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Via E-Mail & Electronic Filing

NYS Office of Renewable Energy Siting (ORES)

Empire State Plaza

Swan Street Building – Core 1

Room #110-119

Albany, NY 12239

Re: Matter No. 21-00752: Application of Riverside Solar, LLC for a Permit Pursuant to § 94-c of the New York Executive Law for Construction of a Solar Electric Generating Facility to be Located in the Towns of Lyme and Brownville, Jefferson County, NY

Dear ORES Staff:

We represent Riverside Solar, LLC (“the Applicant”), in the above-referenced proceeding. On December 13, 2022 the Applicant filed the *Applicant’s Response to Municipal Statements of Compliance and Public Comments on Draft Permit*, regarding the Draft Permit issued by ORES on September 12, 2022. Since that time an additional comment has been posted on the ORES DMM Docket. This comment was originally provided to ORES, in writing by Maureen Hilts, at the public statement hearing on November 22, 2022, but was not available to the Applicant until after the comment response deadline. The Applicant now provides a response to comments that were not otherwise previously addressed below.

Question: What is meant by net conservation benefit plan for endangered species – short eared owl, northern harrier and henslow sparrow?

Response: *The Applicant prepared a Net Conservation Benefit Plan (NCBP; Plan) in order to provide a net conservation benefit to NYS threatened and endangered species in support of the 94-c Application. The purpose of the NCBP is to outline actions proposed to be undertaken by the Applicant to result in a net conservation benefit for listed species impacted during Facility construction and operation. A net conservation benefit is achieved when the adverse impacts of the Facility on a protected species or its occupied habitat will be outweighed by the positive*

impacts anticipated from the mitigation measures proposed. A copy of the NCBP is include in the Application as Appendix 12-5.

Question: Fencing? Still 7+ no bared wire on top?

Response: *Yes, in accordance with the 94-c regulations all mechanical equipment including the solar arrays will be enclosed by fencing of a minimum height of seven (7) feet. No barbed wire is proposed for the solar arrays.*

Question: What do the panels contain?

Response: *While the specific panels for this Project have not yet been selected, the primary components that make up solar panels include solar cells (comprised of silicon crystalline wafers), layers of encapsulant (often comprised of EVA), outer surfaces of glass and/or polymer-backing, and a frame. Solar panels are manufactured to be entirely sealed and impervious to environmental elements, including water. Thus, no negative impact of the PV panels components used for this Project is anticipated. The Operations and Maintenance (O&M) plans executed for this Project, including regular oversight by our O&M team, will ensure that the panels are intact and operating safely.*

Please feel free to contact our office if you have any questions regarding the above.

Very truly yours,



James A. Muscato II
Jessica Ansert Klami
Young/Sommer LLC
Attorneys for Riverside Solar, LLC

Enclosure

cc: Party List for the proceeding (*via DMM and email*)