Alfred Oaks Solar Project

Matter No. 22-00030

900-2.4 Exhibit 3

Revision 1

Location of Facilities and Surrounding Land Use

Table of Contents

EXHIBIT 3 Location of Facilities and Surrounding Land Use 1

(a) Topographic Maps 1

(1) Proposed Facility Location 1

(2) Interconnection Location and Ancillary Features 2

(3) Construction Limits of Clearing and Disturbance 2

(b) Municipal Boundary Maps 2

(c) Description of Proposed Facility Locations 2

(d) Map of Existing Land Uses 3

(e) Existing Overhead and Underground Major Facilities Map 5

(f) Tax Parcel Map 6

(g) Zoning District Map 6

(h) Comprehensive Plans 10

(i) Map of Proposed Land Uses 11

(j) Map of Specially Designated Areas 13

(k) Recreational and Other Land Uses 14

(l) General Compatibility with Existing Land Use Within 1-Mile 17

(m) Compatibility of Above-Ground Interconnections with Existing and Proposed Land Uses 21

(n) Compatibility of Underground Interconnections with Existing and Proposed Land Uses 21

(o) Compliance with New York State Coastal Management Program Policies and Local Waterfront Revitalization Plans 22

(p) Aerial Photographs 22

(q) Aerial Photograph Overlays 22

(r) Source of Aerial Photographs 22

(s) Description of Community Character 22

(t) Historical Environmental Contamination 25

(u) Oil, Gas, and Mining Solution Wells within 500 feet of Proposed Facility 25

(1) Description of Magnetometer Survey 25

(2) Map of Identified Wells 27

(3) Explanation of Setbacks 27

REFERENCES 28

List of Tables

Table 3-1. Facility Components by Municipal Boundary and Taxing Jurisdiction 3
Table 3-2. Sources of Data Used to Prepare Mapping of Specially Designated Areas 13
Table 3-3. Mapping of Recreational and Sensitive Areas 15
Table 3-4. Land Use within 1-mile of the Facility Site 17
Table 3-5. Facility Consistency with Statewide Planning Documents 20
Table 3-6. NYSDEC Mapped Oil and Gas Wells within 500 feet of the Facility Site 25
Table 3-7. Location of Known Oil and Gas Wells within the Vicinity of the Facility Site 26

List of Figures

Figure 3-1 Topographic Maps – Revision 1
Figure 3-2 Municipal Boundaries and Taxing Jurisdictions
Figure 3-3 Existing Land Use
Figure 3-4 Existing Overhead and Underground Facilities – Revision 1
Figure 3-5 Parcels within 1,000 feet of the Facility – Revision 1
Figure 3-6 Zoning Districts
Figure 3-7 Proposed Land Use
Figure 3-8 Specially Designated Areas
Figure 3-9 Recreational Areas and Other Sensitive Land Uses
Figure 3-10 Aerial Photographs – Revision 1
Figure 3-11 Facility Site on Aerial Overlays – Revision 1
Figure 3-12 Existing Oil and Gas Wells within the Facility Site

List of Appendices

Appendix 3-A Magnetometer Survey Report – Revision 1
Appendix 3-B Adopted Comprehensive Plans
Appendix 3-C Well Setback Agency Correspondence
Appendix 3-D Well Plugging Report

EXHIBIT 3 LOCATION OF FACILITIES AND SURROUNDING LAND USE

Alfred Oaks Solar, LLC (the Applicant) assessed the location of the proposed Alfred Oaks Solar Project (the Facility), with respect to existing and planned facilities and land uses within the Facility Site and the 5-mile Study Area (defined as a 5-mile radius extended out from the Facility Site boundary) and evaluated the potential effect construction and operation may have on such facilities and land uses. The Facility Site is located within the Town of Alfred, Allegany County, New York on relatively flat to moderately sloping agricultural lands on the Allegheny Plateau. The 115-kilovolt (kV) Andover–Palmiter Road electric transmission line and associated right-of-way (ROW) owned and operated by New York State Electric and Gas (NYSEG), runs north-south through the Facility Site, providing a nearby interconnection source for the Facility.

According to the New York State Office of Real Property Services (NYSORPS) classification codes, land use within the 5-mile Study Area is dominated by vacant and residential land (NYSORPS, 2021). The proposed Facility was reviewed for consistency with existing comprehensive plans adopted by municipalities where Facility components or ancillary features are located. The proposed Facility aligns with and supports some of the goals outlined in the comprehensive plans of the surrounding communities. In addition to furthering the realization of renewable energy and sustainability goals outlined in the local comprehensive plans, the Facility will contribute significantly to the economic goals for local host communities.

According to the New York State Department of Environmental Conservation (NYSDEC) Division of Mineral Resources Oil and Gas Database, two gas wells and five unlisted wells are located within 500 feet of the Facility Site. The Applicant commissioned UAV Exploration Inc. to conduct a UAV-Magnetometer survey (See Appendix 3-A).

(a) Topographic Maps

(1) Proposed Facility Location

Figure 3-1 depicts the location of proposed Facility components displayed at a scale of 1:24,000 including the following:

- Photovoltaic (PV) arrays and associated equipment
- Access roads
- Collection lines
- Inverters
- Collection substation
- Energy storage system (ESS)
- Point of interconnection (POI) switchyard
- Operations and maintenance (O&M) facility
- Security fencing and gates
- Temporary construction staging and laydown areas.

These components, collectively referred to as the Facility, are mapped on the U.S. Geological Survey 1:24,000 Andover quadrangle topographic map.

(2) Interconnection Location and Ancillary Features

All Facility components, including the interconnection facilities, will be located within the defined Facility Site, and are depicted in Figure 3-1. There are no municipal interconnections (e.g., potable water mains, wastewater conveyances, etc.) within the Facility Site. Based on all studies and analyses conducted to date, there are no known off-site ancillary features (such as road improvements) to be constructed in association with the Facility.

(3) Construction Limits of Clearing and Disturbance

The proposed limits of disturbance for all Facility components are depicted on Figure 3-1. The limit of disturbance (LOD) encompasses all areas to be cleared and disturbed during construction of the Facility; this limit also includes all necessary laydown and work areas, as well as room to install erosion and sediment controls. Additionally, Figure 11-1 includes the proposed limit of vegetation management and limit of impervious surfaces. The limit of vegetation management indicates areas to be maintained (i.e., mowed) for the life of the Facility to prevent woody vegetation establishment and/or regrowth. The limit of impervious surfaces includes areas where built facilities will be installed that will be maintained in an unvegetated state (e.g., the collection substation and POI switchyard, the inverter and transformer pads, O&M facility, and access roads). Additional information regarding the limits of disturbance anticipated for Facility construction and operation is presented in Exhibit 11.

(b) Municipal Boundary Maps

Figure 3-2 depicts the location of the proposed Facility and Facility Site with respect to village, town, county, and school district boundaries. As indicated in Section 3(a)(2), all Facility components will be located within the Facility Site boundaries. These locational relationships are described in Section 3(c).

(c) Description of Proposed Facility Locations

The Facility Site and all Facility components are located in Allegany County within the Town of Alfred. The Facility Site is split between the Andover Central School District and Alfred-Almond Central School District and is wholly within the Alfred Fire District. Table 3-1 presents a summary of Facility components within each of these jurisdictions. The Applicant is not aware of any other applicable municipal boundaries or taxing jurisdictions with jurisdiction intersecting the Facility Site. There are no proposed ancillary features to be constructed in association with the Facility located outside of the Facility Site.

Table 3-1. Facility Components by Municipal Boundary and Taxing Jurisdiction

Municipal Boundary/Taxing Jurisdiction		Facility Components
County	Allegany	All Facility components.
Town	Alfred	All Facility components.
School District	Andover Central School District	PV arrays, access roads, laydown areas, inverters/transformers, collection lines, security fencing, collection substation, POI switchyard, ESS, and O&M facility. Approximately 80% of the Facility Site is located within the Andover Central School District.
	Alfred-Almond Central School District	Limited PV arrays, access roads, laydown areas, inverters/transformers, collection lines, and security fencing. Approximately 20% of the Facility Site is located within the Alfred-Almond Central School District.
Fire District	Alfred	All Facility components.

(d) Map of Existing Land Uses

Figure 3-3 shows existing land uses for all parcels within the Facility Site and within the 5-mile Study Area. This map was prepared using publicly available data from the Allegany County Real Property Tax Service Offices and the classification codes of the NYSORPS. The following property type classification codes occur within the 5-mile Study Area:[1]

- 100 – Agricultural
- 200 – Residential
- 300 – Vacant Land
- 400 – Commercial
- 500 – Recreation and Entertainment
- 600 – Community Services
- 700 – Industrial
- 800 – Public Services
- 900 – Wild, Forested, Conservation Lands and Public Parks.

Parcels without an associated property classification code are labeled "Unknown" in Figure 3-3. These are primarily associated with public road and utility ROWs.

According to the NYSORPS classification codes, land use within the 5-mile Study Area is dominated by residential land (43%), vacant land (28%), and wild, forested, conservation lands and parks (11%) (NYSORPS, 2021). There are also approximately 7,028 acres of agricultural land within the 5-mile Study Area (10%), according to the NYSORPS, of which 44% is used for field crops, 31% is vacant, 11% is used for dairy farming, 7% is used for cattle or hogs, 6% is used for sheep, 1% is used for tree nurseries, and less than 1% is used

[1] Note: each of the primary land use classes have multiple sub-classes. For example, property type classification code 105 is defined as "Agricultural Vacant Land (Productive)."

for other types of livestock, such as goats (NYSORPS, 2021). Further discussion of active agricultural uses is included in Exhibit 15.

The Facility Site is comprised of nine parcels and according to the NYSORPS classification codes, land use within the Facility Site is classified as vacant land (70%), residential land (25%), or agricultural land (5%). The following property type classification codes occur within the Facility Site:

- 100 – Agricultural (58 acres)
    - 105 – Agricultural vacant land (productive) (58 acres, 5%)
- 200 – Residential (270 acres)
    - 210 – One family year-round residence (14 acres, 1%)
    - 240 – Rural residence with acreage (93 acres, 9%)
    - 260 – Seasonal residences (163 acres, 15%)
- 300 – Vacant Land (766 acres)
    - 314 – Rural vacant lots of 10 acres or less (50 acres, 5%)
    - 321 – Abandoned agricultural land (136 acres)
    - 322 – Residential vacant land over 10 acres (621 acres)

Agricultural Land

The following agricultural land use classification codes occur within the 5-mile Study Area:

- 105 – Agricultural vacant land (productive) (2,179 acres, 31%)
- 112 – Dairy products: milk, butter and cheese (770 acres, 11%)
- 113 – Cattle, calves, hogs (479 acres, 7%)
- 114 – Sheep and wool (410 acres, 6%)
- 116 – Other livestock: donkeys, goats (32 acres, <1%)
- 120 – Field crops (3,072 acres, 44%)
- 170 – Nursery and greenhouse (85 acres, 1%)

The NYSORPS has classified approximately 58 acres (5%) within the Facility Site as agricultural vacant land. The agricultural vacant land (Class 105) is defined as, "land used as part of an operating farm. It does not have living accommodations and cannot be related to any other agricultural category. It is usually found when an operating farm is made up of a number of contiguous parcels." See Exhibit 15 for further discussion of agricultural production within the Facility Site.

Vacant Land

The NYSORPS defines vacant land as, "property that is not in use, is in temporary use, or lacks permanent improvement." Approximately 19,915 acres (28%) within the 5-mile Study Area have been classified by the NYSORPS as vacant land (i.e., all 300-level property classes). Vacant lands comprise 762 acres (70%) of the Facility Site.

Conservation Programs

To determine the location of conservation program lands in the Facility Site and the 5-mile Study Area, the Applicant reviewed the National Conservation Easement Database (NCED), an initiative of the U.S. Endowment for Forestry and Communities, to compile records from land trusts and public agencies

throughout the United States. There are no conservation easements within the Facility Site. There are two conservation easements within the 5-mile Study Area; both are associated with the Natural Resource Conservation Service Wetland Reserve Program (see Figure 3-3).

(e) Existing Overhead and Underground Major Facilities Map

Figure 3-4 illustrates existing overhead and underground major facilities for electric, gas, and telecommunications within 5 miles of the Facility Site.

The Andover to Palmiter Road 115 kV overhead transmission line ROW runs north to south through the Facility Site. The ROW is occupied by one parallel 115 kV overhead transmission line owned and operated by NYSEG. Within the 5-mile Study Area, the Andover – Palmiter Road 115 kV Line connects with the Palmiter Road – Bennett 115 kV Line and the Andover – Unknown 115 kV Line, northeast and southwest of the Facility, respectively. There are no other known high voltage overhead transmission lines present within the 5-mile Study Area.

Although not major facilities, there are several NYSEG distribution lines within the Facility Site. The Applicant is coordinating with NYSEG to relocate portions of three overhead distribution lines that are currently located within the footprint of the Facility. The first of these three distribution lines parallels McAndrews Road to the east. This distribution line will be relocated to the east shoulder of McAndrews Road, approximately 500 feet west of its current location. The second distribution line enters the Facility Site at the intersection of Swain Hill Road and Pingrey Hill Road and traverses the Facility Site in a southwest direction, servicing an existing residence within the Facility Site. The section of this distribution line within the Facility Site will be removed, and the Applicant will extend an existing distribution line on Hess Road to service the residence. The third distribution line parallels County Route 12 to the northwest. Portions of this distribution line will be relocated to the northwest shoulder of County Route 12, approximately 200 feet southeast of its current location. The proposed distribution line relocations will reroute the lines to avoid impacts to proposed Facility infrastructure (see Figure 3-11).

According to data obtained from the U.S. Energy Information Administration, no natural gas or hazardous liquid pipelines are located within or adjacent to the Facility Site. Three underground interstate natural gas pipelines, two owned and operated by National Fuel Gas Supply Co, and one owned and operated by Dominion Transmission Co, run north to south through the eastern and western portions of the 5-mile Study Area. The closest pipeline is 0.6 mile east of the Facility Site. Facility construction and operation will not adversely impact these existing pipeline resources, given the separation distances.

According to the New York State Department of Environmental Conservation's (NYSDEC's) Oil and Gas Well database, there are 367 oil and gas wells within the 5-mile Study Area, including one gas well and five unlisted wells within the Facility Site. The Applicant also conducted a magnetometer survey to identify oil, gas, or mining solution wells within 500 feet of the Facility's proposed limits of disturbance. Please see Section 3(u) for additional information on oil and gas wells, including a discussion of potential impacts to those resources.

The Applicant consulted with owners of fiber optic utilities in January of 2022 to gather information regarding the location of utilities in relation to the Facility Site. There are no known Verizon facilities within the 5-mile Study Area. Additionally, there are no known Charter Communication fiberoptic or coaxial lines within one mile of the proposed Facility. Armstrong Communications has fiberoptic and cable lines within the Facility Site and 5-mile Study Area (see Figure 3-4). It is possible that Frontier Communications may also have fiberoptic utilities in the area, but after multiple attempts at consultation they have not disclosed the location of any potential fiber optic lines. Further information regarding potential effects on communications infrastructure in the Facility Site is presented in Exhibit 20.

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. Impacts to existing infrastructure within the Facility Site will be avoided through marking utility locations prior to construction and through coordination with the affected utilities to ensure construction and installation methods avoid any impacts. To further minimize potential impacts to underground facilities, the Applicant will become a member of Udig NY in accordance with Title 19 New York Codes, Rules and Regulations (19 NYCRR) §900-6.4(f), as well as comply with 19 NYCRR §900-6.4(g), to the extent applicable. Additional details regarding crossing or adjacent components are shown on the Design Drawings (Appendix 5-A).

The Applicant is working with NYSEG on an interconnection agreement, which is further described in Exhibit 21. Final interconnection with the electrical grid will occur at the existing NYSEG 115kv transmission line, with the POI switchyard and POI to be owned and operated by NYSEG. Upon agreement with NYSEG, the Applicant will build the specified POI switchyard and POI, which will be transferred to NYSEG to own and operate. Additional details regarding crossing or adjacent components are detailed in Appendix 5-A.

(f) Tax Parcel Map

Figure 3-5 illustrates all properties where Facility components will be located and all properties within 1,000 feet of such properties. This map shows current land use based on the NYSORPS property class code (as discussed in Section 3(d)), tax parcel number, and owner of record of each property. Parcel and land use data were obtained from Allegany County and NYSORPS. Information regarding proposed land uses within the 5-mile Study Area is presented in Section 3(i).

(g) Zoning District Map

Figure 3-6 illustrates existing zoning districts within the 5-mile Study Area which occur at the village and town level. No proposed changes to existing zoning or overlay districts are known to the Applicant. A description of zoning and other land use controls, as well as the permitted and prohibited uses within designated zoning districts is described below, based on data obtained from local governments. The Applicant has reviewed the applicable local laws and zoning regulations where available for the towns and villages within the 5-mile Study Area, including the Town of Alfred, where the Facility is located, as well as the Towns of Almond, Andover, Greenwood, Hartsville, Scio, Ward, Wellsville, and West Almond, and the Villages of Alfred and Andover. A summary of each municipality's zoning regulations is presented below, with a focus on the permitted and prohibited uses of those zoning districts located within the 5-mile Study

Area. Note that the level of detail in these summaries varies based on the level of detail included in each municipality's zoning regulations. See Exhibit 24 for additional details regarding zoning and local laws within the Town of Alfred.

Town of Alfred

Zoning regulations were adopted in the Town of Alfred in 1990 and subsequently amended in 2014. The town is divided into five districts: Single-Family Residential (R-1), Agricultural (AG), Business (B-1), Industrial (I-1), and Light Industrial (LI-1). Any use not specifically set forth as a permitted use (whether principal, accessory, or upon issuance of a special use permit) in any zoning district is expressly prohibited in that district.

Permitted uses in the R-1 district include single-family residences (excluding mobile homes), churches or similar places of worship, neighborhood parks and playgrounds, and home occupations. Permitted accessory uses include private automobile garages, private recreational facilities, residential storage structures, private domestic pet shelters, and private swimming pools, hot tubs, and saunas. Special use permits include two-family residences, multi-family residences, professional offices and studios, and schools and daycare centers.

Permitted uses in the B-1 district include any use permitted in an R-1 district, retail and personal service businesses, professional and business offices, private clubs and lodges, office of business or industrial firms not including the manufacture or storage of goods on the premises, and temporary structures excluding tents or canvas enclosures for no more than 30 days. Permitted accessory uses and special use permits include those of an R-1 district.

Permitted uses in the I-1 district include manufacturing, compounding, processing, packing, treatment and/or assembly of material or compounds, laboratories, offices of business, manufacturing, or professional enterprises, and mining activity. In the LI-1 district, buildings or premises shall only be used for the following: business and professional office, showrooms and research, design and development laboratories, light manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products, and subject to issuance of a special permit, occasional retail sales incidental to the conduct of any permitted uses. Prohibited uses in the LI-1 district include any use that violates any local or state noise law, manufacture of explosives, poisonous gases or toxic substances, illumination which is not shaded or concealed that would impair drivers or shine directly into other properties, any radioactivity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution or glare that may become a nuisance beyond the boundary lines upon which the facilities located, and any use prohibited in the entire Town of Alfred.

The Facility Site is comprised of parcels that are entirely located within the AG zoning district. Activities and uses permitted in AG zoning district include single-family residences, churches or similar places of worship, neighborhood parks, playgrounds, and related buildings, home occupations, agriculture and general farming, single-family residences, mobile homes. Permitted accessory uses include any allowed in R-1 district. Special permitted uses or uses subject to site plan review include public recreation use, mining activities, two-family residences, multi-family residences, professional offices and studios, and schools and daycare centers.

The zoning law includes reference to solar project development for residential and private business use but does not apply to commercial energy generating plants. Alfred Local Law 1 of the Year 2020, entitled *"Solar Energy Systems and Facilities,"* applies to utility-scale or commercial solar energy systems and facilities. More information regarding the Town of Alfred Local Law 1 is provided in Exhibit 24.

No floating or overlay zoning districts, such as Planned Unit Developments (PUD) or Planned Development Districts (PDD) are identified in the Town of Alfred's zoning law. In addition, in the course of the Applicant's consultation with the town, the town has not identified any such zoning districts in the vicinity of the Facility Site.

Town of Almond

Zoning regulations were adopted in the Town of Almond in 2002 and subsequently amended most recently in 2008. The town is divided into the following 10 districts: Agricultural (AG), Single-Family Residential (R-1A and R-1B), Multi-Family Residential (R-3), Multi-Family Mobile Home Park Residence (R3M), Local Business (B-1), Shopping Center (B-2), General and Highway Business (B-3), Limited Industrial (I-1), and General Industrial (I-2). No portions of the Facility Site are located within the Town of Almond. However, a portion of the AG zoning district is located within 5 miles of the Facility Site.

Permitted uses in the AG district include single-family residences, agricultural and general farming, single-family mobile homes, places of worship, municipal parks and playgrounds, home occupations, excavations, and school. Permitted accessory uses include private automobile garages, customary residential storage structures, domestic pet shelters, private swimming pools, and any customary farm buildings.

Permitted uses in the R-1A and R-1B districts include single-family residences, single-family mobile homes, places of worship, municipal or private parks and playgrounds, home occupations, and schools. Permitted accessory uses include private automobile garages, customary residential storage structures, domestic pet shelters, and private swimming pools. Permitted uses in the R-3 district include: any use permitted in the R-1A and R-1B district, multi-family residence structures, private clubs, lodges, and meeting places, office buildings, funeral homes or mortuaries, and boarding houses. Permitted accessory uses include those allowed in the R-1A and R-1B districts. Permitted uses permitted in the R-3M include mobile home parks. Permitted accessory uses permitted within the mobile home parks include coin operated laundry facility, community buildings for the exclusive use of the park residents and their guests, and buildings to house the maintenance equipment of the park.

Permitted uses in the B-1 district include: bakery, bank, bar, barber shop, drug store, food store, fruit market, funeral home, hardware store, ice cream parlor, news stand, savings and loan, self-service laundry and dry cleaning, service station, tobacco store, restaurants, shoe repair shop, offices or business or industrial firms, temporary structures excluding tents or canvas enclosures for no more than 30 days, and any other retail business or service establishment or use which is determined by the Board of Appeals. Prohibited uses include billboards, outdoor sales or display, and residential uses except as accessory to the principal business use.

Permitted uses in the B-2 district include: any use permitted in the B-1 district, retail business, appliance store, auto supplies and accessories store, book store, camera store, indoor theatre or assembly hall, interior decorating store, dry goods store, flower shop, frozen food locker, furniture store or household goods, jewelry store, leather goods store, music store, notion store, optical store, paint store, rental of goods whose sale is permitted in the district, savings and loan association, sporting goods store, variety store, vegetable market, wearing apparel store, and enclosed nightclub, billiard parlor, bowling alley, dance hall, skating rink, or similar enterprise. Prohibited uses include billboards, outdoor sales or display, not in conjunction with a permitted use, residential uses except as accessory, and accessory structures.

Permitted used in the B-3 district include: any use permitted in the B-2 district, wholesale and retail uses, wholesale distributors, automobile sales, automobile mechanical repair excluding body repair and painting, drive-in eating and drinking establishments, antique shop, service stations with automobile and trailer rentals, veterinary, printing publishing and lithographing shop, sign painting, outdoor sales and displays, warehousing indoor only, laundry and dry cleaning plans, bakery, and motels and hotels. Prohibited uses include billboards, residential uses except as accessory, and accessory buildings.

Permitted uses in the I-1 district include: any use permitted in the B-3 district, manufacturing, compounding, processing, packaging, treatment or assembly of products from previously prepared materials, laboratories, automobile body and painting shops, and offices of business, manufacturing or professional enterprises. Permitted uses in the I-2 district include: any use permitted in the I-1 district, coal and fuel yards, lumber and mill work, food processing, heating and air conditioning manufacture, trucking and transfer terminals, general assembly, chemical compounds, blending and packaging, electronic appliances, instruments and devices, stone and monument products, nut, screw and bolt manufacture, machine shops, sheet metal fabrication, contractor equipment storage and yards, and agricultural feed mill.

Town of Andover

The Town of Andover has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Andover.

Town of Greenwood

The Town of Greenwood has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Greenwood.

Town of Hartsville

The Town of Hartsville has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Hartsville.

Town of Scio

The Town of Scio has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Scio.

Town of Ward

The Town of Ward has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Ward.

Town of Wellsville

The Town of Wellsville has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Wellsville.

Town of West Almond

The Town of West Almond has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of West Almond.

(h) Comprehensive Plans

The proposed Facility was reviewed for consistency with existing comprehensive plans adopted by municipalities where Facility components or ancillary features are located. As previously stated, all Facility components are located within the Town of Alfred, Allegany County, New York. The Town of Alfred has adopted a comprehensive plan. In addition, the Allegany County Comprehensive Plan Review Committee and the Allegany County Office of Planning has developed the Allegany County Comprehensive Plan, titled *Our Vision, Our Mission: Outlook for 2030*.

Alfred , NY Comprehensive Plan (2020)

The *Alfred, NY Comprehensive Plan* provides a framework for community development of both the Town and Village of Alfred with a vision of 10-20 years. The plan includes a review of existing planning and strategic issues, as well as goals for revitalization, a review of future land use planning, and implementation actions for the Town and Village of Alfred. The goals and recommended actions of the plan include:

- Make the Town and Village of Alfred the preferable place to live.
- Promote and facilitate economic development while promoting sustainable growth.
- Promote and implement land use policies that protect Alfred's community character.
- Increase municipal efficiencies, ensure compatible community planning goals, and increase the ability to implement those goals.
- Foster the economic vitality of Alfred by providing creative space in a thriving arts community.

The proposed Facility is compatible with the *Alfred, NY Comprehensive Plan*. The Facility explicitly relates to the second goal of promoting and facilitating economic development while promoting sustainable growth. A strategy associated with this goal is to immediately promote private and municipal renewable energy options. The proposed Facility directly aligns with this goal as it will add up to 100 megawatts (MW) of solar energy while providing long-term environmental and economic benefits. The Facility is anticipated to have local, countywide, and statewide economic benefits. Specifically, utility-scale solar energy development, like other commercial development projects, can support a wide range of socioeconomic benefits including job creation, purchases of local materials and services, and direct revenue to local municipalities in the form of

Payment in Lieu of Taxes (PILOT) agreements and Host Community Agreements (HCAs). Please see Exhibit 18 for additional information on the potential socioeconomic effects of the proposed Facility.

Our Vision, Our Mission: Outlook for 2030, Allegany County Comprehensive Plan (2019)

The *Allegany County Comprehensive Plan* provides guidance on growth and development in the county. The mission of the county is to promote municipal strengths while encouraging growth, preserve open spaces, and increase economic opportunities. The plan identified four action areas to focus on—economic development, community and rural character, infrastructure, and government. Within the government action area section, the plan discusses using renewable energy to attain sustainability goals, which is described as "creating and maintaining conditions under which communities utilize the resources we have in the most effective ways to permit social and economic growth, while preserving natural resources."

The Facility meets the goals in these action areas as operation of the Facility is anticipated to generate millions of dollars in revenue to the local communities, which represents a significant economic development opportunity. In addition, the host landowner payments will allow farmers in the area to continue active operations on other lands in the vicinity of the Facility helping to preserve the area's agricultural character into the future. The Facility will be sited according to local laws as further discussed in Exhibit 24 and will minimize impacts to sensitive environmental resources (see Exhibit 9, Exhibit 11, Exhibit 12, Exhibit 13, and Exhibit 15) and once the Facility is decommissioned, the land will be allowed to return to prior use, supporting county goals of protecting rural character and preserving resources for future generations.

A copy of the *Alfred, NY Comprehensive Plan* and *Allegany County Comprehensive Plan are included as* Appendix 3-B.

(i) Map of Proposed Land Uses

The Applicant has identified proposed land uses within the 5-mile Study Area via discussions and consultation with state and local planning officials (including the Towns of Alfred, Almond, Andover, Greenwood, Hartsville, Scio, Ward, Wellsville, and West Almond, and the Villages of Alfred and Andover), open houses, and other sources. Figure 3-7 illustrates all publicly known proposed land uses within the 5-mile Study Area. Appendix 2-A includes local land use consultation letters circulated to municipalities within the 5-mile Study Area to obtain information on proposed land uses.

To obtain information regarding publicly known proposed land use plans the Applicant distributed consultation letters to the municipalities within the 5-mile Study Area on June 10, 2022. Copies were provided to the Town Supervisor/Village Mayor, Code Enforcement Officer, and municipal attorney, requesting local feedback regarding any proposed land uses (e.g., housing development, commercial building, or other project that has been approved or is pending review by the municipality's Planning or Zoning Boards) in the vicinity of the proposed Facility. Ongoing consultations with the Town of Alfred have included discussion of existing and proposed land uses, including solar facilities proposed or approved in the Town of Alfred. This correspondence is included in Appendix 2-A.

The Towns of Hartsville and West Almond provided responses on September 15, 2022, and August 15, 2022, respectively, indicating that no large land use developments or solar projects are currently under review. The Town of Scio responded on August 8, 2022, stating that they are aware of a large-scale project being undertaken by the town's Water Department involving the construction of a new water storage tank; however, no additional information related to this project has been provided at this time. The proposed Facility is not anticipated to have an impact on public water supplies or infrastructure; see Exhibit 13 for more detail on the Project's impacts on public and private water resources. To date, responses have not been received for the other municipalities within the 5-mile Study Area.

The Applicant reviewed publicly available meeting minutes for local planning and zoning board meetings for the towns and villages in the 5-mile Study Area to identify potential new land use plans which might warrant consideration in this Application. The most recent six months of meeting minutes were reviewed, to the extent available, for references to large development projects, residential subdivisions, or other land use projects of note; none were identified. Thus, the Application reflects publicly known proposed land uses within the 5-mile Study Area, to the extent any exist.

Websites maintained by the New York State Department of Public Service (NYSDPS) and the Office of Renewable Energy and Siting (ORES) provide information on utility-scale renewable energy projects for which a case or matter numbers have been issued. No utility-scale renewable energy projects have been proposed within the 5-mile Study Area, based on a review of NYSDPS's and ORES's project websites.

The Applicant examined NYSDEC data on installed and proposed utility-scale solar projects to estimate potential land use changes from projects like the Alfred Oaks Solar Project (NYSDEC, 2021). The NYSDEC maintains a database of existing and proposed solar projects across New York State by cataloging project review requests submitted to the New York Natural Heritage Program (NYNHP). The database records provide a relatively complete inventory of projects across New York; however, the database contains duplicate data for projects that have submitted multiple review requests to the NYNHP and the project footprints (i.e., areal extent) are not current in most cases. The other limitation of the project records in this database is that they do not necessarily indicate the current project status for many solar projects. However, it is the only centralized source of solar project information in the state. According to the existing and proposed solar projects data obtained from the NYSDEC, there is one proposed solar utility project (Moore-Merkowitz Tile's Solar Project) in the Town of Alfred, located within the 5-mile Study Area. The Moore-Merkowitz Tile Solar Project is located approximately 3.1-miles northeast of the proposed Facility at the existing Moore-Merkowitz Tile Company on Cook Road in Alfred Station. The Moore-Merkowitz Tile Solar Project appears to be a commercial-scale project no more than 1 acre in size; however, no detailed information is available for this project. A shapefile of the approximate location of the Moore-Merkowitz Tile Project was provided in data obtained from the NYSDEC and is shown on Figure 3-7 (NYSDEC, 2022). The Applicant also reviewed the NYSDEC Environmental Notice Bulletin for Region 9 for proposed solar projects; one community-scale solar project (Jericho Hill Road Solar Farm) was also identified within the 5-mile Study Area.

The Jericho Hill Solar Project, which was also identified during consultation with the Town of Alfred, is located on Jericho Hill Road south of the Village of Alfred, approximately 1.8 miles northeast of the Facility.

The Jericho Hill Project is a proposed 5-MW facility with a 25-acre project footprint (see Figure 3-7), based on project design information, including site plans provided by the town.

The Alfred Oaks Solar Project, the Moore-Merkowitz Tile's Solar Project, and the Jericho Hill Road Solar Farm Project are the only proposed renewable energy projects within the 5-mile Study Area. Cumulatively, these projects are planned to be sited on 616 acres, or approximately 0.9% of land within the 5-mile Study Area. The greatest impact to land use is related to the conversion of agricultural lands and early successional communities to solar facilities. The agricultural lands located within these projects is generally limited in productivity (e.g., no MSG 1-4 soils are located within the Alfred Oaks Facility Site), and agricultural land and successional communities are prevalent regionally and throughout New York State; no significant cumulative impact to land use is anticipated as a result of the construction of these facilities. Impacts to agricultural lands are further discussed in Exhibit 15.

(j) Map of Specially Designated Areas

Figure 3-8 illustrates specially designated areas, including designated inland waterways, agricultural districts, and flood-prone areas within the 5-mile Study Area. Table 3-2 summarizes the sources of data used to prepare this map and whether the specially designated areas listed in the Section 94-c regulations are found within the 5-mile Study Area.

Table 3-2. Sources of Data Used to Prepare Mapping of Specially Designated Areas

Mapping Requirement	Source	Specially Designated Area Present
Designated coastal areas	NYS GIS Clearinghouse, NYS Department of State	None
Inland waterways	NYS GIS Clearinghouse, NYS Department of State	None
Local waterfront revitalization program areas – approved plans	NYS GIS Clearinghouse, NYS Department of State	None
Groundwater management zones	NYS GIS Clearinghouse	None
Agricultural districts	NYS GIS Clearinghouse	Yes, See Figure 3-8
Flood hazard areas	NYS GIS Clearinghouse, FEMA	Yes, See Figure 3-8
Critical Environmental Areas	NYSDEC	None
Coastal Erosion Hazard Areas	NYSDEC	None

There are no designated coastal areas or erosion zones, Local Waterfront Revitalization Program communities, groundwater management zones, or critical environmental areas within the 5-mile Study Area (NYSDEC, 2016a; NYSDOS, 2012). According to the Federal Emergency Management Agency (FEMA) Flood map Service Center, Flood Rate Insurance Maps are available for seven of the nine Towns within the 5-mile Study Area; The Towns of Ward and West Almond are unmapped. The closest FEMA Flood Hazard Area is approximately 0.5 mile from the Facility Site; no Facility components are proposed within any mapped flood hazard areas.

The New York Coastal Management Program (CMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) in 1982 as part of the state's participation in the Coastal Zone Management Act (CZMA) of 1972. The CZMA was developed to address development in coastal areas and to increase state involvement in comprehensive coastal planning and protection. The CZMA and associated programs are administered through NOAA. Inland waterways, which are designated through the NYS CMP, include the state's major inland lakes and rivers. The Canisteo River is the closest designated inland waterway, located approximately 10 miles northeast of the Facility Site (NYSDOS, 2012). Due to the distance between the proposed Facility and the Canisteo River, no adverse impacts to the river are anticipated because of the Facility construction or operation. Exhibit 13 (Water Resources and Aquatic Ecology) provides further information regarding surface waters and potential impacts from the Facility.

Figure 3-8 depicts agricultural district land within and adjacent to the Facility Site. Approximately 190 acres (16%) of parcels in the Facility Site are enrolled in a New York State Certified Agricultural District, established pursuant to Article 25-AA of the New York Agriculture and Markets Law. Approximately 11% of lands within the 5-mile Study Area (7,796 acres) are enrolled in an agricultural district. Three Allegany County agricultural districts are located within the 5-mile Study Area: (1) Agricultural District 2, which has 1,397 acres within the 5-mile Study Area, (2) Agricultural District 3, which has 14 acres within the 5-mile Study Area, and (3) Agricultural District 4, which has 6,385 acres within the 5-mile Study Area. New York State Agriculture and Markets Law §303b allows land to be added to agricultural districts through an annual process; however, land can only be removed from districts as part of a mandatory 8-year review. Allegany County District 3 was last reviewed in 2020.

The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production by providing a framework to limit local regulation on farm practices, modify public agencies' ability to acquire land through eminent domain, modify the right to advance public funds to construct facilities that encourage development, require state agencies to modify regulations to encourage farming, and to provide Right to Farm provisions for protection from private nuisance suits. The Agricultural Districts Law also allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of such land to its prescribed agricultural assessment value. Depending on the design and construction plans, projects such as the Facility can be consistent with and supportive of agricultural land uses and districts and allow the site to return to prior agricultural use following decommissioning. New York State Agriculture and Markets Law §303b allows land to be added to agricultural districts through an annual process; however, land can only be removed from districts as part of a mandatory eight-year review. A detailed discussion of agricultural resources and the various measures the Applicant will implement to protect and restore agricultural lands and farming operations within the Facility Site is provided in Exhibit 15.

(k) Recreational and Other Land Uses

Figure 3-9 illustrates recreational areas and other sensitive land uses known to the Applicant within the 5-mile Study Area.

The Applicant has conducted extensive study of the historic and cultural resources in the vicinity of the Facility and has sited components to avoid these areas (see Exhibit 9 for more information). The Applicant will also install visual mitigation plantings in certain areas to allow the Facility to fit within the character of the existing landscape to mitigate visual effects (see Exhibit 8 for more information on visual impacts). In addition, as a renewable energy generating facility, the Facility will enhance the quality of water and air in the area by producing energy without the use of fossil fuels and by minimizing impacts to state-protected surface waterways as further described in Exhibit 17 (Consistency with Energy Planning Objectives) and Exhibit 13.

Table 3-3 summarizes the sources of data used to prepare Figure 3-9 and identifies whether the respective land use is found within the 5-mile Study Area.

Table 3-3. Mapping of Recreational and Sensitive Areas

Mapping Requirement	Source	Recreational and Sensitive Areas Present
Wild, Scenic and Recreational River Corridors	National Wild and Scenic Rivers System	None
Open Space	NYS GIS Clearinghouse, NY Protected Areas Database	See Figure 3-9
Archaeological and Historic Resources	On-Site Survey, State and National Registers of Historic Places	See Figure 3-9
Geologic Resources	New York State Museum	See Figure 3-9
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	See Figure 3-9
Parks	NYS GIS Clearinghouse, NY Protected Areas Database, Local Consultation	See Figure 3-9
NYSDEC Lands	NYS GIS Clearinghouse, NYSDEC	See Figure 3-9
Conservation easement lands	NCED; NYS GIS Clearinghouse	See Figure 3-9
State and federal scenic areas and byways	NYSDOT; NYS GIS Clearinghouse	None
Nature preserves	NYS GIS Clearinghouse, NY Protected Areas Database	None
Designated trails	NYS GIS Clearinghouse	See Figure 3-9
Public-access fishing areas, camping areas	NYS GIS Clearinghouse, NYSDEC	None
Major communication and utility uses and infrastructure	Windstream Holdings Inc., Charter Communications Inc., d.b.a. Spectrum	See Figure 3-9 and Figure 20-1
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	See Figure 3-9

No Wild, Scenic and Recreational River Corridors identified by the National Park Service, state or federal scenic areas or byways, state parks, museums, nature preserves, or public-access fishing or camping areas exist within the 5-mile Study Area.

Areas identified in the New York Protected Areas Database include local, state, and federally owned and/or protected lands, some of which are included in the New York State Open Space Plan (2016). The four state forests (Palmer's Pond State Forest, Turnpike State Forest, Phillips Creek State Forest, and Vandermark State Forest) located within the 5-mile Study Area are approximately 4.5 miles, 3.7 miles, 1.3 miles, and 0.9-mile from the Facility Site, respectively. No state parks, national forests, or national wildlife refuges are present within the 5-mile Study Area. Other conserved or preserved lands include three municipal-owned parcels protected for mineral or timber resources. None of these features are within the Facility Site.

The New York State Historic Preservation Office (NYSHPO) provides historic and archaeological resource data via their Cultural Resources Inventory System website, including a list of State and National Registers of Historic Places (S/NRHP). NRHP-listed resources within the 5-mile Study Area include one historic district (Alfred Village Historic District). In addition, five cemeteries located within the 5-mile Study Area are eligible for enrollment on the S/NRHP. The National Historic Preservation Act, the New York State Historic Preservation Act, and the NYSHPO policy all recommend protecting archaeological site locations from public disclosure to ensure preservation of important archaeological resources. The Applicant conducted on-site surveys for archaeological and historic resources in consultation with the NYSHPO. Resources found on site are not included in mapping for this Exhibit and are further described in Exhibit 9 (Cultural Resources).

The New York State Museum maintains a dataset of geology, lithology, and related structures throughout the state. According to this dataset, bedrock within the 5-mile Study Area can be described as shale or siltstone. Shale and siltstone are the dominant bedrock type within the Facility Site. More information regarding geology of the Facility Site is presented in Exhibit 10 (Geology, Seismology and Soils). The NYSDEC and New York State Museum Office of the State Geologist also developed the NYS Unique Geologic Landforms project that identified over 600 sites containing unique geological features or landforms, which are publicly accessible through their website (NYSDEC, 2021). After review of the available data for Allegany County, it was determined that there are no unique geologic features in the vicinity or within the 5-mile Study Area. Therefore, construction and operation of the proposed Facility Site will not impact any unique geological features or landforms.

Throughout the 5-mile Study Area, several trails are present, including State Bike Route 17, Allegany County Snowmobile Trail, and NYSDEC-maintained Trails on State Forest Lands. There are no known designated trails present within the Facility Site. The Applicant is aware that hunting is a common land use in the vicinity of the Facility and has worked with landowners within and adjacent to the Facility Site to adjust the design of the Facility to minimize impacts on hunting activities, to the extent practicable.

The Applicant consulted with owners of major communication and other utilities within the 5-mile Study Area. Figure 3-4 shows the locations of major fiberoptic, electric, and gas infrastructure within the 5-mile Study Area. Section 3(e) above provides more information regarding major utilities in the Facility Site and the 5-mile Study Area.

Several institutional, community and municipal uses and facilities are present within the 5-mile Study Area. These include one public school (Andover Central School), three colleges (State University of New York at

Alfred, Alfred University – a four-year private college, and AU-Corning – an extension of Corning Community College, located in Alfred), two villages (Villages of Andover and Alfred), three hamlets (Tinkertown, Alfred Station, and Elm Valley), and several other municipal buildings. None of these uses and facilities are located within the Facility Site. The Facility is not anticipated to impact existing recreational, municipal and community, or sensitive and historical land uses found within the 5-mile Study Area. None of the resources discussed above are found within the Facility Site and the Facility is compatible with the existing land uses within the 5-mile Study Area.

(l) General Compatibility with Existing Land Use Within 1-Mile

According to the NYSORPS, 52% of the 1-mile Study Area can be categorized as Agricultural land and is defined as "property used for the production of crops or livestock." Approximately 32% of the 1-mile Study Area is characterized as Residential, which is defined as "property used for human habitation." Vacant Land, which is defined as "property that is not in use, is in temporary use, or lacks permanent improvement," constitutes 12.8% of the 1-mile Study Area. All other categories, including Public Services, Commercial, Industrial, Community Services, Wild, Forested, Conservation Lands, and Public Parks, and unknown classes, each comprise less than 1% of the 1-mile Study Area. Table 3-4 summarizes land use within 1-mile of the Facility Site.

Table 3-4. Land Use within 1-mile of the Facility Site

Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
100 - Agricultural	57.8	792.0
200 - Residential	269.8	2,869.5
300 - Vacant Land	766.0	2,619.1
400 - Commercial	-	49.3
500 - Recreation and Entertainment	-	39.3
600 - Community Services	-	26.5
800 - Public Services	-	147.3
900 - Wild, Forested, Conservation Lands and Public Parks	-	305.4
Unknown	-	440.3
Total	**1,094**	**7,289**

Source: New York State Office of Real Property Services (NYSORPS), 2021.

Potential impacts to existing land uses adjacent to and within 1 mile of the Facility include facility-generated noise, associated vehicle traffic and visual impacts. However, as further discussed below and in Exhibit 7 (Noise and Vibration), Exhibit 16 (Effect on Transportation), and Exhibit 8 (Visual Impacts), the Facility will be constructed and operated consistent with Section 94-c Uniform Standards and Conditions related to noise, traffic, and visual resources, and as such, no substantial impacts to adjacent land uses are anticipated.

The fenced PV arrays and racking support systems, access roads, collection substation, and POI switchyard will result in the conversion of approximately 590 acres, or approximately 54% of the Facility Site, from its

current use to built facilities and/or maintained areas during Facility operation. Additional impacts to land within the Facility Site associated with Facility operation will be temporary, infrequent, and minimal. Aside from occasional maintenance and repair activities that may occur along or utilize public roadways, Facility operation will not interfere with ongoing land use (e.g., farming and forestry activities, recreational facilities, schools and civic facilities, or commercial areas) immediately adjacent to the Facility or within 1-mile of the Facility. Overall, construction and decommissioning of the Facility are not anticipated to substantively affect the capacity for current land use practices, including agriculture, to resume following decommissioning. The various measures the Applicant will implement to protect and restore agricultural lands and farming operations within the Facility Site is provided in Exhibit 15. At the end of the Facility lifespan, Facility components will be decommissioned, and the land restored, consistent with 19 NYCRR § 900-6.6(a) requirements, as described in Exhibit 23 of this Application.

As described in the Visual Impact Assessment (VIA; Appendix 8-A), land use in the 2-mile visual study area (VSA) consists of undeveloped forest, active agriculture, and rural residences. Landscape similarity zones (LSZs) within the VSA were defined based on the similarity of various landscape characteristics, including land use; the Rural Upland, Rural Valley, and Forest LSZs. Local zoning ordinances and planning documents were also reviewed to identify future land use areas within the VSA based upon similarities in allowable land uses; agricultural, residential, and areas where the town has not adopted zoning regulations. Visually sensitive resources (VSRs) were identified to evaluate visual impacts to recreational land uses. Overall, potential visibility of the Facility is limited to 8.3% of the total VSA area, and visual impacts of the Facility are limited to upland agricultural lands (the Rural Upland LSZ) within 0.5-mile of Facility. The only recreational land where impacts are anticipated is the Bromeley-Daggett Equestrian Center and therefore a photosimulation was developed and evaluated from this location. Due to distance from the Facility, minimal visual contrast will occur at this resource. To further minimize the potential impacts from these areas, the Applicant is proposing an extensive landscape mitigation planting to screen or soften the appearance of the Facility from affected areas. Exhibit 8 provides additional information on the visual impacts of the Facility, as well as efforts to minimize and mitigate such impacts.

Construction of the Facility is not anticipated to negatively impact local fire districts or school districts within the 1-Mile Study Area. The Applicant coordinates regularly with the Town of Alfred and fire district representatives to ensure the Facility design is in compliance with the fire code compliance and, where exemptions from the fire code are needed, provide recompence to ensure operations are not negatively impacted (see Appendix 02-B). The Applicant will continue to coordinate with the fire districts during construction to ensure construction activities do not impede emergency response vehicles or fire district staff.

The Applicant will also conduct drills and safety trainings with Site personnel, in consultation with the local fire departments, as detailed in Exhibit 06 and Appendix 06-A. The Applicant will coordinate with school districts within the 1-mile Study Area to ensure school bus schedules are unimpeded and transportation safety is maintained during the construction period. No impacts to school district enrollment or financing are anticipated as a result of the operation of the Facility. The construction and operation of the Facility will not impose a financial burden on the local school districts; indeed, payments made by the Applicant to the local community have the potential to directly benefit both the local school and fire districts. The Applicant

has conducted a study of the anticipated noise, traffic, and visual effects produced by the Facility, both during construction and operation. As described in Exhibit 7 (Noise and Vibration), noise levels at the Facility will not exceed the design goals required by 19 NYCRR §900-2.8(b)(2) and will not have a negative effect on non-participating landowners or nearby sensitive receptors, such as schools, recreational and civic facilities. Any noise impacts of the Facility will be primarily experienced in the immediate vicinity of construction operations and are not expected to have an impact at the perimeter of the Facility. Traffic impacts of the Facility will be negligible following the commencement of Facility operation. Traffic impacts during construction are anticipated to be minimal and primarily associated with component deliveries. Exhibit 16 provides more information regarding the anticipated traffic during construction and operation of the Facility as well as efforts to minimize and mitigate such impacts. A Traffic Control Plan will be developed and submitted as part of the compliance filings in accordance with 19 NYCRR §900-10.2(e)(8) to reduce impacts to affected roads. All pertinent permits and approvals, including those related to road use, will be obtained in accordance with 19 NYCRR §900-6.2(d)(2). Final transportation routing will be developed in consultation with the Allegany County Highway Department and representatives from the Town of Alfred to avoid and/or minimize safety issues associated with the use of the approved haul routes in accordance with 19 NYCRR §900-6.3(c). Construction and routine maintenance activities will be conducted in accordance with 19 NYCRR §900-6.4(a) and construction noise will be minimized consistent with 19 NYCRR §900-900-6.4 (k). The Facility will also be operated in compliance with the approved design and noise standards pursuant to 19 NYCRR §900-2.8 as required by 19 NYCRR §900-6.5(b).

As noted in Section 3(h), the proposed Facility aligns with and supports some of the goals outlined in the comprehensive plans of the surrounding communities. In addition to furthering the realization of renewable energy and sustainability goals outlined in the comprehensive plans, the Facility will contribute significantly to the economic goals for local host communities. The Facility will provide direct financial benefits to host communities in the form of a Payment in Lieu of Taxes agreement and Host Community Agreement (HCA). Additionally, participating landowners will also receive a financial benefit for hosting the Facility on leased lands. This income would be in addition to any income generated from the current use of the land that continues during project operation (e.g., agricultural production). Additional information regarding host community benefits is included in Exhibit 18.

Compliance with NYSAGM Guidelines for Agricultural Mitigation for Solar Energy Projects

The New York State Department of Agriculture and Markets (NYSAGM) has promulgated a guidance document that applies to solar energy generating facilities sited on agricultural lands. The NYSAGM's October 2019 *Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands* (NYSAGM, 2019) include construction requirements, restoration requirements, and post-construction monitoring and remediation requirements. To minimize and/or mitigate impacts to active agricultural land and farming operations, Facility construction will comply with NYSAGM agricultural guidelines to the maximum extent practicable. See Exhibit 15 (Agricultural Resources) for a full analysis of the Facility's impacts to agricultural land and the various measures the Applicant will implement to protect and restore agricultural lands and farming operations within the Facility Site. The Applicant's Environmental Monitor will consult with the NYSAGM during construction if deviation from the approved plans is necessary. In addition, the Applicant will continue to consult with landowners and the NYSAGM throughout the Section 94-c process and during

construction and operation of the Facility to ensure impacts to active agricultural land and farming operations are minimized and/or mitigated to the extent practicable.

Facility Consistency with Regional Planning Documents

In addition to the regional Comprehensive Plans discussed in Section 3(h), the Facility is consistent with the statewide plans outlined in Table 3-5 and state energy policies. See Exhibit 17 (Consistency with Energy Planning Objectives) for more information regarding consistency with statewide energy plans and policies. As shown in Table 3-5, the proposed Facility is generally consistent with the goals and objectives outlined in the statewide plans.

Table 3-5. Facility Consistency with Statewide Planning Documents

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York Open Space Conservation Plan (2016b)	- Maintain critical natural resource-based industries such as farming, forest products, commercial fishing, and tourism. - Address global climate change (through various means). - Preserve, restore, and/or create a matrix of natural systems sufficiently complex and interconnected to be self-sustaining while performing the critical natural functions necessary to sustain us.	- The Facility utilizes a renewable resource to generate electric power without contributing to global climate change. - The Facility enhances the economic viability of participating farms, enabling them to maintain operations on lands not utilized for the Facility.	None
New York State Historic Preservation Plan (2021-2025)	- Enhance collaboration to advance preservation. - Integrate preservation into local and regional decision making.	- The Applicant has coordinated with New York State Office of Parks, Recreation and Historic Preservation to develop site-specific work plans. - The Applicant has adapted the design of the Facility to avoid impacts to cultural resources (see Exhibit 9).	None
Statewide Comprehensive Outdoor Recreation Plan (2020-2025)	- Reconnect children and adults with nature and recreation by improving access to outdoor recreation opportunities. - Continue to develop a comprehensive, interconnected recreation-way, water trails, greenway and blueway trail system. - Continue efforts to restore, conserve and protect the biodiversity of state lands.	- The Facility does not have any direct impacts on known public recreational resources.	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York State Office of Parks, Recreation and Historic Preservation Sustainability Plan (2009)	- Advance a new agency-wide sustainability initiative to adopt green practices - Outline a plan to reduce impacts that the agency's daily activities have on natural resources - Adopted a goal of reducing greenhouse gases 30% by 2030	- The Facility is aligned with the plan's stated goal of reducing greenhouse gases by 30%.	None

(m) Compatibility of Above-Ground Interconnections with Existing and Proposed Land Uses

The Applicant intends to install collection lines underground to the extent practicable. A short length of overhead transmission line will be used to connect the collection substation to the POI and the existing transmission line. The collection substation and POI switchyard will be constructed consistent with applicable regulations and standards and will be visually similar to other electrical grid infrastructure in the area. The potential effects on visibility resulting from the short segment of overhead transmission line are described in Appendix 8-A. Overall, the limited above-ground interconnections proposed for the Facility are not anticipated to have a significant impact on existing or proposed land uses.

(n) Compatibility of Underground Interconnections with Existing and Proposed Land Uses

The Facility will include approximately 6.4 miles of underground collection lines. A total of 447 acres will be located within 300 feet of the centerline of underground collection lines and related facilities, of which approximately 10 acres (2%) consists of public road ROWs that are not part of any parcel, and as such, have no NYSORPS land use code. Land use for the remaining 437 acres has been classified by the NYSORPS as follows: Agriculture: 16 acres (4%); Residential: 127 acres (29%) (half of this acreage is classified as Rural Residential with 10 or more acres of land); and Vacant Land: 294 acres (66%). Approximately 36 acres (8%) of the land within 300 feet of an underground collection line is currently enrolled in a NYS Certified Agricultural District. The Facility's proposed underground collection lines and interconnections will not prohibit or interfere with the continued use of the current and proposed land uses within 300 feet of these components.

The construction of buried interconnects will result in a temporary disturbance. As discussed in Section 3(l), in agricultural fields, construction will generally be conducted in accordance with the NYSAGM *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* (NYSAGM, 2019) by installing underground lines at least 48 inches below ground on agricultural lands. Otherwise, underground lines will be installed at least 36 inches below ground. At these depths, permanent land use impacts associated with underground interconnects are not anticipated. Buried underground electrical collection lines have been sited in areas of existing disturbance (e.g., existing farm roads and forest logging roads) to the maximum extent practicable. The Applicant has also developed details regarding the drainage remediation measures to address any impacts to surface and subsurface drainage infrastructure within agricultural areas where

Facility construction is planned. Where impacts to important environmental resources would otherwise be unavoidable (e.g., stream crossings), trenchless technologies (e.g., horizontal directional drilling and subsurface boring) will be used to minimize impacts, where practicable.

The Applicant will also implement measures to further minimize potential impacts to underground facilities prior to construction by becoming a member of UDig NY and otherwise complying with 19 NYCRR §900-6.4(f) and (g).

(o) Compliance with New York State Coastal Management Program Policies and Local Waterfront Revitalization Plans

The Facility Site is not located within a designated coastal area or in direct proximity of a designated inland waterway. Therefore, conformance with the CZMA is not applicable.

(p) Aerial Photographs

Figure 3-10 contains aerial photographs within the 5-mile Study Area. This mapping was prepared using 1-foot resolution natural color orthoimagery from the New York State Digital Orthoimagery Program (NYSDOP) captured during the 2020 growing season.

(q) Aerial Photograph Overlays

Figure 3-11 illustrates the Facility component layout, including access roads, along with the proposed limits of disturbance overlaid on NYSDOP imagery captured in the 2020 growing season.

(r) Source of Aerial Photographs

Figures 3-10 and 3-11 were prepared using 1-foot resolution natural color orthoimagery from the NYSDOP captured during the 2020 growing season.

(s) Description of Community Character

The proposed Facility is generally consistent with the largely rural character of the surrounding community. Topography and existing vegetation largely screen the Facility from views outside the Facility Site. Within the Facility Site, the relatively low profile of the PV arrays, combined with the proposed visual screening, soften the potential visual impacts associated with the Facility and improve its consistency with the rural/agricultural character of the area. The Applicant has evaluated the Facility's consistency with local comprehensive plans in Section 3(h) above, and an analysis of the land use of the surrounding community is presented below. In addition, the Applicant has completed a comprehensive VIA, which includes a classification of areas within 2-miles of the Facility into landscape similarity zones (further described in Exhibit 8).

Community Land Use Classifications

The Facility is proposed to be located in a rural portion of Allegany County, which is characterized by a mix of agricultural, rural residential, and forested land in the Town of Alfred. According to the 2017 Census of Agriculture, total farmland acreage within Allegany County is 161,713 acres, (USDA, 2017).

Based on NYSORPS land use classification data from 2020 for Allegany County, land use is dominated by residential lands (38%), vacant lands (32%), and agricultural lands (12%). The most common residential land use in Allegany County is land classified as 240 – rural residence with acreage (50% of all residential land). Other dominant residential lands within the county include 260 – season residences (22% of all residential land), 270 – mobile home (11% of all residential land), and 210 – one family year-round residence (10%). Vacant lands within the county are generally classified by NYSORPS as 322 – residential vacant land over 10 acres (64% of all vacant land), 312 – residential land including a small improvement (not used for living accommodations) (19% of vacant lands), and 323 – other rural vacant lands (including waste lands, sand dunes, salt marches, swamps, rocky areas, and woods and brush of noncommercial tree species not associated with forest lands (7% of vacant lands). These vacant parcels are scattered throughout the county. The most common agricultural land uses in Allegany County include hay for forage (44,950 acres), corn for grain (9,779 acres), and corn for silage (7,186 acres) (USDA, 2017).

Approximately 60.5 acres of the 1,094-acre Facility Site (6%) are enrolled in a NYSAGM certified agricultural district. These areas account for less than 1% of all lands enrolled in an agricultural district within Allegany County. Within 1-mile of the Facility, land use is predominantly residential (39%) with areas of vacant land use (36%) and agricultural use (11%) (see Section 3(l) above for more information on land use within 1-mile of the Facility). Although it will add industrial visual elements to the surrounding area, the Facility is consistent with the active agricultural use of the region. Many of the farms are commercial scale operations with several industrial buildings and facilities associated with them. In addition, host landowner payments will allow farmers in the area to continue active operations on other lands in the vicinity of the Facility, as further described in Exhibit 15 (Agricultural Resources), helping to preserve the area's agricultural character into the future.

Community Character and Landscape Similarity Zones

The Applicant has classified the LSZs and VSRs within the 2-mile VSA in Exhibit 8 as one method of showing community character in the vicinity of the Facility. LSZs within the VSA were defined based on the similarity of various landscape characteristics including landform, vegetation, water, and land use patterns, in accordance with established visual assessment methods. Within the VSA, three distinct LSZs were identified: Forest, Rural Upland, and Rural Valley. The majority of the VSA is classified as Forest LSZ (67.4%), followed by Rural Upland (24.6%), and Rural Valley (8.0%).

VSRs identified within the 2-mile VSA were also utilized to describe community character. Many of these resources (i.e., historic resources, public areas and recreational areas, etc.) are detailed above in Section 3(j) and Section 3(k). The types of resources identified in the vicinity of the Facility are typical of what could be included in the LSZs above. The proposed Facility will add industrial features to areas within the Facility Site. However, commercial agricultural buildings, electrical transmission and distribution lines, and electrical

substations are present in the area as well. Visual screening from topography, existing vegetation, and proposed vegetative screening will help reduce visibility of the Facility within the VSA. For additional information on LSZs and VSRs please see Exhibit 8 (Visual Impacts) and Appendix 8-A (Visual Impact Assessment).

Potential Impacts and Proposed Avoidance, Mitigation, and/or Minimization Methods

The Facility will convert approximately 28 acres (approximately 48%) of the 58 acres of certified agricultural district land within the Facility Site to built facilities and maintained areas necessary for Facility operation. The lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility. Further information regarding agricultural resources is presented in Exhibit 15.

As discussed in Exhibit 7 (Noise and Vibration), construction and operation of the Facility will have minor noise impacts but will not affect the character of the community. Operational noise levels of the Facility will comply with 19 NYCRR §900-2.8(b)(2) and any ordinances established by local laws. In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks as further described in Exhibit 5 (Design Drawings).

The Facility will introduce new visible elements (e.g., PV modules) into the existing landscape, which could be considered a change in community character for the primarily rural residential areas that have a view of the PV modules. However, the visibility and visual impact of the Facility will be highly variable based on distance, number of PV arrays in view, weather conditions, sun angle, extent of visual screening from topography and vegetation, scenic quality, viewer sensitivity and/or existing land uses. See Exhibit 8 for a further discussion of visual impacts.

Avoidance or mitigation measures that will minimize adverse impacts on community character include, but are not limited to, the following:

- Siting the Facility away from population centers and areas of dense residential development.
- Locating access roads and PV arrays to avoid or minimize disturbance of wetlands, streams, and cultural/historic resources.
- Following setback requirements outlined in the Section 94-c regulations and local solar laws to site the Project away from non-participating boundary lines, structures, and public roadways.
- Burying electrical collection lines between PV arrays.
- Installing visual mitigation plantings to help minimize/mitigate the visual effect of the Facility.
- Implementing agricultural protection measures to avoid, minimize, or mitigate impacts on agricultural land and farm operations.
- Consultation with various stakeholders to identify local resources of concern and to minimize any potential impacts to the community.

There are also numerous Facility-specific studies attached to this Application, such as a VIA (see Appendix 8-A), Pre-Construction Noise Impact Assessment (see Appendix 7-A), and Cultural Resources Studies (see

Appendices to Exhibit 9). In addition to evaluating potential effects on their respective resources, these studies can also be used to evaluate the Facility's potential effects on community character. These exhibits also outline the various mitigation measures that are being implemented to minimize and avoid impacts on the environment and the community where the Facility is proposed.

(t) Historical Environmental Contamination

The Facility Site does not have a history of environmental contamination according to data from the NYSDEC Environmental Remediation Databases; therefore, this section is not applicable (NYSDEC, 2014).

(u) Oil, Gas, and Mining Solution Wells within 500 feet of Proposed Facility

The NYSDEC maintains data on active, inactive, and abandoned oil, gas, and mining wells in New York State. The Applicant reviewed the NYSDEC's Oil and Gas Well database[2] for existing wells within 500 feet of the proposed Facility. According to the NYSDEC database, there is one gas well and five unlisted wells within the Facility Site. In addition, there is one mapped well located approximately 250 feet southeast of the Facility. The NYSDEC mapped oil and gas wells are depicted in Figure 3-4. Information regarding the seven NYSDEC mapped wells within 500 feet of the Facility Site is presented in Table 3-6.

Table 3-6. NYSDEC Mapped Oil and Gas Wells within 500 feet of the Facility Site

API Well No.	Well Name	Company Name	Well Type	Well Status
31003004050000	Lynch C L	Belmont Quadrangle Drilling	Dry Wildcat	Plugged and Abandoned
31003606740000	Lloyd U1	Unknown	Not Listed	Unknown Located
31003606750000	Lloyd U2	Unknown	Not Listed	Unknown Located
31003606760000	Gigante U1	Unknown	Not Listed	Unknown Located
31003606770000	Gigante U2	Unknown	Not Listed	Unknown Located
31003606780000	Gigante U3	Unknown	Not Listed	Unknown Located
31003281000000	Kent 1	Allegany Yankee Holdings LTD	Oil Development	Plugged and Abandoned

Source: NYSDEC, 2014

(1) Description of Magnetometer Survey

The proposed Facility is located in NYSDEC Region 9. Pursuant to 19 NYCRR §900-2.4(u), any proposed facility located in NYSDEC regions 7, 8, or 9 must conduct a magnetometer survey or other method authorized by the ORES to identify oil, gas, or mining solution wells within the Facility Site and within 500 feet of the Facility's proposed limits of disturbance (the Magnetometer Survey Study Area). UAV

[2] New York State Department of Environmental Conservation, Division of Mineral Resources. 2014. Oil & Gas Database. Available at: https://gisservices.dec.ny.gov/gis/maw/.

Exploration Inc. conducted a magnetometer survey within the Magnetometer Survey Study Area[3] in March 2022 and September 2023 (see Appendix 3-A).

The geophysical survey utilized a multi-phase approach to collect, process, interpret, and confirm magnetic data to locate potential wells. These primary phases were Flight Operations, Data Processing and Interpretation, and Ground Truthing. The principal geophysical sensors used included an Ex-Mag atomic magnetometer system mounted on an Unmanned Aerial Vehicle (UAV) platform, a Gem Systems GSM-19 Overhauser Proton Procession magnetometer base station and multiple Schondstedt handheld magnetic locators. The magnetometer survey identified six ground-confirmed wells, one aerial sub-surface anomaly,[4] and two water wells within the Facility Site and within 500 feet of the Facility's proposed limits of disturbance.

Table 3-7 lists the identified wells and their location in proximity to proposed Facility components. As indicated in the Table, the three wells located within 100 feet of "permanent structures and buildings" (GC-3, GC-4, and GC-5), have been plugged and abandoned by the Applicant. Figure 3-12 and the Project Magnetic Map in Appendix 3-A. Magnetometer Survey Report – Revision 1 show the identified wells in relation to the applicable setbacks, Facility Site boundaries, and Limits of Disturbance.

Table 3-7. Location of Known Oil and Gas Wells within the Vicinity of the Facility Site

Name	Type	Data Source	Latitude[1]	Longitude	Distance to Nearest Proposed Permanent Structure or Building (ft)	Status
GC-1	Gas Well	Magnetometer Survey	42.213998	-77.819697	771 (PV Array)	Unplugged
GC-2	Gas Well	Magnetometer Survey	42.211676	-77.822898	460 (PV Array)	Unplugged
GC-3	Gas Well	Magnetometer Survey	42.211067	-77.810267	25 (PV Array)	Orphaned well, plugged and abandoned by Applicant
GC-4	Gas Well	Magnetometer Survey	42.208928	-77.815634	31 (PV Array)	Orphaned well, plugged and abandoned by Applicant
GC-5	Gas Well	Magnetometer Survey	42.208711	-77.809375	25 (PV Array)	Orphaned well, plugged and abandoned by Applicant
GC-6	Gas Well	Magnetometer Survey	42.204867	-77.809842	770 (PV Array)	Unplugged
DEC-1	Gas Well	NYSDEC Oil and Gas Well Dataset	42.218448	-77.827363	1,456 (PV Array)	Plugged
DEC-2	Oil Well	NYSDEC Oil and Gas Well Dataset	42.195118	-77.817933	416 (PV Array)	Plugged

[1]Latitude and Longitude values are based off the World Geographic Coordinate System of 1984 (WGS 1984).

[3] The Magnetometer Survey Study Area shown in Appendix 03-A and surveyed by UAV included all areas within the Facility Site and within the 500 feet of the LOD, as well as locations within 500 feet of areas previously considered by the Applicant for development.

[4] As the magnetic signature of this feature was not conclusive and the feature appears to be located 25-30 feet below the ground surface, it was not possible to identify this feature. Considering its depth below the ground surface and its unknown nature, this feature is identified in the Magnetometer Survey, but not discussed elsewhere in this Application.

Please see the Magnetometer Survey Report – Revision 1, included as Appendix 3-A, for additional information on the methodology and results.

(2) Map of Identified Wells

Figure 3-12 depicts the location of wells identified during the magnetometer survey, the Facility Site boundaries, the proposed limits of disturbance, and the proposed Facility components, as well as the setbacks discussed in Section 3(u)(3).

(3) Explanation of Setbacks

19 NYCRR §900-2.4(u)(2) requires that all permanent structures be set back "*one hundred (100) feet from identified well(s) and minimum twenty (20) feet in width from nearest reasonable facility property access point to the well to permit inspections and other regulatory work as may be needed*." On August 18, 2022, the Applicant consulted with ORES to request clarification on whether these setback requirements apply to wells plugged in accordance with NYSDEC guidelines. In correspondence received on September 09, 2022, ORES indicated that a 25-foot permanent structure setback would apply to properly plugged wells (e.g., wells plugged by a registered well plugging contractor) and asked that the Applicant file the appropriate NYSDEC well plugging permit and a well plugging report as a compliance filing, to document the completion of this work (see Appendix 3-C).

In support of these requirements, the Applicant commissioned Adams Well Service, a NYSDEC-registered well plugging contractor, to plug the three active wells identified during the magnetometer survey that are within 100 feet of permanent structures (GC-3, GC-4, and GC-5). The wells were plugged in November and December 2022 in accordance with Part 555 of the Rules and Regulations for Oil, Gas and Solution Mining (Title 13 - Enforcement of Article 23). The applicable well plugging reports are included in Appendix 3-D.

The Applicant has set back all permanent structures, including PV panels, a minimum of 25 feet from wells GC-3, GC-4, and GC-5. To further minimize potential impacts to underground resources, the Applicant will install a permanent marker/sign above each of the plugged wells to maintain easy identification of the well location.

As noted in the Magnetometer Survey, two of the three wells that were plugged were actively leaking gas prior to plugging (GC-4 and GC-5) and GC-4 exhibited a *"significant amount of leaking gas."* In voluntarily plugging these wells the Applicant has directly supported NYSDEC and NYSERDA initiatives to locate and plug orphaned gas wells and thereby reduce climate-altering greenhouse gas emissions from aging and abandoned oil and gas infrastructure.

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