NEW YORK STATE OF OPPORTUNITY. Department of Public Service

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November 8, 2017

Mark Eilers
Avangrid Renewables, LLC
Attention: Mohawk Solar
7650 North State Street, Suite 1
Lowville, NY 13367
Mark.Eilers@avangrid.com

Re: Case 17-F-0182 - Application of Mohawk Solar 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 in the Towns of Canajoharie and Minden, Montgomery County.

Dear Mr. Eilers:

Please find attached the comments of Staff of the Department of Public Service (DPS Staff) relating to the Preliminary Scoping Statement filed by Mohawk Solar LLC in the above captioned case on October 18, 2017. These comments are sent in accordance with 16 NYCRR §1000.5(g).

If you have any questions or need additional information regarding the attached DPS Staff comments and recommendations, please contact me at (518) 473-4628 or by e-mail at Graham.Jesmer@dps.ny.gov.

Sincerely,

/s/

Graham Jesmer
Assistant Counsel

Cc (via e-mail): Kathleen H. Burgess, Secretary to the Commission
Parties

CASE 17-F-0182 – Mohawk Solar
Preliminary Scoping Statement
Comments of Staff of the New York State Department of Public Service

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GENERAL COMMENTS

1. DPS Staff notes that the case number is not referenced on the Preliminary Scoping Statement (PSS) documents. The case number is essential information and should be included on all correspondence and outreach efforts so it can be easily identified with the specific case.

2. In addition to the specific comments on individual Exhibits, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.

3. Applicants should provide a matrix during the scoping and stipulations processes cross-referencing where issues, comments, and information required per 16 NYCRR §1001 are addressed in multiple exhibits.

4. GIS shapefiles of the Facility Area, preliminary facilities locations, and related resource information should be provided to DPS Staff for review during the scoping and stipulations processes.

5. DPS Staff requests that GIS shapefiles of facility component and site locations, property lines, environmental data, visual and cultural resource locations, and related analyses derived from such data and utilized in development of the Application and mapping be provided directly to DPS at the time the Application is filed.

EXHIBIT-SPECIFIC COMMENTS

Section 2.1 – General Requirements

1. DPS Staff notes that a toll-free number is mentioned in Section 2.2 but recommends that the toll-free number established for the Project be provided wherever the public contact information is noted throughout the filing, including the public notice.

Section 2.2 – Overview and Public involvement

1. The third paragraph in Section (c) states that "[t]he first goal of the PIP is to identify affected stakeholders and other interested parties." This should be revised to say the first step in the PIP Plan process …" The goal of the PIP Plan is to engage affected stakeholders in the process to understand their interests, gather pertinent information and work with them to address their issues and concerns as noted in the paragraph above this one.

Section 2.3 Location of Facilities

1. The list of Facility Location items to be indicated on Topographic Maps at sub-part (a)(1) on page 19 is not comprehensive: for example, the "Facility" may also include an Operations and Maintenance (O&M) Building and extensive perimeter fencing (PSS pg. 2). All Facility

components should be indicated on mapping to the extent that drawing scale allows discernment of proposed locations.

Section 2.4 Land Use

1. The 2-mile radius Study Area includes additional municipalities than the two host municipalities indicated (page 21): the Town of Palatine and the Villages of Ames, Canajoharie, Fort Plain, Nelliston and Palatine Bridge are also located within the 2-mile Study Area. (See PSS Figure 2.)

2. Section 2.4(a) – Map of Recreational Areas and Other Sensitive Land Uses

   Additional categories of land uses that should be identified and addressed in the Application include the following:

   a. Cemeteries
   b. Airports
   c. Private Campgrounds (if applicable)

3. Item 2.4(c) Tax Parcel Map as described does not comport with regulation 1001.4(c) which requires mapping of facility site parcels and also adjoining properties.

4. For items 2.4(e), (h), and (i):

   a. DPS advises that the Erie Canalway National Heritage Corridor includes the Project Area, and the Canal and Canalway Trail are within the 2-mile Study Area. These designations relate to transportation, historic and recreational aspects of the Canalway, and should be addressed in the scope of studies and the Canalway *Trail Preservation and Management Plan* should be reviewed as appropriate in the Application. DPS recommends that the applicant consult with the National Park Service – Erie Canalway National Heritage Corridor, with offices in Waterford, NY.

   b. Copies of the Comprehensive Plans for the Town of Canajoharie and the Town of Minden (or links to online sources) should be included in the Application.

   c. If a draft of the Montgomery County Comprehensive Plan is publicly available at the time of the filing of the Application, a copy of the draft plan (or link to an online source) should be provided, along with a review of the Project's consistency with the draft plan. The Application should include an evaluation of the Facility's consistency with the Montgomery County Draft 2017 Agricultural and Farmland Protection Plan.

5. For item 2.4(g) DPS is willing to stipulate that designated Coastal Areas and Local Waterfront Revitalization Areas are not located within the Project Study Area.

6. Item 2.4(l) states that the Facility Area is not in direct proximity of a designated inland waterway. DPS advises that the Mohawk River, which crosses the Project Study Area, is designated, but the nearest areas with LWRP applicability are at the Cities of Amsterdam and Little Falls, outside of the Project Study Area.

7. For Section 2.4(i) - Compatibility of the Facility with Existing and Proposed Land Uses: The Facility Area is traversed by several major electric and gas transmission facilities. These

facilities include protection measures such as grounding, cathodic protection, security fencing at terminal facilities, gates to control access, and other features; as well as defined property or easement boundaries. Transmission facilities rights-of-way (ROW) are managed to maintain surface stability, safe clearances, prevent adverse uses and encroachments, as well as assuring facility integrity and public safety. Project land use compatibility assessment must consider operational requirements and future development proposals for these transmission facilities. DPS Staff notes that future upgrades of the Niagara Mohawk Power Corporation 230-kV facilities are under consideration in proceedings before the Public Service Commission.

Section 2.5 Electric Systems Effects

1. Subsection 2.5 (i) (1) Solar Panels Maintenance and Safety Inspections: The Applicant should state whether and when any Panel support structures will be inspected for their integrity ether during the scheduled inspections, stated to occur within a three or six-month interval or during a different interval as appropriate.

Section 2.8 Electric System Production Modelling

1. The Applicant should contact DPS Staff (Hebert Joseph at (518) 486- 2460) to discuss the choice of Production Simulation Software, database assumptions, study time period, and other relevant factors related to this section.

Section 2.9 Alternatives

1. Item 2.9(a): While the Mohawk Solar project has advanced by submittal of the PSS, DPS advises that two solar energy projects exceeding 100 MW have been proposed in initial PIP submittals to the Siting Board, thus the Mohawk project is no longer “the largest utility-scale solar project under consideration by the Siting Board.”

2. Additional consideration of alternative location sites is warranted at 2.9(a) and (b), since Mohawk Solar is now owned by Avangrid Renewables, LLC, which owns or is seeking property interests in several other renewable energy projects in New York State.

Section 2.11 Preliminary Design Drawings

1. 2.11(a) - Site Plan - DPS Staff advises that the following features should be shown on the Project site plans in the Application:

    a. Solar Panels and associated mounting features (concrete pads, foundations, etc.);

    b. Access road travel lanes (temporary and permanent);

    c. Turn-around areas to be used during construction deliveries;

    d. Proposed grading (temporary grading for construction purposes and permanent contours for final grading);

    e. Electric collection lines – the required number of circuits will be indicated on the site plans; also, overhead and underground cable routes will be differentiated with specific line-types;

f. Generator lead line (if applicable);

g. Approximate limits of disturbance for all project components (panels, access roads, buildings, electric lines, substation, etc.);

h. Clearing limits for all project components (panels, access roads, buildings, electric lines, etc.);

i. Indication of permanent ROW for all electric cable installations;

j. Collection substation outline, including access driveway, setbacks, and fence line;

k. Proposed locations that will utilize trenchless methods of electric cable installations for crossing of streams, waterbodies, roads, etc. (including laydown area and approximate trenchless installation distances);

l. Operations and Maintenance (O&M) building(s) including access, parking areas and setbacks, and any proposed septic system(s);

m. Laydown, staging, and equipment storage areas;

n. Back-up generators and fuel storage areas; and

o. Outline of the switchyard area, including access driveway, setbacks, and fence line; and location of related transmission facilities.

2. Regarding 2.11(e):

   a. DPS Staff recommends that lighting plans should show type, location, and height of installation of proposed exterior lighting fixtures, and an indication of the measures to be taken to prevent unnecessary light trespass beyond the Facility property line. Also, the Applicant should include manufacturer cut sheets of any proposed light fixtures.

   b. The Lighting Plan should address the O&M building as well as other project sites listed.

3. Regarding 2.11(f) - Architectural Drawings should address O&M building, as well as switchyards, and the type(s) of site perimeter fencing to be installed extensively around facility sites. For facilities design details not fully known until final design, preliminary figures should be provided.

4. For 2.11(g) Typical Design Detail Drawings, the following details should be provided in addition to the items listed in the PSS at pp. 55-56:

   a. Plan and sections of underground facilities, including single and multiple-circuit layouts with dimensions of proposed depth and level of cover, separation requirements between circuits, clearing width limits for construction and operation of the Facility, limits of disturbance, and required permanent right-of-way (ROW);

   b. Elevations for overhead electric facilities (collection and transmission lines (if applicable)) including height above grade, structure layouts, clearing width limits for construction and operation of the Facility, permanent ROW widths, average span lengths

for each proposed layout, and structure separation requirements (for installations requiring more than one pole, etc.) for all single and multiple-circuit layouts;

c. Typical foundations (piers, etc., including dimensions) to be used for solar panel installations;

d. A circuit map indicating overhead and underground installations and the number of circuits per proposed run;

e. Typical details associated with trenchless installations, including typical staging areas, construction machinery arrangements, and bore pits;

f. Technical and safety manuals associated with solar panels to be used for this Facility; and

g. A list of engineering codes, standards, guidelines, and practices that the Applicant intends to conform with when planning, designing, constructing, operating, and maintaining the Facility.

5. Regarding 2.11(h) Interconnection Facility Drawings - Provide a copy of the one line diagram.

Section 2.12 – Construction

1. Regarding 2.12(a) Preliminary Quality Assurance and Control Plan - DPS Staff advises that the Applicant should indicate in the Application, specific codes, standards, etc., such as the New York State Building Code, International Building Code, American Concrete Institute, or any other guidance that will be followed as part of the QA/QC protocol.

2. For 2.12(d) – Complaint Resolution Plan - DPS advises that the Application should provide a complaint resolution plan that is easily accessed, is tracked to time of resolution, provides input from construction managers as appropriate, and clearly defines responsibilities for issue resolution. The complaint process needs to have assigned personnel to track the resolution of the complaint from the time of receipt, verification, resolution development, implementation and confirmation of resolution and should:

    a. Include a procedure for transmittal of complaint logs to DPS. The complaint log should list all complaints and resolutions, to be maintained during construction and operation of the Facility and will be available to DPS upon request;

    b. Describe actions the Applicant will take if a complaint remains unresolved after all steps are followed;

    c. Indicate whether complaints will be accepted from the toll-free line, as well as electronically through e-mail and the project website. In addition, complaint handling needs to address both written and verbal complaints. Verbal complaints received during construction need to be converted to written documents that can be tracked by the certificate holder and contractors and be reported to DPS Staff; and

d. Identify and include any procedures or protocols that may be unique to each phase of the project (e.g. construction, operation, decommissioning of facilities). For example, during construction, complaint calls need to be handled locally and quickly.

3. DPS Staff recommends that this section include information when the Applicant will communicate with Stakeholders about construction activities, schedule and applicable safety and security measures.

4. The Applicant should coordinate with any pipeline owners operating gas pipelines in the Facility Area in developing facility design and layout to avoid effects on pipeline integrity and rights-of-way. The Application should demonstrate that pipeline facility protection measures are accommodated in Facilities location, design, accessibility, construction, operation and maintenance methods and procedures.

Section 2.13 – Real Property

1. Regarding 2.13 (a) Real Property Map of Generating Site: the regulation requires a "survey of the facility site" with specific details as listed at 16 NYCRR §1001.13(a). The regulation provides for wind energy projects to submit a "tax parcel map" instead of a survey, due to the extensive area involved in major wind project development. That provision does not apply to solar facilities per the regulations.

2. Item 2.13(c) should include a statement regarding crossing and easement rights for public road use and occupancy for Project collection and interconnection lines as appropriate to facility design.

Section 2.19 – Noise and Vibration

1. Section 2.19 (a) - Substation Noise Emissions

   The scope of studies should include:

   a. Sound levels calculated by computer model at the property boundary lines of the project and at the most representative nearest and average noise receptors as required by §1001.19(f)(1-9. Results can be presented in tabular format for noise sensitive receptors and in graphical format for property lines (Sound contours starting from the 30-dBA contour line in 1-dBA steps).

   b. Noise design goals for the facility at representative potentially impacted noise receptors and at representative external property boundary lines of the Project as required by §1001.19(g).

   c. A tabular comparison and the degree of compliance indicated by computer noise modeling at the representative external property boundary lines of the Project and at the representative nearest and average noise receptors as required by §1001.19(h).

2. Section 2.19 (a) (1) - Sensitive Sound Receptor Map.

   DPS Staff recommends including all receptors and property lines within the 30-dBA noise contour as obtained with a computer noise model that follows the ISO 9613-2 sound propagation standard.

3. Section 2.19. (a) (2) - Ambient Pre-Construction Baseline Noise Conditions

   DPS Staff notes that §1001.19(b) requires an evaluation of ambient pre-construction baseline noise conditions using “actual measurement data recorded in winter and summer and during day and night as a function of time and frequency…." Therefore, the surveys should be conducted during the winter and summer seasons. Alternatively, it may be conducted during the “leaf-off” and “leaf-on” seasons.

   The scope should clarify whether the “Carrier-to-Noise Ratio (CNR)” method is the same Modified Composite Noise Rating method developed by the Edison Electric Institute and Beranek and Newman in 1984. If not, it should briefly explain the proposed method. The scope should also briefly explain the method proposed for evaluation of tones presented in Annex K of ISO 1996-2:2017.

   DPS Staff recommends the use of the ANS weighted metric and the application of the relevant provisions of the Standard ANSI/ASA S3/SC1.100-2014. ANSI/ASA S12.100-2014: Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas.

4. Section 2.19(a)(3) - Modeling of Operational Sound Levels

   See DPS comments on Section 2.19 (a) Substation Noise Emissions.

5. Section 2.19(b) - Inverter Sound Emissions

   See DPS comments on Section 2.19(a) Substation Noise Emissions.

6. Section 2.19(b)(1) - Sensitive Sound Receptor Map

   See DPS comments on Section 2.19(a)(1) Sensitive Sound Receptor Map.

7. Section 19 (b) (2) - Ambient Pre-Construction Baseline Noise Conditions

   See DPS comments on Section 2.19(a)(2) Ambient Pre-Construction Baseline Noise Conditions.

8. Section 2.19. (b) (3) - Modeling of Operational Sound Levels

   DPS Staff recommends to include all the proposed inverters and transformers in the computer noise model. DPS Staff also recommends modeling the inverters and the transformer working simultaneously for the following operational conditions: transformers’ fans tuned OFF (ONAN) and OFF (ONAF-2).

9. Section 2.19(c) - Construction Noise

   DPS Staff notes that §1001.19(c) requires: “An evaluation of future noise levels during construction of the facility and related facilities including predicted A-weighted/dBA sound levels at potentially impacted and representative noise receptors, using computer noise modeling.” In addition, §1001.19(i) requires: “An identification and evaluation of reasonable

noise abatement measures for construction activities, including a description of a complaint-handling procedure that shall be provided during the construction period."

DPS Staff recommends expanding the scope of this section to include the requirements indicated above.

Section 2.21 – Geology, Seismology, and Soils

1. Section 2.21(a) – Existing Slopes Map:

   The map of existing slopes on and within the drainage area should identify potential receptor areas of stormwater runoff, including tributaries to the Mohawk River and sources of drinking water.

   The Applicant should identify sensitive environmental, agricultural, and human health and safety receptors for potential hazards associated with construction on slopes greater than 25 percent (if applicable). For any facilities proposed to be located in areas of extremely steep slopes, the Application should assess the risk of potential impacts associated with construction on these areas, including potential for extreme rainfall events leading to severe erosion hazards and water quality impacts at downstream water resources and aquatic habitats. Mitigation and avoidance measures, including alternative siting of Project Facilities, should be discussed for each location.

2. Section 2.21(f) – Excavation Techniques to be Employed:

   If horizontal direction drilling HDD) is proposed, the Applicant should perform an evaluation of the suitability of existing soils and shallow bedrock, including an assessment of frac-out risk potential, based on the results of the preliminary geotechnical investigations and publicly available soils and bedrock data. A frac-out contingency plan should be provided which identifies site specific potential receptors and establishes of frac-out mitigation and response methods.

3. Section 2.21(h) – Suitability for Construction

   Applicant should provide a detailed plan describing the scope of geotechnical investigations that will be performed prior to the Application. The Preliminary Geotechnical Testing Plan should identify and provide rationale for the locations of the proposed soil borings and describe the sampling methods and types of geotechnical and geophysical analyses that will be performed. Boring locations should be selected to characterize each of the mapped general soil associations and shallow bedrock types in the Facility Area. The results of preliminary geotechnical tests should be applied in evaluating:

   a. Foundation designs;

   b. Excavation techniques, including blasting (if applicable);

c. Preliminary cut and fill calculations;

d. Suitability of existing soils for re-use as fill; and

e. Crossing methods of sensitive environmental resources by collection lines and transmission lines.

4. Section 2.21(l) – Regional Geology, Tectonic Setting, and Seismology:

The Application should note whether there are any known or suspected areas of karst geology within the Facility Area. If yes, existing karst features should be identified on maps and described in Exhibit 21.

5. Section 2.21(o) – Soil Types Map:

The Application should include a map of the Project area showing all locations designated as:

a. Prime farmland;
b. Prime farmland, if drained;
c. Unique farmland;
d. Farmland of Statewide importance; and
e. Farmland of local importance.

A discussion should be included describing how the siting, construction, and operation of the facility will avoid or otherwise minimize impacts to farmland with these designations, including a description of the proposed methods for soil stripping, storage and replacement upon the completion of construction, where disturbance to such areas cannot be avoided.

Methods for identifying the locations of drainage tile in designated farmland should be included in the Application, along with a description of practices for restoration of farmland drainage systems following construction. The Applicant should consult with the Montgomery County Soil and Water Conservation District for records of drainage improvements within the Facility Area.

Section 2.22 Terrestrial Ecology and Wetlands

1. 16 NYCRR §1001.22(a): The “Field Review” of plant communities should include all communities found within the project boundary based on communities described in the Ecological Communities of New York State (Edinger et. al, 2014). For each community identified, provide its Heritage Program Element Ranks

2. 16 NYCRR §1001.22(a): Modify Figure 8. “Ecological Communities” So that the mapping of ecological communities is based on communities described in the Ecological Communities of New York State (Edinger et. al., 2014).

3. 16 NYCRR §1001.22(b): The application should include a table listing area assumptions used to determine vegetation disturbance by component (e.g. Solar Panel Installations, roads, collection lines, staging area, O&M buildings…).

4. 16 NYCRR §1001.22(f): The application should identify species present at the project site that are dependent on open fields or un-fragmented forest, and an evaluation of how those species will be impacted by the proposed project.

5. 16 NYCRR §1001.22(f): The Application should include, in the discussion of impacts to wildlife corridors, how the presence of wildlife corridors is ascertained.

6. 16 NYCRR §1001.22(d): As stated above, the application should establish the presence or absence of any karst geologic formations within the project boundary and evaluate any corresponding potential wildlife impact considerations.

7. 16 NYCRR §1001.22(o): The application should include an attachment detailing pre-application bird surveys and post- construction monitoring that follows a protocol agreed to by NYSDEC, NYSDPS and USFWS.

   Note: The PSS on page 103, "Avian and Bat Impact Analysis and Monitoring" asserts that §100.22(h) does not apply because the facility is not a wind facility. That is true, however impacts to avian species are covered in other sections of Article 10, including 1001.22 (o) that addresses threatened and endangered species. As such avian analysis and monitoring may be required under those considerations.

8. 16 NYCRR §1001.22(f): The application should include an evaluation of potential impacts to upland sandpipers, short eared owls, northern harrier, and Henslow's sparrows based upon bird surveys.

9. 16 NYCRR §1001.22(g): The application should include proposed mitigation, if needed, developed in coordination with DPS, DEC, and the USFWS.

10. 16 NYCRR §1001.22(i): Provide GIS shape files of the preliminary project plans including mapped and delineated state and federal wetlands.

11. 16 NYCRR §1001.22(i), (m), (n): Provide a table of State and Federal Wetlands including:

    a. All State-regulated wetlands, Federal wetlands, streams, and environmentally sensitive areas that could potentially be impacted by the proposed Project as depicted in preliminary design drawings or wetland delineations.

    b. Identify the corresponding page number on preliminary design drawings depicting the resource.

    c. Include wetland delineation types, NYSDEC stream classifications, and descriptions of resources within environmentally sensitive areas.

    d. For each resource explain if the resource could reasonably be avoided.

    e. Propose site-specific actions to minimize impacts to resources that are not avoided or bypassed.

Section 2.23 – Water Resources and Aquatic Ecology

1. Section 2.23(a)(2) – Groundwater Aquifers and Recharge Areas:

   The private well survey distributed to property owners within a 2.000-foot radius of the project Facility should solicit information regarding well locations and well construction details, usage patterns, and water quality data, if available. The Applicant should develop a table summarizing the location, depth, usage, and water quality data obtained for all identified public and private water wells.

   The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Applicant. Water well locations should be indicated on maps showing groundwater aquifer and recharge areas and shallow aquifer groundwater flow direction, distinguishing whether each well location is approximate or confirmed.

   In contacting well owners regarding the survey of private wells in proximity to proposed Facility, the Applicant should include a summary of the project, contact information and a description of where the well owner can get more information about the project (i.e. project website, document repositories, etc.), as well as an invitation to join the stakeholder list.

2. Section 2.23(a)(3) – Groundwater Impacts:

   The Application should include a plan for minimizing impacts to well usages in the area, including:

   a. A complete inventory of all identified wells within 500 feet of any areas of ground disturbance;

   b. Information on the location, depth and usage patterns of existing public and private wells, as available from the well owners;

   c. Plans to minimize impacts to well productivity and water quality; and

   d. Complaint notification and resolution procedures, including 24-hour contact information for well owners to report impacts to well productivity and water quality during and following construction activities, including blasting operations.

   The Applicant should perform a detailed assessment of soils, topographic features, and groundwater characteristics in order to anticipate whether dewatering will be required. Areas where existing soils are generally characterized as having low infiltration rates and low topographic relief should be identified. Groundwater data, including groundwater depth, quality and flow direction, should be obtained during the advancement of geotechnical test borings within the Project area. Where dewatering is anticipated, the Application should include a detailed description of the proposed dewatering practices and a demonstration of how dewatering will avoid and/or minimize flooding, surface water runoff, and transport of fine-grained soils into existing surface water bodies. Any locations where permanent dewatering will be required should be identified and permanent dewatering practices should be described in detail.

3. Section 2.23(b)(4) – Impacts to Surface Waters:

The Applicant should perform a comparative evaluation of viable crossing methods of NYS Protected Streams (if applicable) and Class C streams, New York State freshwater wetlands and adjacent areas, and ACOE regulated wetlands for all locations traversed by collection lines, transmission lines, or other Project facilities. The Application should include maps showing the locations of these crossings and identify the anticipated crossing methods. GIS shapefiles should be provided to DPS Staff for the proposed crossings, indicating the method of crossing at each location. Exhibit 23 should discuss the proposed crossing locations and methods and evaluate how impacts to streams and wetlands are minimized to the maximum extent.

The location of all proposed HDD operations within 500 feet of surface waters, wetlands or existing water supply wells should be identified in the Application. Additionally, a description of mitigation measures to minimize impacts of HDD operations on surface water quality and the hydrologic flow patterns and groundwater quality of the shallow aquifer should be included.

Section 2.24 Visual Impacts

1. Item 2.24(a)(4) - Lighting at any O&M building(s) and permanent storage yards should be addressed in Application, with mitigation to avoid off-site lighting impacts.

2. In regards to 2.24(a)(9) Measures to Mitigate for Visual Impacts: DPS recommends adding "Rearrangement" of facility layout as a potential mitigation measure, since "Spatial Dominance" as listed at 2.24(a)(7) is a potentially significant effect of the large-scale massing of PV arrays in a large-scale solar energy project, particularly from elevated viewpoint locations.

3. Several of the categories of resources listed at item 2.24(a)(10) do not occur in the Project region e.g., Adirondack, Park; Palisades Park; State Forest Preserve); and there are Study Area resources not listed including the Erie Canalway National Heritage Corridor.

4. Viewshed Analysis and Maps – Item 2.24(b)(1) – are not necessarily a substitute for line-of-sight profiles for resources of statewide concern. Line-of-sight profiles can be useful in demonstrating the extent of screening provided by topographic or vegetation features from important receptor locations; and are also useful in determining screen planting heights needed to mitigate views.

5. Sensitive Viewing Areas discussion at 2.24(b)(3) mistakenly equates the list of resource categories in DEC Program Policy DEP-00-2 with the requirements of Article 10. Article 10 regulations at 1001.24(b)(3) and (4) include significant resources categorized at all levels, and directly includes consideration of local resources and local input in identifying important views and viewpoints.

6. Any visual stakeholders identified through the Viewpoint Selection process should be provided an opportunity to be added to the master stakeholder list.

7. 1001.24(a)(1): DPS Staff recommends adding reference to the revised FHWA guidelines dated 2015 and not only the 1981 version.

8. 1001.24(a)(3): If overhead collection facilities are proposed, photo-simulations showing the overhead collection facilities at one or more representative locations in relation to solar collector arrays and other Facility components should be presented in the Application.

9. 1001.24 (a)(10): Regarding Pollinator-Friendly Grasses and Wildflowers, DPS recommends that native, non-invasive species mixes appropriate to the Facility location should be proposed. There are wildflower and other species that may be good for pollinators that can cause severe problems as weeds in agricultural fields. DPS recommends that criteria including long-term viability and compatibility with future re-establishment of agricultural uses be used in proposing seed mixes, and that deer-tolerant species be used for mitigation plantings.

Section 2.27 - Socioeconomic Effects

1. DPS staff advises the Applicant to remove all references to the JEDI Model. While staff will not stipulate the use of a particular model to the applicant, DPS Staff reserves the right to critique the economic model selected by the applicant and/or the input values entered into that job impact model.

2. The analysis of secondary employment and economic activity should also consider other related impacts, such as the economic impact associated with the cancellation of new power plants made unnecessary by the added solar capacity of the project, if applicable, and the economic impacts associated with possible changes in the price of electricity due to the Project. If the Applicant cannot reasonably estimate any such impacts, it will explain why.

3. If Mohawk Solar, LLC or its parent company, Community Energy/Avangrid Renewables, has planned or completed other solar facilities in New York State or across the country, the Applicant should seek to rely on actual job and economic impact numbers from previous projects in informing socioeconomic effect estimates for the Mohawk Solar project. The Applicant should make efforts to use actual job and economic impact numbers from projects that most closely resemble the Mohawk Solar project in terms of location, MW capacity, acreage, and/or regional economics.

4. Section 2.27 (a) should state that Exhibit 27 of the application will contain an estimate of the peak construction employment level, as required by the regulations.

5. Section 2.27 (d) should state that Exhibit 27 of the application will contain an estimate of the number of jobs and the on-site payroll by discipline during a typical year once the plant is in operation, as required by the regulations.

6. Section 2.27 (i) should state that Exhibit 27 of the application will include an estimate of annual taxes and payments to be paid by the facility to the jurisdictions named in section (h), as required by the regulations.

7. The Applicant should provide:

    a. Estimates of direct construction employment, annual construction payroll and non-payroll expenditures using project-specific information, as consistent with information provided during the Project's budgeting and financial projection processes (Sections 2.27 (a-b)); and

b. Secondary employment numbers for Section 2.27(c). This should include a thoroughly explained and auditable multiplier for detailed review by DPS Staff and other parties.

Section 2.29 – Site Restoration and Decommissioning

1. DPS Staff advises that preliminary per-solar panel decommissioning and per-foot of access road restoration estimates should be included in the Application. If a panel model/foundation is not selected at the time of Application submission, the per-panel estimate shall be based on a model under consideration with the highest decommissioning estimate.

2. Also, DPS advises that the Application should include the proposed type of, and justification for, the financial assurance that will be provided for decommissioning and restoration activities. The justification shall include a brief description of potential financial assurance options and an explanation as to why each option is a reasonable form of financial assurance.

3. It is noted that the Applicant will provide two weeks' prior notification to the Towns before the commencement of site restoration following decommissioning activities. DPS Staff advises that notification of site restoration should also be provided to landowners that will be impacted by such activities. Also, Staff advises that the Applicant propose, in its response to PSS comments, a window of time for noticing the Towns and landowners regarding decommissioning activities.

Section 2.31 Local Laws and Regulations

1. Please provide complete copies of local laws, ordinances and codes for DPS review as an attachment to Applicant's response to comments on the PSS.

Section 2.32 State Laws and Regulations

1. The list of "Procedural" State Approvals at Table 6 warrants revisions:

    a. Parks, Recreation and Historic Preservation Law §14.09 requires consultation with Historic Preservation office by State Agencies unless the review is pre-empted by National Historic Preservation Act §106 review. DPS will engage in reviews and consultation with Historic Preservation office to the extent necessary to fulfill requirements of §14.09.

    b. The SPDES General Permit process subject to ECL Article 17, Title 8 and 6 NYCRR Part 750 is not supplanted by Article 10. This is a permitting approval that should be listed in Section 2.33(a) Other Applications of Filing Concerning the Subject Matter of the Proceeding.

    c. NYS PSL §68 Certificate of Public Convenience and Necessity is applicable in its entirety and should be listed in Exhibit 33(a).

    d. NYS Route 10 crosses through the Project Facilities Area, with Preliminary Facility Layout indicating Solar Panel arrays both east and west of this State highway. Electrical collection lines associated with Panels located west of Route 10 will of necessity cross the highway to connect to the Project Collection Substation; and access roads to the

Facility Site parcels could front on the highway. Both procedural (and substantive) standards for Highway Work Permit and Use and Occupancy Permit requirements of the NYS Department of Transportation need to be identified and addressed in the Application. (Grants of easements by NYS DOT for location of Facilities within State Road Right-of-Way are not procedural requirements, and should be identified in Exhibits 13 – Real Property- and 33(a).)

Section 2.35 Electric and Magnetic Fields

1. The Applicant should provide an EMF study for any known overhead transmission, sub-transmission and distribution facilities showing structural details and dimensions and identifying phase spacing, and any other characteristic affecting EMF emission; including the 115-kV transmission line segment to be constructed from the collector Substation to the Point of Interconnection (POI). The EMF calculation should include a calculation at 5-foot increments for 1000 feet from the edges of the ROW.

2. The Applicant should provide a Study which evaluates potential induced voltages on Facility Components (Perimeter Fencing; Solar Array structures) located in proximity to existing and proposed high-voltage electric transmission facilities.

Appendices: Meeting Log

1. The meeting log should provide a summary of issues, concerns and questions and indicate how Mohawk Solar plans to address these items as the project moves forward.

2. The items logged for July 24, 2017 and July 26, 2017 reference attachments and note that they are “on file.” The Applicant should reference the DMM filing that includes these attachments, e.g. “filed in DMM on 8/23/17 under “Public Outreach Log.” This tracking will allow interested parties to locate the proper attachments even when the log has been updated.