities. Each of these counties is home to a diversity of agriculture and agricultural industries, with dairy as the leading industry by agricultural sales in each of the counties (USDA NASS 2022a, 2022b, 2022c). While the Repowered Facility itself is located in Wyoming County, the 5-mile Study Area extends into Allegany and Cattaraugus Counties. Table 15.7-1 presents an overview of metrics that identify active agricultural businesses from the USDA Census of Agriculture within Wyoming, Allegany and Cattaraugus Counties, as this information is not available on a smaller scale within the Study Area. These census data serve as an assessment of agricultural activities and reflect active agricultural businesses and related infrastructure within Wyoming, Allegany and Cattaraugus Counties.

The total number of farms and total land in farms in Wyoming County decreased between 2017 and 2022 by 12 percent and 13 percent, respectively (USDA NASS 2022a). Despite the decrease in farms, agriculture is a growing industry in Wyoming County due to the overall increase in the value of the agricultural products sold during this period. The agriculture market throughout Wyoming County can be measured by several metrics, including a 15 percent increase in farm-related income, an 81 percent increase in net cash farm income, and a 37 percent increase in the market value of products sold between 2017 and 2022 (USDA NASS 2022a).

In Allegany County, the total number of farms and total land in farms decreased between 2017 and 2022 by 13 percent and 28 percent, respectively (USDA NASS 2022b). Despite the decrease in farms, agriculture is a growing industry in Allegany County due to the overall increase in the value of the agricultural products sold during this period. Between 2017 and 2022, farm related income increased by 35 percent, net cash farm income increased by 48 percent, and the market value of products sold increased by 1 percent (USDA NASS 2022b).

In Cattaraugus County, the total number of farms and total land in farms both decreased between 2017 and 2022 by 13 percent and 2 percent, respectively (USDA NASS 2022c). Despite the decrease, agriculture is a growing industry in Cattaraugus County due to the overall increase in the value of the agricultural products sold during this period. Between 2017 and 2022, farm related income increased by 56 percent, net cash farm income increased by 129 percent, and the market value of products sold increased by 78 percent (USDA NASS 2022c).

Table 15.7-1 Agricultural Business and Land Use within Wyoming, Allegany, and Cattaraugus Counties

USDA Census of Agriculture Metric	2017 Data	2022 Data
Wyoming County		
Farms, total number	729	638
Farms, by size		
1–9 acres	87	84
10–49 acres	212	193
50–179 acres	191	172
180–499 acres	135	94
500–999 acres	57	45
1,000+ acres	47	50
Land in farms (acres)	234,861	203,915
Land in farms (by use)[1]		
Cropland	71	154,159
Pastureland	4	5,554
Woodland	15	34,045
Other	10	10,157
Crops (acres)		
Forage (hay/haylage), all	63,739	60,244
Corn for silage or greenchop	47,784	38,593
Corn for grain	16,088	19,251
Vegetables harvested, all	8,913	9,136
Wheat for grain, all	5,413	NS
Total market value of products sold	$64,892	$83,160
Allegany County		
Farms, total number	789	690
Farms, by size		
1–9 acres	44	80
10–49 acres	188	126
50–179 acres	307	303
180–499 acres	190	152
500–999 acres	40	13
1,000+ acres	20	16
Land in farms (acres)	161,713	116,686
Land in farms (by use)[1]		
Cropland	55	60,288
Pastureland	10	10,694
Woodland	27	35,855
Other	8	9,849
Crops (acres)		
Forage (hay/haylage), all	44,950	28,127
Corn for grain	9,779	7,173
Corn for silage or greenchop	7,186	8,771

USDA Census of Agriculture Metric	2017 Data	2022 Data
Wheat for grain, all	2,105	1,045
Nursery stock crops	1,818	NS
Cultivated Christmas trees	NS	1,568
Total market value of products sold	$25,711	$24,346
Cattaraugus County		
Farms, total number	956	833
Farms, by size		
1–9 acres	81	85
10–49 acres	216	212
50–179 acres	409	313
180–499 acres	199	173
500–999 acres	37	27
1,000+ acres	14	23
Land in farms (acres)	166,240	162,947
Land in farms (by use)[1]		
Cropland	53	84,781
Pastureland	12	12,074
Woodland	27	51,487
Other	7	14,605
Crops (acres)		
Forage (hay/haylage), all	41,888	37,813
Corn for silage or greenchop	10,090	16,422
Corn for grain	7,699	9,681
Soybeans for beans	3,420	3,886
Oats for grain	1,099	NS
Cultivated Christmas trees	NS	1,477
Total market value of products sold	19,887	27,519

Source: USDA NASS 2017 and USDA NASS 2022.

Key:

USDA = U.S. Department of Agriculture

NS = Not specified

Note:

[1] May not equal 100% due to rounding.

In Wyoming County, sales of livestock, poultry, and related products, as well as sales from crops, increased between 2017 and 2022 (USDA NASS 2017a, 2022a). Dairy production is the dominant form of agriculture in Wyoming County, with dairy sales representing 90 percent of the total value of all livestock, poultry, and products sales. Dairy sales increased by 51 percent from 2017 to 2022 (USDA NASS 2017a, 2022a). In 2022, Wyoming County ranked second in dairy sales in New York State. In terms of crop sales, grains, oilseeds, dry beans, and dry peas are the most valuable crops grown. Wyoming County ranked 13th in sales of grains, oilseeds, dry beans, and dry peas in New York State, with sales representing 39 percent of crop sales in 2022. Sales of grains, oilseeds, dry beans, and dry peas increased by 15 percent from 2017 to 2022 (USDA

NASS 2017a, 2022a). Additional crops of importance to Wyoming County include vegetables, melons, potatoes, and sweet potatoes, which comprised 32 percent of total crop sales in 2022 (USDA NASS 2022a). In Wyoming County, the top crops by acres are forage (hay/haylage), corn for silage or greenchop, corn for grain, vegetables harvested, and potatoes (USDA NASS 2022a). As previously mentioned, Figure 15-4 in Appendix 15-A shows the USDA NASS cropland coverage of the Study Area. Of the designated land cover types within the 5-mile Study Area, the largest crop coverage types are Corn, Alfalfa, and Other Hay/Non Alfalfa.

In Allegany County, sales of livestock, poultry, and related products increased, and crop product sales slightly decreased between 2017 and 2022 (USDA NASS 2017b, 2022b). Dairy production is the dominant form of agriculture in Allegany County, with dairy sales representing 77 percent of the total value of all livestock, poultry, and products sales. Dairy sales increased by 22 percent from 2017 to 2022 (USDA NASS 2017b, 2022b). In 2022, Allegany County ranked 32nd in dairy sales in New York State. In terms of crop sales, grains, oilseeds, dry beans and dry peas are the most valuable crops grown. Allegany County ranked 30th in sales of grains, oilseeds, dry beans and dry peas in New York State, with sales representing 37 percent of crop sales in 2022. Sales of grains, oilseeds, dry beans and dry peas increased by 23 percent from 2017 to 2022 (USDA NASS 2017b, 2022b). Additional crop categories of importance to Allegany County include “other crops and hay”, which comprised 27 percent of total crop sales in 2022, and nursery, greenhouse, floriculture and sod which comprised 24 percent of total crop sales in 2022 (USDA NASS 2022). In Allegany County the top crops by acres are forage (hay/haylage), corn for silage or greenchop, corn for grain, cultivated Christmas trees, and wheat for grain (USDA NASS 2022).

In Cattaraugus County, sales of livestock, poultry, and related products as well as sales from crops both increased between 2017 and 2022 (USDA NASS 2017c, 2022c). Dairy production is the dominant form of agriculture in Cattaraugus County, with dairy sales representing 83 percent of the total value of all livestock, poultry, and products sales. Dairy sales increased by 75 percent from 2017 to 2022 (USDA NASS 2017c, 2022c). In 2022, Cattaraugus County ranked 16th in dairy sales in New York State. In terms of crop sales, grains, oilseeds, dry beans, and dry peas are the most valuable crops grown. Cattaraugus County ranked 22nd in sales of grains, oilseeds, dry beans, and dry peas in New York State, with sales representing 52 percent of crop sales in 2022. Sales of grains, oilseeds, dry beans, and dry peas increased by 119 percent from 2017 to 2022 (USDA NASS 2017c, 2022c). Additional crop categories of importance to Cattaraugus County include “other crops and hay” which comprised 25 percent of total crop sales in 2022 (USDA NASS 2022c). In Cattaraugus County, the top crops by acres are forage (hay/haylage), corn for silage or greenchop, corn for grain, soybeans for beans, and cultivated Christmas trees (USDA NASS 2022c).

Table 15.7-2 summarizes the agricultural sales data within Wyoming, Allegany and Cattaraugus Counties between 2017 and 2022.

Table 15.7-2 Clinton County Value of Agricultural Sales by Farming Type

Type	2017 Sales ($1,000)	Percentage of Total (%)	2022 Sales ($1,000)	Percentage of Total (%)
Wyoming County				
Livestock, Poultry, and Products	242,628	79	337,827	80
Crops	64,892	21	83,160	20
Total	**307,521**	**100**	**420,986**	**100**
Allegany County				
Livestock, Poultry, and Products	43,605	63	45,443	65
Crops	25,711	37	24,346	35
Total	**69,316**	**100**	**69,790**	**100**
Cattaraugus County				
Livestock, Poultry, and Products	73,525	79	117,252	81
Crops	19,887	21	27,519	19
Total	**93,412**	**100**	**144,771**	**100**

Source: USDA NASS 2017, 2022

Note: Dairy products are included in Livestock, Poultry, and Products.

The Applicant surveyed participating landowners hosting Repowered Facility components to supplement the understanding of current active agricultural businesses, gather additional information on their agricultural practices, and identify how the Facility may impact agricultural operations for participating landowners. Appendix 15-B provides a copy of the 14-question survey mailed to 135 landowners. Responses were received relating to 25 parcels. Twelve landowners indicated their land has been used for active agriculture within three of the last five years. Eleven of the landowners anticipate continuing some agricultural operations on non-hosting properties after the Repowered Facility is developed. Based on the survey responses, crops are grown on 11 parcels, livestock is raised on four parcels, and livestock products are produced on one parcel.

The total acreage of active agriculture within the Study Area is approximately 43,040 acres (39 percent of the Study Area), while the total acreage of active agriculture within the Facility Site is approximately 2,617 acres (6 percent of the Study Area). The alternative use of these lands within the Facility Site will not result in a significant loss of agricultural land to the region, and the temporary pause in agricultural production within the Facility Site will not have a significant adverse effect on the greater agricultural economy in the region. Some of the landowners who have agreed to host Repowered Facility components will continue active agricultural operations on other parcels they own, and this continuation will be supported by the lease payments received from the Applicant.

15.8 FARMING ACTIVITY DURING CONSTRUCTION (16 NYCRR § 1100-2.16(a)(7))

The Applicant is proposing to site the majority of the turbines (22 of the 34 turbines) outside of agricultural lands which would not impact farming activity during construction. Where turbines are

proposed within or adjacent to active agriculture land, the Applicant is proposing to site turbines on the edges of agricultural fields and would reuse existing collector lines and access roads to the maximum extent practical. Therefore, impacts to agricultural operations discussed above would likely be localized during construction and not result in displacement of farming activities outside of the Facility Site.

Construction will result in some temporary impacts on the active agricultural businesses and operations as described in Section 15.7. These impacts include temporary vegetation and soil disturbance, and long-term exclusion of current agricultural activity in some areas. For example, temporary impacts on agricultural land during construction include the marshaling yard and laydown areas and the installation of buried collector lines. All collector lines will be installed in accordance with NYSAGM guidance to ensure that impacts on active agricultural land are minimized to the extent practicable, as outlined in Appendix 15-D Agricultural Plan. The Applicant also has developed approaches to avoid, minimize, and remediate potential impacts on surface drainage systems and subsurface agricultural drainage features to ensure that farming drainage patterns are improved or maintained as a result of constructing the Repowered Facility; these approaches are described in Appendix 15-E Drainage Remediation Plan. The Applicant's Environmental Monitor will consult with NYSAGM during construction if deviation from the approved plans becomes necessary.

Once in operation, the Repowered Facility will not interfere with ongoing farming operations, aside from occasional maintenance and repair activities, which will be consistent with activities of the Existing Facility and will be coordinated with landowners. The site design provides landowners access to active fields and other portions of parcels for landowner use.

15.9 TEMPORARY AND PERMANENT IMPACTS TO AGRICULTURAL PRODUCTION AREAS (16 NYCRR § 1100-2.16(a)(8))

As required by 16 NYCRR § 1100-2.16(a)(8), the Applicant assessed temporary and/or permanent impacts on agricultural production areas within the proposed facility footprint (including all planned structures, laydown areas, etc.), and areas where it is not feasible to continue farming. Table 15.9-1 summarizes the temporary and/or permanent impacts on active agricultural areas within MSG 1 through 4 of the LOD affected by construction and operation. This assessment of temporary and/or permanent impacts on agricultural production areas uses active agriculture, as determined in Section 15.10.1 below, and MSG 1-4 as described in Section 15.10.6.

A temporary impact refers to any Repowered Facility components that will result in temporary conversion of active agricultural areas within MSG 1 through 4 for the operational life of the Repowered Facility (i.e., components proposed to be removed upon decommissioning and followed by restoration in accordance with the NYSAGM Guidelines). Permanent impacts on agricultural land occurs within the LOD where impervious surfaces and components will remain upon decommissioning. As discussed in Exhibit 23 (Decommissioning), the Applicant will remove aboveground Repowered Facility components and underground components to whichever depth

is less—the depth of bedrock or 48 inches below grade in agricultural lands. This includes wind turbine foundation pedestals and associated gravel rings, new access roads, meteorological tower foundation pedestals, and the aircraft detection lighting system tower foundation. Components of the Existing Facility that will be reused for the Repowered Facility are not considered permanent impacts.

As shown in Table 15.9-1, 74 acres (12 percent) of the LOD is used for active agriculture and within MSG 1-4, and would represent a temporary construction impact, while only 2 acres of active agriculture within MSG 1-4 would be impacted during operations. No new permanent impacts to active agriculture within MSG 1-4 from the Repowered Facility would occur.

Table 15.9-1 Temporary and Permanent Impacts on Active Agricultural Production Areas in Mineral Soil Groups 1 through 4

Impact	Area in LOD (Acres)	Percent Area of LOD
Temporary Construction Impacts	74	12%
Temporary Operational Impacts	2	<1%
Permanent Impacts	0	0

Note: Not all area within the Limits of Disturbance contains active agricultural areas.

15.10 MAPPING OF RESOURCES AND PROJECT ACTIVITIES (16 NYCRR § 1100-2.16(b))

15.10.1 Field-Verified Active Agricultural Land Use (16 NYCRR § 1100-2.16(b)(1))

Figure 15-5 in Appendix 15-A shows field-verified active agriculture land use, which is land involved in the production of crops, livestock, and livestock products, in the 5-mile Study Area for three of the last five years. The total acreage of active agriculture within the Study Area is approximately 43,040 acres (39% of the Study Area), while the total acreage of active agriculture within the Facility Site is approximately 2,617 acres (39% of the Facility Site).

Table 15.10-1 presents the acreage and percentage of active agricultural land within Wyoming County, the Town of Eagle, the 5-Mile Study Area, the Facility Site, and the LOD.

Table 15.10-1 Active Agricultural Acreages

Area of Interest	Total Area (Acres)	Active Agriculture	
		Area (Acres)	Area (Percent)
Wyoming County	381,577	177,674	47%
5-Mile Study Area	110,776	43,040	39%
Town of Eagle	23,327	7,975	34%
Facility Site	6,700	2,617	39%
LOD	613	281	46%

The Applicant analyzed active agriculture land involved in the production of crops, livestock, and livestock products for three of the last five years using USDA Crop Scape annual datasets from 2019 through 2023, Real Property Agricultural Value Assessment by tax parcel, and land use property classifications. USDA CDLs were obtained from the CropScape data hosting platform for the years 2019 through 2023 (USDA 2023). Each CDL is a raster, geo-referenced, crop-specific land cover data layer created annually for the continental United States using moderate resolution satellite imagery and extensive agricultural ground truth. CDL data were overlayed on the Study Area, and a list of uses from NASS Cropland Data Type for each of the five years was compiled. A master list of croplands was created, and each crop cover or land cover type was classified as agricultural or non-agricultural (Appendix 15-C). These classifications were further verified by comparing the USDA CropScape annual dataset results designating active agriculture areas with the Real Property Agricultural Value Assessment, as well as land use property classification of agriculture. Real Property Agricultural Value Assessments have eligibility requirements and follow an application process that must be renewed each year, and the land must have been used in the preceding two years for the production for sale of crops, livestock, or livestock products (NYSDTF 2021). After processing data for each year, ArcGIS Desktop Version 10.7.1™ Spatial Analyst tools were used to conduct a GIS analysis that identified areas within the Study Area that were considered to be active agricultural land for three out of five years (2019 through 2023). Specifically, each grid land use value was reclassified as agriculture or non-agriculture, and the raster calculator tool summed all five years of reclassified grids. The resulting grid cells with values of three years or more were classified as active agriculture. The Real Property Agricultural Value Assessment provides field-verification by proxy, as information on the acreage and location of active agricultural uses is certified for accuracy by the landowner. Figure 15-5 in Appendix 15-A shows field-verified active agriculture land use for the Study Area.

The Active Agriculture Results and Property Class codes from 2023 parcels were intersected to check for discrepancies between tax data and analysis as an additional layer of verification. Areas that were identified as active agriculture but did not have a property class code in the 100s (agriculture) were flagged. Additionally, areas that were not identified as active agriculture, but had a property class code in the 100s, were flagged. Parcels that had more than 200 acres were further manually reviewed using raw CDL data, parcel table, and aerial imagery. In summary:

- The active analysis was able to locate and identify continuous areas from raster data that are being used as agriculture.
- There were many parcels with a Property Class code of 100 but only a section of the parcel was identified as active agriculture because part of the parcel was forested.

Several parcels identified as active agriculture did not have a Property Class code of 100. These areas were confirmed agricultural use based on a manual desktop review.

Section 3.2 of Exhibit 3 (Location of Facilities and Surrounding Land Use) provides additional information on existing land use and property class data. To verify accuracy of the active agriculture analysis, this analysis cross referenced the areas identified as active agriculture with areas that had the Real Property Agricultural Value Assessment using the data available for the Towns of Eagle, Wethersfield, Pike, Gainesville, Centerville, Hume, and Freedom. There were 41 parcels within the Facility Site with Real Property Agricultural Value Assessment. Of those 41 parcels, 40 contain active agricultural areas. All parcels were manually reviewed using aerial imagery and landowner survey responses.

Using definitions from the USDA, as well as aerial imagery, some classifications could be considered both agricultural and non-agricultural use. For example, forested areas can sometimes be food crops (maple syrup) and sometimes timber crops (Christmas trees or timber). In this analysis, Christmas tree farms were included as agricultural use.

15.10.2 Agricultural Production Acreage (16 NYCRR § 1100-2.16(b)(2))

All agricultural land within the Facility Site that will not host permanent Repowered Facility components are expected to remain in active agricultural use, unless otherwise decided upon by the landowner. Figure 15-6 in Appendix 15-A shows active agricultural land use and land to remain in agricultural use in the 5-mile Study Area, excluding the 2 acres of active agriculture within the LOD that will not remain in active agricultural use. All of the 43,040 acres of active agriculture within the Study Area, are expected to remain in agricultural use following operations.

15.10.3 Landowner Development Restrictions (16 NYCRR § 1100-2.16(b)(3))

No landowner-imposed development restrictions have been identified that will preclude development of the Repowered Facility.

15.10.4 Subsurface Drainage Systems (16 NYCRR § 1100-2.16(b)(4))

As part of the agricultural landowner survey conducted in December 2024, the Applicant requested information on the location of subsurface drainage systems. The responses identified seven areas with drainage tiles and four areas with irrigation lines within the Facility Site. The Applicant reached out the Wyoming County Soil & Water District for additional information on drainage tiles. The County reviewed their files and reported seven parcels containing drainage projects within the Facility Site. Data from the National Center for Atmospheric Research was utilized to supplement information received from the landowner surveys and to assess the potential for drainage systems. This uses multiple USDA and U.S. Geological Survey datasets to present a 30-meter resolution layer of suspected drain tile areas (Valayamkunnath et. al., 2020).

Figure 15-7 shows the locations of known or suspected subsurface agricultural drainage systems within the Facility Site based on landowner surveys and the National Center for Atmospheric Research AgTile-US Geospatial Model. Section 15.12 of the Drainage Remediation Plan (Appendix 15-E) addresses unavoidable or inadvertent damages to surface or subsurface agricultural drainage within the Facility Site during construction.

Exhibit 13 (Water Resources and Aquatic Ecology) and Exhibit 14 (Wetlands) discuss drainage features. Exhibit 14, Figure 14-1, Delineated Features within Wetland Study Area & State Regulated Impacts, identifies these features.

15.10.5 United States Department of Agriculture Soils (16 NYCRR § 1100-2.16(b)(5))

Figure 15-8 in Appendix 15-A identifies the soil series within the Facility Site. The most predominant soil series within the Facility Site is Volusia channery silt loam, 3 to 8 percent slopes, which covers approximately 1,322 acres, or 20 percent of the Facility Site (USDA NRCS 2019). The next most common soil series in the Facility Site is Mardin channery silt loam, 3 to 8 percent slopes, which covers approximately 661 acres, or 10 percent of the Facility Site.

Figure 15-10 in Appendix 15-A identifies parcel-by-parcel USDA farmland classifications for prime farmland, prime farmland if drained, and farmland of statewide importance within the Facility Site. Appendix 15-G provides the table of the USDA farmland classifications and acres by parcel for the Study Area.

15.10.6 New York State Mineral Soils Groups 1 through 10 (16 NYCRR § 1100-2.16(b)(6))

Figure 15-9 in Appendix 15-A depicts MSGs within the Facility Site. Table 15.10-2 identifies the mineral soil coverage within the LOD, Facility Site, Town of Eagle, 5-Mile Study Area, and Wyoming County. NYSAGM considers MGSs 1 through 4 as highly productive soils (NYSDEC n.d.). Mineral Soil Groups 1 through 4 comprise 1,398 acres (21%) of the Facility Site and 164 acres (27%) of the LOD.

Table 15.10-2 Mineral Soil Group Acreages and Percentages

Geographic Region		Mineral Soil Group (MSG)			
		Group 1	Group 2	Group 3	Group 4
LOD	Acres	0	39	37	88
	Percent	0%	6	6	14
Facility Site	Acres	0	348	293	756
	Percent	0%	5%	4%	11%
Study Area	Acres	1,197	11,307	9,659	8,772
	Percent	1%	10%	9%	8%
Town of Eagle	Acres	148	1,999	1,251	2,860
	Percent	<1%	9%	5%	12%
Wyoming County	Acres	3,446	38,113	64,530	31,520
	Percent	<1%	10%	17%	8%

Note: Area totals may not add up due to rounding
Key:
LOD = Limits of Disturbance

15.11 AGRICULTURAL PLAN (16 NYCRR § 1100-2.16(c))

As required by 16 NYCRR § 1100-2.16(c), the Applicant prepared an Agricultural Plan, consistent with the NYSAGM Guidelines to the maximum extent practicable, to avoid, minimize, and mitigate agricultural impacts on active agricultural lands within MSGs 1 through 4. The Applicant sited the Repowered Facility to avoid sensitive resources to the maximum extent practicable by locating new turbines in close proximity to existing turbines and reusing existing components. The Repowered Facility uses 49 of the 53 Existing Facility parcels and the majority of turbines (22 of the 34 turbines) will not be located on active agricultural land. Within the Facility Site, 666 acres of active agricultural land are also classified as MSG 1 through 4. Of those 666 acres, 12 percent (79 acres) are within the LOD and 0 percent (0 acres) will be permanently impacted.

While impacts on agricultural resources cannot be avoided completely, the proportion of active agricultural land also classified as MSG 1-4 contained within the LOD and Facility Site is small compared to the Town of Eagle (2,898 acres) and Wyoming County (84,458 acres). Table 15.11-1 quantifies the total area of active agricultural lands within MSGs 1-4 relative to the LOD, Facility Site, 5-mile Study Area, Town, and County.

There are approximately 14,041 acres enrolled as Agricultural District lands in the town of Eagle and 284,957 acres of Agricultural District lands enrolled in Wyoming County. Agricultural District lands within the Facility Site (4,350 acres) and LOD (356 acres) account for approximately 31 percent and 3 percent, respectively, of the total Agricultural District lands in the Town of Eagle, and approximately 2 percent and less than 1 percent, respectively, of the Agricultural District lands in Wyoming County.

As discussed in Section 15.7, Wyoming, Allegany and Cattaraugus Counties continue to be important agricultural producers in New York State. The Repowered Facility avoids agricultural lands and prime soils to the extent feasible, and those that would be impacted remain a small percentage of the region and could continue to be active agriculture. Of the landowner survey responses received, none of the landowners indicated soil productivity would be affected for future operations as a result of the Repowered Facility.

Appendix 15-D Agricultural Plan will guide the Repowered Facility's construction, restoration, and decommissioning on agricultural lands. This plan is consistent with the NYSAGM Wind Guidelines, Drainage Tile Specifications, and Fertilizer, Lime and Seeding Recommendations to avoid, minimize, and mitigate agricultural impacts to active agricultural production lands defined as active for three of the last five years within MSG 1 through 4 (NYSAGM 2018). Throughout construction and operation, the Applicant will implement the elements described in Appendix 15-D consistent with the 2018 NYSAGM guidelines to the maximum extent practicable (NYSAGM 2018).

Table 15.11-1 Active Agriculture and Mineral Soil Group Acreages and Percentages

Geographic Area	Total Area (Acres)	Total Area of Active Agricultural Land (acres)	Total Percent of Active Agricultural Land (%)	Total Area of MSG 1-4 (acres)	Total Percent of MSG 1-4 (%)	Total Area of Active Agricultural Lands Within MSG 1-4	Total Percent of Active Agricultural Lands Within MSG 1-4 (%)
LOD	613	281	46%	164	27%	79	13%
Facility Site	6,700	2,617	39%	1,398	21%	666	10%
5-Mile Study Area	110,776	43,040	39%	30,935	28%	16,388	15%
Town of Eagle	23,327	7,975	34%	6,258	27%	2,898	12%
Wyoming County	381,577	177,674	47%	137,609	36%	84,458	22%

15.12 REMEDIATION PLAN FOR SURFACE OR SUBSURFACE DRAINAGE (16 NYCRR § 1100-2.16(d))

Appendix 15-E Drainage Remediation Plan addresses inadvertent damages to surface or subsurface agricultural drainage features. The potential impacts on drainage systems and process for identification and repair of the drainage features are summarized in Section 15.12 and further described in Appendix 15-E.

15.12.1 Demonstration of the Likelihood of Impacts to Surface/Subsurface Drainage (16 NYCRR § 1100-2.16(d)(1))

Impacts on surface drainage features are discussed in Exhibit 13 (Water Resources and Aquatic Ecology) and Exhibit 14 (Wetlands). To address surface drainage, the Applicant will seek coverage under the NYSDEC State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity with a Notice of Intent. Appendix 13-C provides the Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with New York State Standards and Specifications for Erosion and Sediment Control, and the New York State Stormwater Management Design Manual. The SWPPP addresses anticipated stormwater management practices to reduce the rate and volume of stormwater runoff. Green infrastructure practices, such as vegetative filters, as well as culverts, will provide both stormwater quality and quantity controls. Filter strips installed adjacent and running parallel to access roads will manage surface drainage from construction workspaces onto adjacent land.

As discussed in Section 15.10.4, landowner survey responses identified seven drainage tiles within the Facility Site. Furthermore, the Applicant sent a Freedom of Information Law request to the Wyoming County Soil and Water Conservation District on November 13, 2024. The County reviewed its files and reported drainage projects on seven parcels.

Prior to construction, the location of all known drain tile lines and surface drainage systems will be flagged in the field to facilitate avoidance wherever practicable, consistent with 16 NYCRR § 1100-6.4(e). The Applicant will follow the procedures outlined in the Drainage Remediation Plan (Appendix 15-E) should any drainage systems become damaged or need repair during construction or upon decommissioning of the Repowered Facility.

15.12.2 Identification of Methods of Repair for Damaged Drainage Features (16 NYCRR § 1100-2.16(d)(2))

Design of the Repowered Facility is intended to maintain existing drainage patterns and existing stormwater runoff quantity and quality, as outlined in the SWPPP. Existing drainage features will be avoided, to the maximum extent practicable, and various best management practices will be used to avoid downstream impacts. The Applicant will implement any required corrective measures throughout construction and operation, including the implementation of the Decommissioning and Site Restoration Plan (Exhibit 23 and Appendix 23-A) and in response to any issues identified through the complaint resolution process as described in the Applicant's

Complaint Management Plan (to be submitted as a pre-construction compliance filing consistent with 16 NYCRR § 1100-10.2(e)(7)). All surface and subsurface drainage systems damaged during construction will be repaired as close as possible to pre-construction conditions. Appendix 15-E Drainage Remediation Plan describes the restoration of surface and subsurface water drainage. As land disturbance conditions require, the Applicant will consult with landowners to prepare a site-specific plan for the replacement or repair of crushed/severed culverts and pipes. The Applicant will hire or designate an environmental monitor that will oversee agricultural monitoring in accordance with 16 NYCRR §§ 1100-6.4(b) and 6.4(s). In situations where damage to a surface or subsurface drainage feature is discovered by the environmental monitor or construction contractor, the environmental monitor will coordinate with NYSAGM to ensure that repair or replacement will minimally meet or exceed Natural Resources Conservation Service conservation practice standards.

15.13 AGRICULTURAL CO-UTILIZATION PLAN (16 NYCRR § 1100-2.16(e))

As discussed above, overall construction and operation of the Facility will not significantly diminish agricultural activity within the Facility Site or Study Area, with only 2 acres (less than 1%) of active agriculture within the LOD not remaining in active agricultural use during operations. The careful design and siting of the Project will allow landowners continued use of their farmland for agricultural production in areas not utilized by Project components. The Applicant worked closely with landowners to ensure that the components sited on their agricultural land would be agreeable to the landowner and would not hinder any future agricultural uses that the landowner plans to undertake. The Applicant has also facilitated the potential for ongoing agricultural production by ensuring the Facility design does not impede access to agricultural fields by farming equipment (see Section 15.11 for a discussion of the commitments to agricultural restoration of temporarily disturbed agricultural areas), and by limiting the potential for fragmentation of agricultural fields. Therefore, an Agricultural Co-utilization Plan is not proposed for the Bliss Wind Repowering Project, and therefore the requirements of 16 NYCRR § 1100-2.16(e) are not applicable.

15.14 UNIFORM STANDARDS AND CONDITIONS

Table 15.14-1 identifies the applicable Uniform Standards and Conditions for this Exhibit.

Table 15.14-1 Applicable Uniform Standards and Conditions for New York State Agricultural Resources

Citation in 16 NYCRR	Uniform Standards and Conditions
§ 1100-6.4(b)(1-5)	Environmental and Agricultural Monitoring. (1) The permittee shall hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting permit requirements. The environmental monitor shall perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits. (2) The environmental monitor shall have stop work authority over all aspects of the facility. Any stop work orders shall be limited to affected areas of the facility. Copies of the reporting and compliance audits shall be provided to the host town(s) upon request. (3) The permittee shall identify and provide qualifications and contact information for the independent, third-party environmental monitor to the NYSDPS, with a copy to the Office. (4) If the environmental monitor is not qualified, the permittee shall also retain an independent, third-party agriculture-specific environmental monitor as required in section 1100-6.4(s) of this Part. (5) The permittee shall ensure that its environmental monitor and agricultural monitor are equipped with sufficient access to documentation, transportation, and communication equipment to effectively monitor the permittee's contractor's compliance with the provisions of the siting permit with respect to such permittee's facility components and to applicable sections of the Public Service Law, Executive Law, Environmental Conservation Law, and Clean Water Act Section 401 Water Quality Certification.
§ 1100-6.4(s)(2)	Agricultural Resources (1) In all instances in which the applicant for a wind facility proposes to permanently or temporarily impact active agricultural lands (i.e., land in active agriculture production defined as active three (3) of the last five (5) years) within NYS Agricultural Land Classified Mineral Soil Groups 1 through 4, the permittee shall: (i) Construct the facility consistent with the NYSAGM "Guidelines for Agricultural Mitigation for Wind Power Projects", dated 04/19/2018 (see section 1100-15.1(l)(1)(i) of this Part), to the maximum extent practicable; and (ii) Hire an independent, third-party agricultural monitor to oversee compliance with agricultural conditions and requirements, including the approved Agricultural Plan required pursuant to section 1100-2.16(c) of this Part, the approved Remediation Plan required pursuant to section 1100-2.16(d) of this Part and any approved co-utilization plan prepared according to section 1100-2.16(e). The Office, in consultation with the NYSAGM, shall verify and approve the qualifications required to fulfill the role of the agricultural monitor have been met. If the Office, in consultation with the NYSAGM, agrees that the independent third-party monitor is qualified on agricultural issues, one monitor can act as both the general environmental monitor as well as the agricultural-specific environmental monitor.

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