



South Ripley
SOLAR PROJECT

ConnectGen Chautauqua County LLC

South Ripley Solar Project
Matter No. 21-00750

900-2.4 Exhibit 3

Supplement 2

Location of Facility and Surrounding Land Use

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EXHIBIT 3 LOCATION OF FACILITY AND SURROUNDING LAND USE

The Facility Site is located within the Town of Ripley in Chautauqua County, New York on gentle to moderately sloping rural land at the junction of the Allegheny Plateau and Erie-Ontario Plain. The Facility Site is primarily comprised of agricultural and forested land and is intersected in the northwest corner by the 230 kV Erie to Dunkirk electric transmission line owned by National Grid, which provides an on-site interconnection source for the Facility.

(a) Topographic Maps

(1) Proposed Major Electric Generating Facility Locations

Figure 3-1 depicts the location of major Facility components within the Facility Site displayed at a scale of 1:24,000 including:

- Solar PV Panels
- Battery energy storage system
- Access roads
- Underground and Overhead Electrical Collection Lines
- Inverter/Transformer Pads
- Collection Substation
- Laydown yards
- Fencing
- Limits of construction activity

These components, collectively referred to as the “Facility”, are mapped on U.S. Geological Survey (USGS) 1:24,000 topographic quadrangles.

(2) Interconnection Location and Ancillary Features

All Facility components, including the interconnection facilities, will be located within the defined Facility Site and are mapped in Figure 3-1 as indicated in Section 3(a)(1), above. 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) associated with the Facility.

(3) Construction Limits of Clearing and Disturbance

The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped as the Limits of Construction Activity (LOCA) in Figure 3-1. The LOCA comprises approximately 1,300 acres and encompasses the outer bounds of where construction may occur for the Facility, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of all major Facility components, defined work corridors, security fencing, and proposed planting modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility. The following Facility components will be constructed within the LOCA:

- 833.3 acres of PV arrays
- 1-acre Collection Substation
- 1.5-acre 3-breaker ring bus point of interconnection (POI)
- 2-acre Battery Energy Storage System
- 0.7-acre Emergency Water Supply Pond
- 0.02-acre Equipment Storage Containers
- 21.8 miles of Underground Collection Lines
- 4.6 miles of Overhead Collection Lines
- 11.3 miles of Access Roads
- 30.2 acres of Laydown Yards
- 1.3 acres of Inverter Pads
- 247,719 linear feet of Security Fencing encompassing 1,046 acres

(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. These locational relationships are described in Section (c) below.

(c) Description of Proposed Facility Locations

The Facility Site and all Facility components are located entirely within the Town of Ripley in Chautauqua County. The Facility Site is also located within the Ripley Central School District and Sherman Central School District. See Table 3-1 for a summary of Facility components within each of these jurisdictions. The Applicant is not aware of any other applicable municipal boundaries, taxing jurisdictions, designated neighborhoods, or designated community districts with jurisdiction intersecting the Facility Site. There are no proposed ancillary features located outside of the Facility Site.

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

Municipal Boundary/Taxing Jurisdiction		Facility Components
County	Chautauqua	All facility components
Town	Ripley	All facility components
School District	Ripley Central	Limited PV panels, fence line, laydown yard, access roads, and electrical collection lines in the northeast portion of the Facility Site. Approximately 6% of the total Facility capacity is located in the Ripley Central School District.
	Sherman Central	PV panels, fence line, laydown yards, access roads, electrical collection lines, collection substation, and BESS. Approximately 94% of the total Facility capacity is located in the Sherman Central School District.
Fire District	Ripley	All Facility components

(d) Map of Existing Land Uses

Figure 3-3 shows existing land uses for all parcels within the New York portion of the 5-mile Study Area. This map was prepared using 2019 parcel data provided by the Chautauqua County Real Property Tax Service and the classification codes of the New York State Office of Real Property Services (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 rights-of-way.

According to the NYSORPS classification codes, land use within the New York portion of the 5-mile Study Area is primarily comprised of vacant land (32.8%), residential land (32.6%), and agricultural land (22.7%) (NYSORPS, 2019).

¹ Note: each of the primary land use classes listed below has multiple sub-classes. For example, property type classification code 105 is defined as “Agricultural Vacant Land (Productive).”

As defined by NYSORPS, vacant land includes “property that is not in use, is in temporary use, or lacks permanent improvement”, residential uses are “property used for human habitation”, and agricultural uses include “property used for the production of crops or livestock.” Similarly, the Facility Site is comprised of 55 tax parcels that are predominately classified in residential (40%), agricultural (33%), and vacant (30%) land uses (NYSORPS, 2019). Table 3-6 below provides the acreages and percent area of property type classifications in the 5-Mile Study Area, Facility Site, and LOCA.

(e) Existing Overhead and Underground Major Facilities Map

Figure 3-4 illustrates known existing overhead and underground major facilities for electric, gas, oil, and telecommunications within a 5-mile Study Area of the Facility Site along with proposed Facility components.

As previously discussed, the Facility will connect to the existing South Ripley 230kV substation connected to the Erie to Dunkirk 230 kV transmission line, which traverses through the northwest corner of the Facility Site and is owned and operated by National Grid. According to review of the U.S. Energy Information Administration (EIA) publicly available natural gas pipeline dataset, several natural gas pipelines occur within the 5-Mile Study Area, including an interstate pipeline owned by Norse Pipeline LLC, which traverses the eastern end of the Facility Site on a north-south alignment, and an intrastate pipeline operated by National Fuel Gas Distribution Company, which runs north to south through the center of the Facility Site (US EIA, 2020). Additionally, according to the database maintained by the NYSDEC Division of Mineral Resources, there are multiple natural gas and oil wells within the Facility Site and the surrounding 5-Mile Study Area (NYSDEC, 2019b). Fiber optic cables also traverse the Facility Site as depicted on Figure 3-4.

On behalf of the Applicant, Mott MacDonald Engineering (Mott), submitted One Call requests through Dig Safety New York (811) and conducted on-site surveys between July and August 2020 to field verify the location of known wells, pipelines, and located overhead and underground fiberoptic cable lines within areas proposed for disturbance. Section (u) below describes this survey in more detail.

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. These consultations are outlined briefly below:

- The Applicant consulted with Empire Energy (USA) LLC (Empire) regarding the presence of Empire owned infrastructure in the Ripley township. Empire provided the Applicant with details including a data set of existing oil and gas infrastructure including pipelines, wells, and access roads for infrastructure in the Facility Site. The Applicant has continued to exchange information with Empire regarding the location of proposed Facility equipment and will obtain appropriate permissions and provide design information for any crossings.

- The Applicant consulted with National Fuel Gas Co. (National Fuel) regarding the presence of National Fuel owned infrastructure in the Ripley township. National Fuel provided the Applicant with detail including mapping of existing oil and gas infrastructure in the Facility Site. The Applicant has continued to exchange information with National Fuel regarding the location of proposed Facility equipment and will obtain appropriate permissions and provide design information for any crossings.

The Applicant will obtain appropriate permissions and provide design information for additional electric, communications, or underground facility crossings. The required permissions will be obtained prior to construction. Facility infrastructure will cross existing electric and gas distribution and transmission lines in 77 locations, including 46 crossings of buried gas collection lines with access roads and electrical collection (trenchless underground and overhead), 2 crossings of overhead transmission lines with electrical collection (underground and overhead), and 29 crossings of overhead distribution lines with access roads and electrical collection lines. Impacts to existing infrastructure within the Facility Site will be avoided through utilizing horizontal directional drilling (HDD) crossing methods within areas known to host infrastructure (e.g., the National Grid utility right-of-way). Underground utility locations will also be marked prior to construction in these areas to avoid any impact to existing infrastructure. The Applicant is undergoing the New York Independent System Operator's (NYISO) interconnection study process and will enter into an interconnection agreement with National Grid prior to construction. This process is outlined in Exhibit 21. Additional details regarding crossing or adjacent components are shown on the Site Plan Drawings and Design Drawings (Appendix 5-A).

(f) Tax Parcel Map

Figure 3-5 illustrates all properties where Facility components will be located (i.e., the Facility Site) and all properties within 1,000 feet of the Facility Site. This map shows current land use, tax parcel number, and owner of record of each property. Parcel and NYSORPS land use class data were obtained from Chautauqua County, the host Town of Ripley, and the adjacent Towns of Sherman, Westfield, Chautauqua, and Mina, and Village of Sherman, as applicable. The Applicant is not aware of any proposed land use plans for any of these parcels.

(g) Zoning District Map

Zoning jurisdiction in Chautauqua County is at the town level. Spatial data of existing zoning district boundaries were obtained through direct consultation with the host Town of Ripley, and the adjacent Towns of Westfield, and Chautauqua, and the Village of Sherman. Spatial data of existing zoning district boundaries were not available for the Towns of Mina or Sherman. Municipality consultation indicated that none of the towns or village within the Study Area had spatial data available of proposed zoning districts; however, the Applicant will continue to coordinate with local

municipalities to understand plans for future zoning within the Study Area. Figure 3-6 illustrates existing zoning districts within the 5-mile Study Area.

The Applicant has reviewed the zoning regulations for each of the five towns and one village within the 5-mile Study Area: Ripley (Town), Sherman (Town), Sherman (Village), Westfield (Town), Mina (Town), and Chautauqua (Town). 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 Facility Site. Note that all Project components and infrastructure are proposed to be located in the Town of Ripley and the level of detail in these summaries varies based on the level of detail included in each municipality's zoning regulations. District regulations (including permitted and prohibited uses) for each zoning district within the Study Area is provided in Appendix 3-C. See Exhibit 24 for additional details regarding zoning within the Facility Site.

Town of Ripley

Zoning regulations were adopted in the Town of Ripley in 1992 and subsequently amended on February 9, 2017 and September 9, 2021. The Town is divided into the following seven districts: R-1 (Residential, smaller lot), R-2 (Residential, larger lot), RURAL (Rural/Agricultural), REC/CON (Recreation/Conservation), C-1 (Commercial), C-2 (Commercial), M/I (Manufacturing and Industry). Additional regulations apply within the M/I-A (Manufacturing and Industry – Adult Business), which consists of a floating zone for adult businesses within the general area of the Manufacturing/Industrial District.

The Rural/Agricultural District (Rural) zoning district is established to provide and promote agricultural use, while maintaining the rural character, permitting large lot residential development where single-family housing is preferred. Activities and uses allowed in the Rural/Agricultural District (Rural) include: agriculture land use, limited agriculture (grapes and orchards), farm, horticulture - private, household sale (garage sale), gravel and sand operation of under 1,000 yards per year, fireman field days, tennis court - private, boathouse/dock/pier - private, wildlife habitat, forestry/lumbering/reforestation, game farm/fish hatchery/preserve, pond, outdoor storage – recreational vehicles, garage – accessory, parking – private, signs, farm animals – noncommercial, junk vehicles – private property, trash – private property, heavy vehicle parking, TV dish, heating fuel tanks – private, and storage structure 120 square feet and under. Planned unit developments, landfills, and toxic waste storage are not allowed in the Rural District. All other uses or activities are allowed with permit and/or site plan review and hearing.

The Recreation/Conservation (REC/CON) district is established to preserve and protect the natural habitat of the canyon regions of Gage's Gulf and Twentymile Creek, located in the southern portion of the town. The permitted uses are to be consistent with the protection of the district using accepted conservation practices and recreational activities.

Uses or activities allowed in the Recreation/Conservation district include limited agriculture (grapes and orchards), wildlife habitat, and game farm/fish hatchery/preserve. Permitted uses include utilities (public [e.g., water]) and utilities (quasi-public). There are no special permitted uses or uses allowed subject to site plan review within the REC/CON zoning district. All other uses or activities are not allowed, including solar facilities.

The Facility Site is primarily comprised of parcels that are located within the Rural/Agricultural (RURAL) zoning district. A single overhead collection line crossing of the Recreation/Conservation (REC/CON) zoning district associated with Twentymile Creek is proposed and designed to minimize potential environmental impacts.

As discussed further in Exhibit 24, the Town of Ripley adopted a new Solar Energy Zoning Law on September 9, 2021. Pursuant to the Solar Energy Zoning Law, Tier 3 and Tier 4 Solar Energy Systems are permitted within Rural/Agricultural (Rural), Commercial (no-rural) (C-1), Commercial Rural (C-2), and Manufacturing and Industry (M-I) districts with a Special Use Permit and Site Plan Review approved by the Town Board. This law also includes regulations for providing decommissioning security for solar farms. The Applicant is committed to conforming with the requirements of the Town of Ripley zoning laws for decommissioning. See Exhibit 23 for additional information on decommissioning.

Town of Westfield

Zoning regulations were adopted in the Town of Westfield in 1965 and updated on July 11, 2018. The Town is divided into the following zoning districts: Residential (R-12), Residential-Lakeside (R-L), Residential-Agricultural (R-A), Commercial (C), Manufacturing (M), and Light Industrial (L-I). The R-A District is the only zoning district that falls within the 5-Mile Study Area.

No Facility components are proposed within the Town of Westfield and no direct impacts to the Town of Westfield, or any zoning district, are anticipated.

Town of Mina

Zoning regulations were adopted in the Town of Mina on September 8, 2010 and amended through Local Law #1 in 2020. The Town is divided into the following zoning districts: Residential (R1), Agricultural Residential (AR), Lakeside Residential (LR), Agricultural (A1), Historic Business (B1), Commercial Business (B2), Sunnyside Business (B3), and Shadyside Business (B4).

No Facility components are proposed within the Town of Mina and no direct impacts to the Town of Mina, or any zoning district, are anticipated.

Town of Chautauqua

Zoning regulations were adopted in the Town of Chautauqua on December 12, 1977, by Local Law #2-1977, and subsequently amended by local laws in 2016. The Town is divided into the following zoning districts: Residential (R), Residential-Lakeside (R-L), Planned Units Development (PUD), Residential-Recreation (R-R), Residential-Agricultural (R-A), Business (B), Chautauqua Institution (C-I), Commercial-Tourism (C-T), and Industrial (I). The R-A District is the only zoning district that falls within the 5-Mile Study Area.

No facility components are proposed within the Town of Chautauqua and no direct impacts to the Town of Chautauqua, or any zoning district, are anticipated.

Town of Sherman

The Town of Sherman has no zoning ordinances in place. No Facility components are proposed within the Town of Sherman and no direct impacts to the Town of Sherman, or any planned zoning, are anticipated.

Village of Sherman

The Zoning Law of Village of Sherman was adopted as Local Law #1 of 2009. The Village of Sherman is divided into the following four zoning districts: Residential (R1), Rural Residential (R2), Commercial (C1), and Highway Commercial (C2). The Village Zoning code allows for solar systems by special use permit all zoning districts in accordance with Village Code Section 619.

No Facility components are proposed within the Village of Sherman and no direct impacts to the Village of Sherman, or any zoning district, are anticipated.

(h) Comprehensive Plans

Pursuant to Section 900-2.4(h) of the 94-C regulations, the Applicant hereby states that 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 Ripley in Chautauqua County, New York. The Applicant further states that the Town of Ripley Comprehensive Plan was adopted in 2017 and Chautauqua County adopted the Chautauqua 20/20 Comprehensive Plan in 2011. The proposed Facility is consistent with each of these plans. Copies of these plans are provided in Appendix 3-A.

Town of Ripley Comprehensive Plan of 2017

The *amendment to the Town of Ripley Comprehensive Plan* (the Plan) was adopted by the Town Board on January 12, 2017, to set forth a vision that promotes development while protecting the agricultural community. Development of the initial Plan was largely based on input, ideas, and concerns received at various citizen group meetings held by the Town Planning Board between 1996 to 1997 and from informal discussions between residents and planning board members. Many of the recommendations presented in Section 3 and 4 of the Plan were developed by citizen committees working under to the direction of the Town Board. In 2016, the Planning Board worked with the County Planning Department to review and update the Plan.

Recommended actions listed in the Plan that are relevant to the Facility include the maintenance of a rural style of life and the preservation of active farm production and rural aesthetics along Routes 1-90, 20, 5, and 76, the entry corridors to the community. Of the rural entry corridors noted in the Plan, only Route 76 intersects the Facility Site to the east. As presented in Figures 3-1 and 3-10 and Appendix 5-A (Site Plans), solar panels are sited along either side of the road for a short length. The Applicant will implement visual screening mitigation in the form of planting modules along areas of high solar panel visibility throughout the Facility Site, including along the Route 76 corridor. The potential effects on visibility of the Facility are described in more detail in Exhibit 8 and Appendix 8-A. Please see Exhibit 15 for more discussion of active agricultural production within the Facility Site.

The proposed Facility is compatible with the *Town of Ripley Comprehensive Plan*. The Plan emphasizes the Town's concern to preserve the rural lifestyle and aesthetics throughout the Town. Several recommendations including review and updates to the Town's zoning and land use and extend the requirement of site plan review throughout the Town to enable the Town to have better control of the layout and appearance of larger commercial projects. The Plan makes no specific references to renewable energy generation, aside from a note that clear guidelines should be provided for the development of solar panels in all zoning districts. The Town's zoning ordinance does refer to large-scale solar installations and details of the Solar Energy Law. Section (f) above provides a discussion of the relevant zoning laws. In addition, the Plan references consideration of long-term budgeting needs for capital improvement projects and notes that economic development is a key goal of the Plan. Because the proposed solar Facility will introduce a new funding source through additional tax revenue and landowner lease payments, it does contribute directly to the Plan's objectives.

20/20 Chautauqua County Comprehensive Plan

The *20/20 Chautauqua County Comprehensive Plan* contains a review of existing planning and strategic issues, goals for the County, and strategies and actions to attain those goals. The document identifies 15 focus groups that represent the community's issues and development goals; and recommended actions to follow in order to achieve the goals and

objectives in the plan. Two focus groups are of relevance to the proposed Facility. The Infrastructure/Public Investment Focus Group (#4) and the Energy Focus Group (#10) identify strategies to capitalize on the County's water and energy resources for economic development, and to make sustainable use of local and green energy resources to benefit the local environment and economy. The following actions were identified in the Chautauqua 20/20 Comprehensive Plan as next steps to take in achieving these goals:

- Use portions of revenues generated from local energy sources to fund parks and other outdoor recreational development.
- Identify and reserve key corridors to connect potential renewable energy resource areas to the grid.

The proposed Facility is compatible with the *Chautauqua 20/20 Comprehensive Plan*. The proposed Facility is sited in close proximity to an existing transmission system and in an area with favorable solar resources. In addition, operation of the Facility is anticipated to generate millions of dollars in revenue, which can be used by Chautauqua County and/or the Town of Ripley to fund parks other outdoor recreational development.

(i) Map of Proposed Land Uses

The Applicant has identified proposed land uses within the 5-mile Study Area through discussions with State and local planning officials, open houses, and other consultations. Figure 3-7 illustrates all publicly known proposed land uses within the 5-mile Study Area, which is limited to one proposed solar energy project and one proposed gas station/travel center. The Empire Solar Project is a 125 MW solar facility proposed to be located in the Town of Westfield, Chautauqua County, New York and partially occurs within the 5-Mile Study Area. This facility is proposed by Empire Solar LLC, a subsidiary of Applied Energy Services, and is being permitted under Section 94-c. The Love's Travel Center is a gas station travel center located within the 5-Mile Study Area adjacent to Interstate 90. The travel center officially broke ground in 2021.

To determine if other proposed renewable energy facilities are located within 5-miles of the Facility, additional research was conducted. The NYSDEC maintains a database of existing and proposed solar projects across New York State by cataloging project review requests submitted to the NYNHP (NYSDEC, 2021). 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. In addition, research was also conducted for any utility-scale renewable energy project locations documented

by the New York State Department of Public Service (NYSDPS) or the ORES, for which a case number has been issued.

The Applicant reviewed the 2016 National Land Cover Database (NLCD) to determine the approximate land cover present within the project area for each proposed solar facility to examine the cumulative impact potential. According to the Empire Solar Public Involvement Program Plan², the Empire Solar project area consists of approximately 4,237 acres, of which 3,577 acres are present within the South Ripley Solar 5-Mile Study Area. Combined, the area proposed for renewable energy development within the Empire Solar project area and the South Ripley Solar Facility Site covers approximately 6% of the 5-mile Study Area and is primarily comprised of forested land (58%), and pasture/hay (30%) (USGS, 2019). As described further in Exhibit 11, these forested and pasture/hay land cover types are prevalent throughout the 5-mile Study Area and many fields are left fallow. In addition, as described above in Section (a)(2) and on the Empire Solar Project website³, final facility footprint of each project will ultimately span a more limited area. Therefore, no significant impact to land use is anticipated. Impacts to agricultural lands are further discussed in Exhibit 15.

The Applicant has not, through research and consultations, identified any other proposed land uses within the study area.

(j) Map of Specially Designated Areas

Figure 3-8 illustrates specially designated areas, including designated NYS coastal areas, local waterfront revitalization program areas, designated agricultural districts, flood-prone areas, and coastal erosion hazard areas within the 5-mile Study Area. Table 3-2 summarizes the sources of data used to prepare this map and whether the designated area is located within the 5-mile Study Area, as depicted on Figure 3-8.

² Available at: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=20-F-0085>

³ Available at: <https://www.aes.com/empire-solar-project>

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

Mapping Requirement	Source	Specially Designated Area Present in 5-Mile Study Area	Specially Designated Area Present in Facility Site
Designated coastal areas	NYS GIS Clearinghouse, NYS Department of State, PA Department of Environmental Protection	Yes, limited to the extreme northern portion of the Study Area.	None
Inland waterways	NYS GIS Clearinghouse, NYS Department of State	None	None
Local waterfront revitalization program areas – approved plans	NYS GIS Clearinghouse, NYS Department of State Chautauqua County	Yes, limited to the area surrounding Chautauqua Lake.	None
Groundwater management zones	NYS GIS Clearinghouse	None	None
Agricultural districts	NYS GIS Clearinghouse, Chautauqua County	Yes, located throughout much of the 5-mile Study Area.	Yes, located throughout the Facility Site
Flood hazard areas	NYS GIS Clearinghouse, FEMA	Yes, limited to stream systems within the 5-mile Study area.	None
Critical Environmental Areas	NYSDEC	None	None
Coastal Erosion Hazard Areas	NYSDEC	Yes, limited to the extreme northern portion of the Study Area along Lake Ontario shoreline.	None

Designated Coastal Areas

As depicted in Figure 3-8, Lake Erie is bounded by the New York State Department of State (NYSDOS) designated Coastal Area which is located within the 5-Mile Study Area. In addition, according to the NYSDOS Waterways List (2019), there are no designated inland waterways within the 5-Mile Study Area. Chautauqua Lake is the closest designated inland waterway to the proposed Facility and is located over 8 miles east of the Facility Site. There are no designated coastal areas within the Facility Site and the development of the Facility is not anticipated to impact coastal areas.

Local Waterfront Revitalization Program Areas

Local governments may participate in New York State’s Coastal Management Program by preparing and adopting a Local Waterfront Revitalization Program (LWRP) that has been approved by the New York State Secretary of State. The Town of Chautauqua is located within the Chautauqua Lake LWRP which was adopted by the Town in March 2008 and approved by NYS. In addition, portions of the Facility Site and Study Area in the Towns of Ripley and Westfield, including the stream corridors of Twentymile Creek and Belson Creek, are included in the draft Northern

Chautauqua County Local Waterfront Revitalization Program (NCC LWRP) area. As of January 2022, the draft NCC LWRP remains under development with the Chautauqua County Department of Planning and Development and NYSDOS. According to the Draft NCC LWRP (Peter J. Smith & Company, Inc., 2015), the three main goals of the program are to (1) improve access to the waterfront and connections to inland destinations, (2) establish recreation and water-related activities along the waterfront and in surrounding urban areas, and (3) enhance, protect, and preserve the natural waterfront and water quality. Twentymile Creek flows through the Facility Site; however, the Applicant has sited Facility components to effectively avoid and minimize potential impacts to the creek. In addition, the Project will have no impact on public waterfront access or recreation. Please see Exhibit 13 for a detailed discussion of potential impacts and avoidance, minimization, and mitigation of impacts to the delineated streams within the Facility Site, including Twentymile Creek.

Agricultural Districts

Four agricultural districts are located within the 5-mile Study Area: Chautauqua County Agricultural District 1, which has 22,253 acres within the Study Area; Chautauqua County Agricultural District 6, which has 8,509 acres within the Study Area; Chautauqua County Agricultural District 7, which has 14,504 acres within the Study Area; and Chautauqua County Agricultural District 8, which has 4,542 acres within the Study Area. Approximately 2,707 acres (80%) of the Facility Site are enrolled in Chautauqua County Agricultural District 1. 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. Chautauqua County Agricultural Districts 1, 6, 7, and 8 are currently under review (Cornell Institute for Resource Information Sciences, 2011; Chautauqua County Government, 2020). Please see Exhibit 15 for a more detailed discussion of agricultural resources within the Study Area.

Flood Hazard Areas

There are no mapped floodplain or flood hazard data available for the Town of Ripley on Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer geospatial database at the time of this Application, although studies are in progress. FEMA Special Flood Hazard Areas (SFHAs) or 100-year flood areas were mapped in the surrounding Study Area outside of the Town of Ripley.

Coastal Erosion Hazard Areas

NYSDEC identifies Coastal Erosion Hazard Areas (CEHAs)⁴ along the shorelines of Lake Erie in locations that are characterized by the presence of natural protective features (e.g., beaches, dunes, cliffs, bluffs) or in areas with high erosion vulnerability. Within the 5-mile Study area, CEHAs are mapped as natural protective features along the Lake Erie shorelines in the Towns of Ripley and Westfield. The Facility Site is located approximately 4.5 miles south of Lake

⁴ NYSDEC Official Coastal Erosion Hazard Area maps are available at: https://www.dec.ny.gov/docs/water_pdf/cehabrochure.pdf

Erie and the surrounding CEHA (see Figure 3-8). Based on the separating distance, activities related to the Facility are not anticipated to affect or be affected by the CEHA.

There are no groundwater management zones, critical environmental areas, or inland waterways in the 5-mile Study Area (NYSDEC 2016a; NYSDEC 2016b; NYSDOS, 2012).

(k) Map of Recreational Areas and Other Sensitive Land Uses

Figure 3-9 illustrates recreation and other sensitive land uses known to the Applicant within the 5-mile Study Area. No impacts to resources identified in Figure 3-9 are anticipated as a result of Facility construction or operation. Table 3-3 summarizes the sources of data used to prepare these maps and identifies whether the 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 in 5-Mile Study Area	Recreational and Sensitive Areas Present in Facility Site
Wild, Scenic and Recreational River Corridors	National Wild and Scenic Rivers System	None	None
Open Space	NYS GIS Clearinghouse and NY Protected Areas Database	Yes, Chautauqua County lands and NYSDEC lands in northern and eastern portions of Study Area.	None
Parks	NYS GIS Clearinghouse	Yes, Chautauqua County lands and NYSDEC lands in northern and eastern portions of Study Area.	None
Archaeological and Historic Resources	On-Site Survey, State and National Registers of Historic Places	Yes, scattered throughout 5-Mile Study Area.	Yes, within Facility Site (see Exhibit 9)
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	None	None
NYSDEC Lands	NYS GIS Clearinghouse, NYSDEC	Yes, Chautauqua Gorge State Forest and Mount Pleasant State Forest located in the eastern Study Area.	None
Conservation easement lands	National Conservation Easement Database; NYS GIS Clearinghouse	Yes, NRCS Wetlands Reserve Program located just south of the Facility Site and in the northeast Study Area.	None
State and federal scenic byways and vistas	NYSDOT; NYS GIS Clearinghouse	Yes, limited to the extreme northern end of the Study Area.	None
Nature preserves	NYS GIS Clearinghouse	None	None

Mapping Requirement	Source	Recreational and Sensitive Areas Present in 5-Mile Study Area	Recreational and Sensitive Areas Present in Facility Site
Designated trails	NYS GIS Clearinghouse and local governments	Yes, limited to snowmobile trails in southern and eastern portion of Study Area, trails on NYSDEC lands, and State bicycle route at the extreme northern end of the Study Area.	None
Public-access fishing areas, camping areas	NYS GIS Clearinghouse, NYSDEC, Chautauqua County	Yes, Findley Lake waterway access and boat launch and Chautauqua Creek public fishing.	None
Oil and gas pipelines	NYSDEC, NYSDPS	Yes, located throughout much of the 5-mile Study Area.	Yes, located throughout the Facility Site
Major communication and utility uses and infrastructure	NYS GIS Clearinghouse, NYSDEC	Yes, located much of the 5-mile Study Area.	Yes, located throughout the Facility Site
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	Yes, Ripley Central School and Sherman Central School, Hamlet of Ripley, Hamlet of Findley Lake	Yes, Ripley Central School and Sherman Central School

State Heritage Areas

The Facility Site and portions of the 5-Mile Study Area are located within the Concord Grape Belt State Heritage Area. State and National Heritage Areas are designated where historic, cultural, and natural resources combine to form cohesive, important landscapes, and are meant to be large, lived-in landscapes. Heritage area entities collaborate with local communities to determine how to make heritage relevant to local interests and needs, and to stimulate tourism in heritage areas. The Applicant has reviewed the Comprehensive Plans developed by local governments in Section (h), and the Facility will support several renewable energy and economic goals listed in the Plans. In addition, the Lake Erie Concord Grape Belt Heritage Area Management Plan (Peter J. Smith & Company, 2006) outlines the goals for the Heritage Area, several of which relate to the preservation of agriculture and historic and cultural resources, promotion of sustainable development and tourism opportunities, and conservation of natural resources within the Heritage Area. As discussed in Exhibit 15, there are no active grape vineyards present within the Facility Site. Construction and operation of the Facility will therefore have no effect on active grape vineyards. Exhibit 15 provides further discussion of agricultural resources within the Facility Site.

Public Recreation Areas

The Chautauqua Gorge State Forest and Mount Pleasant State Forest are NYSDEC Lands located east of the Facility Site within the 5-Mile Study Area. Two Chautauqua County parks are located immediately north of the Facility Site. Throughout the 5-Mile Study Area, several trails are present. State Bike Route 517 follows Route 5 along Lake Erie shoreline through the northern-most portion of the Study Area. The Chautauqua Lake Snowmobile Club maintains a

network of snowmobile trails throughout the Study Area. In addition, hiking trails are present within the NYSDEC State Forest and County parkland. There are no designated public recreation areas or trails present within the Facility Site; therefore, construction and operation of the Facility will have no effect on public recreation areas or trails.

Scenic Resources

A scenic byway is located at the extreme northern end of the 5-Mile Study Area along Lake Erie, outside of the viewshed area. Exhibit 8 provides further discussion of scenic resources and potential visual impacts of the Facility.

Archaeological and Historic Resources

The State and National Registers of Historic Places (S/NRHP) provide a dataset of historic and archaeological resources within the 5-mile Study Area. There are no NRHP-listed resources identified within the 5-Mile Study Area. As described above, much of the 5-mile Study Area and Facility Site are located within the Concord Grape Belt State Heritage Area. The New York State Historic Preservation Act and the New York State Historic Preservation Office (SHPO) 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 SHPO. Resources found on site are not included in mapping for this Exhibit and are further described in Exhibit 9 (Cultural Resources).

Major Communication and Utility Uses and Infrastructure

The Applicant consulted with owners of major communication and other utilities within the 5-mile Study Area. Figure 3-9 shows the locations of major fiberoptic, electric, and gas infrastructure within the Study Area. Section (e) above provides more information regarding major utilities in the Facility Site and the 5-mile Study Area.

Institutional, Community and Municipal Uses and Facilities

Several institutional, community and municipal uses and facilities are present within the 5-mile Study Area. These include two public schools (Ripley Central School and Sherman Central School), two Hamlets (Hamlet of Ripley and Hamlet of Findley Lake), and several municipal buildings.

No Wild, Scenic and Recreational River Corridors identified by the National Park Service (NPS), nature preserves, or camping areas exist within the 5-mile Study Area.

(I) General Compatibility with Existing Land Use within 1-Mile

As described in Section (d) above, the land in the Facility Site primarily includes a mix of vacant, agricultural, and rural residential uses. According to the NYSORPS, the majority of the 1-mile Study Area is categorized as vacant land (approximately 38% in terms of acreage), agricultural (approximately 22%), and residential land (approximately 35%) of the 1-mile Study Area. To a lesser extent, Wild, Forested, Conservation Lands, and Public Parks constitutes approximately 5% of land within the 1-Mile Study Area while other categories each comprise less than 1% of the 1-mile Study Area.

Table 3-4. Land Use Impacts

Land Use	Acres within 1-Mile Study Area	Acres within the Facility Site	Acres within Limits of Construction Activity
100 – Agricultural	3,508 (22%)	925 (27%)	275 (22%)
105	1,119	223	132
112	717	0	0
113	733	571	116
120	642	132	26
152	225	0	0
160	71	0	0
180	1	0	0
200 – Residential	5,501 (35%)	1,491 (44%)	560 (44%)
210	709	61	21
240	3,423	1,186	469
242	12	0	0
260	663	180	51
270	651	63	19
271	43	0	0
300 – Vacant Land	5,953 (38%)	956 (28%)	434 (34%)
311	665	83	14
312	882	43	16
314	92	0	0
321	1,551	238	157
322	1,891	509	232
323	779	70	14
330	1	0	0
331	10	0	0
380	81	13	1
600 – Community Services	5 (<1%)	0 (0%)	0 (0%)
620	0	0	0

Land Use	Acres within 1-Mile Study Area	Acres within the Facility Site	Acres within Limits of Construction Activity
662	1	0	0
692	1	0	0
695	3	0	0
800 – Public Services	18 (<1%)	10 (<1%)	1 (0%)
831	8	0	0
872	10	10	1
900 – Wild, Forested, Conservation Lands and Public Parks	778 (5%)	0 (0%)	0 (0%)
910	31	0	0
912	221	0	0
920	230	0	0
942	295	0	0
Unknown	49 (<1%)	0 (0%)	0 (0%)
Total	15,811	3,382	1,269

No substantial permanent changes in land use are anticipated because of Facility construction and operation, and no changes are predicted outside the Facility Site. The Facility components, area enclosed within the Facility fencing, and access roads will result in the conversion of approximately 1,087 acres. Disturbance to the remaining existing land uses within the Limits of Construction Activity will be temporary, infrequent, and minimal. Facility operation will not interfere with ongoing land use (e.g., farming and forestry activities) immediately adjacent to the Facility or within one 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 Applicant has conducted a study of the anticipated noise, traffic, and visual effects produced by the Facility, during both construction and operation, on current and planned land uses. Through community outreach, the Applicant has determined which land uses within 1-mile of the Facility are of particular concern to the community. This outreach has been primarily in the form of identification of viewpoints to determine potential visual impact of the Facility. A total of 14 visually sensitive resources were evaluated within the Visual Study Area, including seven visually sensitive resources that were identified by stakeholders responding to community outreach. All were included in the analysis described in Exhibit 8 (Visual Impacts) and the Visual Impact Analysis (VIA; Appendix 8-A). Several viewpoints identified through outreach efforts were of individual residences, while others were from well-traveled roads, or from local cemeteries, churches, or other public resources. Overall, the Facility is not anticipated to have a significant impact on land uses of particular concern to the community. See Exhibit 8 for more information.

As described in Exhibit 7 (Noise and Vibration), noise levels at the Facility will not exceed the design goals and 94-c permissible limits (varies from 40 to 55 dbA, see Exhibit 7) 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 temporary and 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 (Effect on Transportation) provides more information regarding the anticipated traffic during construction and operation of the Facility as well as efforts to minimize and mitigate such impacts. The visual impact of the Facility will primarily be realized in the immediate vicinity of the Project. Outside of these areas, visual screening from topography, existing vegetation, and from installed vegetative screening will significantly reduce Facility visibility within the 5-mile Study Area. Exhibit 8 (Visual Impacts) provides more information on the visual effect of the Facility, as well as efforts to minimize and mitigate such impacts.

As noted in Section (h) above, the proposed Facility aligns with and supports many of the goals outlined in the Chautauqua County's comprehensive plan. In addition to furthering the realization of renewable energy and sustainability goals outlined in the plans, the Facility will contribute significantly to the economic goals for local host communities. More specifically, the Facility will help capitalize on the County's energy resources, encourage economic development, and make sustainable use of local and green energy resources that will benefit the local environment and economy. Through PILOT agreements (described in detail in Exhibit 18, Socioeconomic Effects), the Applicant will contribute a significant sum of funding to taxing jurisdictions associated with lands where the Facility is proposed. Landowners participating with the Project will also receive a benefit for hosting the Facility on leased lands, allowing them to continue agricultural operations in the area and possibly contribute in other substantial ways to their community.

Compliance with NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects

The NYSDAM has adopted a guidance document that applies to solar energy generating facilities sited on agricultural lands. The NYSDAM's October 2019 *Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands* (NYSDAM, 2019) include construction requirements, restoration requirements, and postconstruction monitoring and remediation requirements. To minimize and/or mitigate impacts to active agricultural land and farming operations, Facility construction will comply with NYSDAM agricultural protection guidelines to the maximum extent practicable (see Exhibit 15 [Agricultural Resources] for a full analysis of the Facility's impacts to agricultural land). The Applicant and/or a designated third-party Environmental Monitor will consult with NYSDAM during construction if deviation from the approved plans is necessary. In addition, the Applicant will continue to consult with landowners and NYSDAM 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 (h), the Facility is consistent with regional and statewide plans outlined in Table 3-5 and state energy policies. See Exhibit 17 for more information regarding consistency with statewide energy plans and policies. As shown below, the proposed Facility is generally consistent with the goals and objectives outlined in the statewide plans.

Table 3-5. Facility Consistency with Regional and Statewide Planning Documents

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York Open Space Conservation Plan (2016)	<ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> - 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)	<ul style="list-style-type: none"> - Enhance collaboration to advance preservation. - Integrate preservation into local and regional decision making. 	<ul style="list-style-type: none"> - 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)	<ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> - 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)	<ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> - The Facility is aligned with the plan's stated goal of reducing greenhouse gases 30%. 	None
Chautauqua County Farmland Protection Plan (2000)	<ul style="list-style-type: none"> - Enhance opportunities for the growth and development of agriculture and agribusiness and for the preservation and protection of viable farmland in the county. - Enhance farm and forest industry profitability and increase economic development efforts in support of farming. - Farmland and forestland protection, preservation, and conservation. - Agribusiness retention and development. 	<ul style="list-style-type: none"> - Utilizing a renewable resource on agricultural land to generate electric power and provide local and regional economic benefits. - Maintaining agricultural land use patterns in the vicinity of the Facility. - Supplement farmers' income to ensure farms remain viable. 	<ul style="list-style-type: none"> - Some areas within the Facility Site will be removed from agricultural production.
Chautauqua County Economic Development Strategic Plan (2020)	<ul style="list-style-type: none"> - Reverse the trend of job loss and population in Chautauqua County through five initiatives, business development, workforce readiness and development, housing, community development, and tourism and destination development. 	<ul style="list-style-type: none"> - Utilizing a renewable resource to generate electric power and provide local and regional economic benefits. 	None
Western New York Regional Sustainability Plan (2013)	<ul style="list-style-type: none"> - Promote energy efficiency and conservation efforts throughout western New York in the most environmentally and sound way that results in reduction of greenhouse gas emissions. - Increase renewable energy generation in the region. - Preserve, protect, and enhance the viability of agriculture, including agricultural lands. - Strengthen the economic viability of agriculture and forestry enterprises. - Increase support for the protection of farmland, continued use of farmland for agricultural purposes, and for strengthening the business climate for agriculture and forestry in the region. 	<ul style="list-style-type: none"> - Utilizing a renewable resource to generate electric power and provide local and regional economic benefits. - Maintaining and supporting agricultural land use patterns within the vicinity of the Facility. - Support farms by supplementing farmers' income. 	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
Western New York Regional Economic Development Strategic Plan (2011)	<ul style="list-style-type: none"> - Promote and develop local agriculture through better access to markets, new products and processes, and a less burdensome regulatory regime. - Become a global hub for renewable energy, including hydropower, solar, wind, biomass, and geo-thermal. 	<ul style="list-style-type: none"> - The Facility is aligned with the plan's stated goals to promote renewable energy (solar) and support local agriculture by supplementing farmers' income. 	None

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

The Applicant intends to install collection lines underground to the maximum extent practicable; however, the Facility will include approximately 4 miles of overhead collection lines where underground installation is not feasible due to environmental sensitivities. In addition, the proposed Facility will connect the collection substation and existing South Ripley 230 kV POI substation using approximately 200 feet of aboveground 230 kV transmission line. This overhead interconnection will be located solely in a heavily developed section of the Facility Site (i.e., the substations and BESS) and will have no significant environmental impact. There are no other high voltage transmission lines proposed for this Facility.

Generally, the Applicant sited aboveground collection lines to avoid potential environmental impact of underground trenching in high sensitivity areas such as wetlands. These areas are typically removed from public vantage points and have been sited with feedback from host landowners to facilitate the continuation of current land uses in the easement areas. The Applicant has also developed a Planting Plan which identifies locations of planting screenings to mitigate potential visual impacts. The potential effects on visibility resulting from the overhead collection lines and interconnection are described in more detail in Exhibit 8 and Appendix 8-A.

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

The Facility will include approximately 22 miles of underground collection lines. A total of 1,479 acres will be located within 300 feet of the centerline of underground collection lines and related facilities, of which NYSORPS land use classifications are as follows: Residential, 597 acres (41%); Agriculture, 379 acres (26%); Vacant Land, 470 acres (32%); Community Services, 2 acres (0.1%); and Public Services, 9 acres (0.6%). Approximately 1,243 acres (84%) 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 will not prohibit or interfere with the continued use of current and proposed land uses within 300 feet of these components.

The construction of buried lines will result in a temporary disturbance. As discussed in Section (l), in agricultural fields, construction will generally be conducted in accordance with the NYSDAM *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* (NYSDAM, 2019), including the installation of underground lines 48 inches or more below ground on agricultural lands and at least 36 inches below ground in non-agricultural land. At these depths, permanent land use impacts associated with underground lines are not anticipated. The potential effects of underground collection line installation on existing and future land uses and proposed avoidance, minimization, and mitigation measures are described in more detailed in Exhibits 10, 15, and 20.

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

As depicted in Figure 3-9 and detailed in Section (j) above, the Facility Site is not located within a designated coastal area or in direct proximity of a designated inland waterway. Therefore, conformance with the Coastal Zone Management Act is not applicable. In addition, the Facility is not located within or adjacent to areas mapped by the National Oceanographic and Atmospheric Administration (NOAA).

(p) Aerial Photographs

Figure 3-10 contains aerial photographs within the vicinity of the Facility Site and is presented at a scale sufficient to visualize natural and cultural features (1:41,000). This mapping was prepared using 1-meter resolution natural color orthoimagery from the USDA National Agriculture Imagery Program (NAIP) captured during the 2019 growing season.

(q) Aerial Photograph Overlays

Figure 3-11 illustrates the Facility components, including access roads, along with the proposed limits of construction activity overlaid on 1-meter NAIP imagery captured in the 2019 growing season.

(r) Source of Aerial Photographs

As previously noted, Figure 3-10 was prepared using 1-meter resolution natural color orthoimagery from the USDA's NAIP captured during the 2019 growing season. The Applicant is not aware of any material changes in land use that have occurred since the aerial imagery was taken in 2019.

(s) Community Character

The proposed Facility is generally consistent with the largely rural character of the surrounding community within the town of Ripley. The relatively low profile of the PV arrays, combined with the proposed visual screening (see Exhibit 8), enable the Facility to appear to travelers and neighbors to be consistent with a rural/agricultural area. The Applicant has evaluated the Facility's consistency with local comprehensive plans in Section (h) above, and an analysis of the land use of the surrounding community is presented below.

Community Land Use Classifications

The Facility is proposed to be located wholly in the Town of Ripley, in a rural portion of Chautauqua County that is characterized by a mix of agricultural, rural residential, and forested land. According to the 2017 Census of Agriculture, agricultural land uses in Chautauqua County include over 223,000 acres (approximately 32%), of which 57% is used as cropland and 25% is used as timberland.

Based on NYSORPS land use classification data embedded in geospatial parcel data the Applicant acquired from Chautauqua County in 2019, land use within Chautauqua County is dominated by vacant land (34%), residential (33%), and agriculture (24%). The most common agricultural land uses in Chautauqua County include dairy products (33,988 acres), vineyards (26,629 acres), and field crops (19,563 acres). In addition to these active agricultural uses, vacant land (300-level property classifications) and vacant but productive farmland (property class 105) comprise approximately 42% of the total land area within the Chautauqua County, accounting for more than 272,000 acres. These vacant parcels are scattered throughout the County, and productive vacant farmland may be intentionally left fallow or as uncultivated fields. Typically, many farmers permit private hunting on these vacant fallowed lands during the hunting seasons, as with many rural areas throughout the state. Residential use associated with farming accounts for approximately 2% of agricultural land use in the County.

Community Character and Landscape Similarity Zones

The Applicant has classified the landscape similarity zones and visually sensitive resources within the 2-mile Visual Study Area in Exhibit 8 (Visual Impacts) as one method of showing community character in the area of the Facility. Within the Visual Study Area, the following landscape similarity zones were identified using a combination of the 2016 NLCD dataset, USDA Forest Service Tree Canopy Data, and New York State Place Locations published by the New York State Office of Cyber Security:

- Forest (65% of the Visual Study Area);
- Rural Residential/ Agricultural (30% of the Visual Study Area);
- Gorge (4% of the Visual Study Area); and
- Transportation Corridor (1% of the Visual Study Area).

The landscape similarity zone classifications are based on mapped land cover, elevation, and proximity to various landscape or land use features. Forest areas are occasionally interrupted by agricultural fields or residential properties occurring within the Rural Residential/Agriculture LSZ, which in concentration, can reduce contiguous forested areas to large woodlots or wide hedgerows. Forested lands are likely used by private landowners for hunting, recreating, or logging, and some of these areas may be associated with agricultural operations included in the Agricultural/Rural-Residential zone. The Rural Residential/Agricultural LSZ can be characterized by relatively small open fields with rolling hills and gentle slopes that are framed or enclosed by large woodlots and forest vegetation. These fields are generally conducive to active farming and primarily used by local residents and through-travelers/commuters. The Gorge LSZ includes portions of the Twentymile Creek and Belson Creek valleys, characterized by deep, narrow gorges until they merge to form Gage Gulf in the northwestern portion of the VSA. Users within the Gorge LSZ typically include local residents and recreational users, particularly fishermen and white-water rafters/kayakers. The Transportation Corridor LSZ consists of areas within 300 feet of Interstate Route 86 (I-86), a high-speed travel corridor. The Transportation LSZ is primarily used by local residents and through-travelers/commuters. Figure 5 of the VIA (Appendix 8-A) shows the distribution of landscape similarity zones within the Visual Study Area.

Visually sensitive resources identified within the Visual Study Area 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 Sections (j) and (k). The types of resources identified in the vicinity of the Facility are typical of what could be included in the landscape similarity zones described above. The proposed Facility will add industrial features to areas within the Facility Site; however, existing commercial agricultural buildings, a commercial trucking firm, electrical transmission and distribution lines, and an electrical substation are present in the area as well. Visual screening from topography, existing vegetation, and proposed vegetative screening will significantly reduce visibility of the Facility outside of immediately adjacent areas.

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

Approximately 80% (2,707 acres) of the 3,382-acre Facility Site is enrolled in a NYSDAM certified agricultural district, of which 1,093 acres occur within the LOCA and will be subject to temporary and permanent disturbance associated with construction and operation of the Facility. Any lands that are not maintained for the life of the Facility can continue to be farmed, preserving the character of the towns as farming communities. Moreover, as previously noted, 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.

As discussed in Exhibit 7, construction and operation of the Facility will have noise impacts. However, these impacts will be minor and will not affect the character of the community. Operational noise levels of the Facility will be in

compliance with ordinances established by state guidelines and noise levels recommended by WHO guidelines (the Facility design goals). In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks.

The Facility will introduce new visible elements (e.g., solar panels) into the existing landscape, which could be considered a change in community character for the primarily rural residential areas that surround the Facility Site. However, the visibility and visual impact of the solar panels will be highly variable based on distance, number of panels in the view, weather conditions, sun angle, extent of visual screening from topography and vegetation, scenic quality, viewer sensitivity and/or existing land uses. 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 Project, as further described in Exhibit 15, helping to preserve the area's agricultural character into the future. Moreover, the proposed Facility is a non-permanent use and will not result in a permanent conversion of existing land use. See Exhibit 8 for more information regarding anticipated visibility of the Facility. As described above in Section (k), there are no designated public recreation areas within the Facility Site.

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 residential development.
- Locating access roads and panels to avoid or minimize disturbance of wetlands, streams, and cultural/historic resources.
- Burying electrical collection lines between Facility arrays.
- Installing the visual buffer plantings developed by the Applicant 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.
- Identifying low-impact haul and transportation routes to minimize impacts from construction traffic.
- Consultation with various stakeholders to identify local resources of concerns and to minimize any potential impacts to the community.

Additionally, while the Project will temporarily remove farmland from active agricultural uses during the life of the Project, farmland utilized by the Project will be preserved for future use after decommissioning of the Facility, as described in Exhibit 23. The Applicant's Decommissioning Plan outlines measures the Applicant will take to restore

the Project Site to its prior land use(s), upon the conclusion of the operational life of the Project, thus preserving the long-term land use in the area.

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

According to data from the NYSDEC Environmental Remediation databases (NYSDEC, 2021a), the Facility Site does not have a history of environmental contamination; therefore, this section is not applicable.

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

(1) Oil and Gas Well Survey Methodology

The proposed Facility is located within NYSDEC Region 9 and a review of publicly available NYSDEC data of oil and gas wells (NYSDEC, 2021b) indicates that the Facility is sited within 500 feet of existing oil, gas, and mining solution wells. See Figure 3-4 for locations of mapped oil, gas, and mining wells in the vicinity of the Facility Site.

On behalf of the Applicant, Mott Macdonald LLC (Mott) performed a comprehensive survey of existing surface and subsurface oil and gas infrastructure within the Facility Site. This survey was initiated in July 2020 while the Project progressed under the requirements of Title 16 Article 10, Part 1001 of New York Public Service Law and included a combination of desktop review of publicly available data, consultation with NYSDEC and local oil and gas infrastructures providers, and an on-site survey using a McLaughlin locator and RTK GPS Trimble R10 system⁵ to field verify the locations of wells and subsurface utilities within the Facility Site. Per the requirements of 19 NYCRR 900-2.4(u), Mott prepared a description of this survey methodology on behalf of the Applicant, which was submitted to ORES for review on April 30, 2021. In an email response on May 21, 2021, ORES requested additional detail regarding the survey scope which was provided by the Applicant on June 28, 2021. ORES indicated in an email dated July 29, 2021 that this survey methodology is acceptable. Please see Appendix 3-B for a copy of the ORES correspondence.

⁵ Trimble R10 product information and specifications available at: <https://geospatial.trimble.com/products-and-solutions/r10#product-downloads>

(2) Mapping of Wells and Associated Infrastructure

The design drawings included in Exhibit 5 include the Facility components, limits of disturbance, and locations of identified oil, gas, and mining solutions wells. Figure 3-12 depicts the locations of all NYSDEC-mapped and field verified oil and gas wells within 500 feet from the Facility's LOCA (i.e., the Oil and Gas Well Study Area), underground oil and gas collection lines, access roads, and potential 100-foot buffers for field verified wellheads as well as Facility boundaries, proposed Facility components, and proposed areas of disturbance. Please note that, Figure 3-12 displays NYSDEC identified wells; however, not all NYSDEC-mapped wells were located and validated during field verification efforts. According to the NYSDEC Division of Mineral Resources, the NYSDEC-mapped well location information is derived from a variety of sources, including historic maps and paper records that pre-date the existence of a regulatory framework in New York. As such, NYSDEC-mapped well locations are considered "approximate" and could actually be located up to 100 meters away from the mapped location or not even be present. As noted in the Oil and Gas Well Survey Methodology (Appendix 3-B), field verification of mapped oil and gas wells utilized a McLaughlin Vison GX2 locator and RTK GPS Trimble R10 system, two commonly used utility locators capable of accuracy within 5 meters. Therefore, the field-verified wells displayed in Figure 3-12 provide more accurate representation of the actual oil and gas well locations. Table 3-6 below summarizes the wells located within 500 feet of the Facility's LOCA and provides GPS location information of each wellhead, and also cross-references the associated NYSDEC well information with the field verified oil and gas wells.

Table 3-6. Oil and Gas Wells within 500 feet of the Facility's Limits of Construction Activity

Source	FID	API Well #	Company	Well Type	Well Status	Longitude	Latitude	Associated NYSDEC Well ²
NYSDEC Division of Mineral Resources' Oil and Gas Well Database	13-10030	31013100000000	Paragon Resources, Inc.	DH	PA	-79.68436	42.1824	n/a ³
	13-10251	31013100000000	Paragon Resources, Inc.	DH	PA	-79.65913	42.18226	Outside of Facility Site
	13-9963	31013100000000	Empire Energy E&P LLC	GD	AC	-79.66523	42.17827	Outside of Facility Site
	13-10110	31013100000000	Empire Energy E&P LLC	GD	AC	-79.67788	42.1747	See Field Verification (FV) #5 Below
	13-10332	31013100000000	Empire Energy E&P LLC	GD	AC	-79.70412	42.17807	See FV#32
	13-10370	31013100000000	Empire Energy E&P LLC	GD	AC	-79.7059	42.18474	See FV#23
	13-10707	31013100000000	Empire Energy E&P LLC	GD	AC	-79.66091	42.19725	See FV#11
	13-10973	31013100000000	Pinzok, Michael & Linda	GD	IN	-79.7101	42.17731	n/a ⁴
	13-10998	31013100000000	Empire Energy E&P LLC	GD	AC	-79.69718	42.18339	See FV#33
	13-11040	31013100000000	Empire Energy E&P LLC	GD	AC	-79.66902	42.19216	See FV#10
	13-11043	31013100000000	Empire Energy E&P LLC	GD	AC	-79.67782	42.18743	See FV#7
	13-11117	31013100000000	Empire Energy E&P LLC	GD	AC	-79.66736	42.18584	See FV#22
	13-11133	31013100000000	Empire Energy E&P LLC	GD	AC	-79.70958	42.19057	See FV#18
	13-11137	31013100000000	Empire Energy E&P LLC	GD	AC	-79.70884	42.19711	See FV#19
	13-11414	31013100000000	Empire Energy E&P LLC	GD	AC	-79.64953	42.19711	See FV#13
	13-17845	31013200000000	Schreiner Oil and Gas Inc.	GD	IN	-79.72802	42.19216	See FV#27
	13-17847	31013200000000	Schreiner Oil and Gas Inc.	GD	IN	-79.74918	42.19767	n/a ⁵
	13-18144	31013200000000	Empire Energy E&P LLC	GD	AC	-79.71901	42.19945	See FV#21
	13-18570	31013200000000	Empire Energy E&P LLC	GD	AC	-79.72916	42.18336	See FV#25
	13-18599	31013200000000	Empire Energy E&P LLC	GD	AC	-79.74413	42.18983	See FV#24
13-27554	31013300000000	Chautauqua Energy Drilling, Inc.	GD	AC	-79.66292	42.181831	See FV#34	
Mapped O&G Wells Outside of Facility Site (No Survey Access)	1	n/a	n/a	n/a	n/a	-79.67684	42.18024	No Access
	2	n/a	n/a	n/a	n/a	-79.6981	42.1728	No Access
	3	n/a	n/a	n/a	n/a	-79.665434	42.179236	No Access
	4 ¹	n/a	n/a	n/a	n/a	-79.666111	42.179802	No Access
Field Verification of Mapped O&G Wells	1	n/a	n/a	n/a	n/a	-79.73769	42.18635	n/a
	2	n/a	n/a	n/a	n/a	-79.72812	42.19244	n/a
	3	n/a	n/a	n/a	n/a	-79.69207	42.18807	n/a

Source	FID	API Well #	Company	Well Type	Well Status	Longitude	Latitude	Associated NYSDEC Well ²
Field Verification of Mapped O&G Wells	4	n/a	n/a	n/a	n/a	-79.68653	42.192	n/a
	5	n/a	n/a	n/a	n/a	-79.68	42.17504	FID 13-10110
	6	n/a	n/a	n/a	n/a	-79.68067	42.17646	n/a
	7	n/a	n/a	n/a	n/a	-79.67768	42.18674	FID 13-11043
	8	n/a	n/a	n/a	n/a	-79.68016	42.19421	n/a
	9	n/a	n/a	n/a	n/a	-79.6803	42.19437	n/a
	10	n/a	n/a	n/a	n/a	-79.66895	42.19221	FID 13-11040
	11	n/a	n/a	n/a	n/a	-79.66095	42.19756	FID 13-10707
	12	n/a	n/a	n/a	n/a	-79.66102	42.19741	n/a
	13	n/a	n/a	n/a	n/a	-79.6498	42.19732	FID 13-11414
	14	n/a	n/a	n/a	n/a	-79.71686	42.19336	n/a
	15	n/a	n/a	n/a	n/a	-79.72858	42.18404	n/a
	16	n/a	n/a	n/a	n/a	-79.75724	42.19408	n/a
	17	n/a	n/a	n/a	n/a	-79.75746	42.19382	n/a
	18	n/a	n/a	n/a	n/a	-79.70877	42.19069	FID 13-11133
	19	n/a	n/a	n/a	n/a	-79.70892	42.19716	FID 13-11137
	20	n/a	n/a	n/a	n/a	-79.7186	42.19855	n/a
	21	n/a	n/a	n/a	n/a	-79.71864	42.19886	FID 13-18144
	22	n/a	n/a	n/a	n/a	-79.66836	42.18554	FID 13-11117
	23	n/a	n/a	n/a	n/a	-79.70549	42.1849	FID 13-10370
	24	n/a	n/a	n/a	n/a	-79.72751	42.20019	FID 13-18599
	25	n/a	n/a	n/a	n/a	-79.74445	42.18974	FID 13-18570
	26	n/a	n/a	n/a	n/a	-79.72812	42.19249	n/a
	27	n/a	n/a	n/a	n/a	-79.72791	42.19204	FID 13-17845
	28	n/a	n/a	n/a	n/a	-79.7462	42.18381	n/a
	29	n/a	n/a	n/a	n/a	-79.74716	42.19808	n/a
	30	n/a	n/a	n/a	n/a	-79.74721	42.19802	n/a
	31	n/a	n/a	n/a	n/a	-79.73833	42.19278	n/a
	32	n/a	n/a	n/a	n/a	-79.70418	42.17858	FID 13-10332
	33	n/a	n/a	n/a	n/a	-79.69626	42.1836	FID 13-10998

Source	FID	API Well #	Company	Well Type	Well Status	Longitude	Latitude	Associated NYSDEC Well ²
	34	n/a	n/a	n/a	n/a	-79.66321	42.18176	FID 13-27554

N/a = Data not available

¹ Although this well is mapped within Facility Site, it was not located during field surveys.

² Associated wells have been identified through geographic proximity and field verification of on-site infrastructure.

³ Although this NYSDEC location is mapped within Facility Site, at the time of survey site access was not permitted. Additionally, it is located in an area not under site control and sits farther than 100 feet from the nearest Facility equipment.

⁴ Although this NYSDEC location is mapped within Facility Site, it is located in a landowner-defined panel exclusion zone limiting above ground infrastructure and sits farther than 250 feet from the nearest Facility equipment.

⁵ Although this NYSDEC location is mapped within Facility Site, it is located on a portion of property that is not under site control and is excluded from the siting of Facility equipment.

(3) Compliance with Setback and Access Requirements

The Applicant designed the proposed Facility to minimize impacts to existing oil and gas operations and has considered various factors when siting facilities in the vicinity of active wells, such as, oil and gas facility owner coordination, existing access and operational conditions, and ORES standards. Accordingly, the Applicant has sited the proposed Facility to maintain or enhance access routes to oil and gas equipment and ensures at least 20 feet of unrestricted accessways to all field verified oil and gas wells within the Facility Site (see Figure 3-12). Additionally, where possible, the Applicant has incorporated a minimum 100-foot setback, which is equivalent to 0.72 acres of workspace, from oil and gas equipment for permanent buildings and structures outlined in the Facility layout.

In certain areas, fences and racking have been sited within 100 feet based on site specific limitations. Per 19 NYCRR §900-2.4(u)(3), as an alternative to achieving a minimum 100 foot setback, the Applicant provides an explanation in Table 3-7 which contains specific situations and conditions that allow for equipment to be sited within 100 feet of oil and gas wells, while still minimizing impacts to existing and future well operations. Multiple wells within the Facility Site currently exist within 100 feet from structures or features that would limit accessibility; however, these wells operate unimpeded, suggesting that a uniform 100-foot, 360-degree setback is not necessary for access and operation. Table 3-7 demonstrates that, in situations where a uniform 100 feet setback was not achievable, there remains sufficient access and workspace for the oil and gas facility owners to operate and maintain each well. For each of these wells, the immediately adjacent unencumbered access and workspace available for the oil and gas operator would be sufficient and comparable with the 0.72 acre that would be available by applying uniform 100-foot setbacks. All wells not included in Table 3-7 have uniform setbacks of at least 100 feet.

Table 3-7. Oil and Gas Well Setback Evaluation

DEC FID	Field Verified ID	Access Description
13-18570	25	The well remains accessible to the west via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from Miller Road (County Rt 3). Well equipment has unrestricted accessibility of at least 130 feet on the north, east, and south directions (270 degrees). Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on western side, but unrestricted accessway and 270-degree access of greater than 100 feet ensure accessibility for maintenance, operation, and potential decommissioning.
13-17847	n/a	The well location is located on a property on which the Applicant only has permission to site solar array equipment (fence and solar racks) in a limited development area. The well is accessible from the east and south via two minimum 20 feet unrestricted access routes from Miller Road (County Rt 3) and NE Sherman Road (County Rt 6). The well location sits outside of the boundary in which the Applicant is permitted to develop and is accessible via multiple paths outside of the proposed Facility boundaries. The portion of the parcel that hosts the well is planned to be subdivided by the landowner prior to construction and will no longer be part of the Facility Site and will not be accessible by the Applicant.
13-18144	20, 21	Gas well equipment has unrestricted accessibility from the south via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from NE Sherman Road (County Rt 6). Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on north, west, and east sides, but unrestricted accessway and open space to the south ensures accessibility for maintenance, operation, and potential decommissioning.
13-10370	23	Gas well is accessible via two minimum 20 feet unrestricted access paths (one being concurrent with existing well access road) from Sinden Road. Well equipment has unrestricted accessibility from the south, west, and east. Solar array equipment (fence and solar racks) is located within 100 feet from well equipment only on northeastern and southeastern perimeter for a distance of approximately 20 feet, but the unrestricted accessway and remaining multi-directional access of greater than 100 feet ensure accessibility for maintenance, operation, and potential decommissioning.
13-10332	32	Gas well is accessible via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from Sinden Road. Well equipment has greater than 100 feet setback from the south and approximately 100 feet of access to the east. Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on western and northern sides, but the unrestricted accessway and multi-directional access of greater than 100 feet to the south and east ensure accessibility for maintenance, operation, and potential decommissioning.
13-10998	33	Oil and gas equipment is located along NE Sherman Road (County Rt 6) and is accessible via a minimum 20 feet unrestricted existing access from NE Sherman Road (County Rt 6). Oil and gas equipment has unrestricted accessibility from the north and the west. Proposed solar equipment (fence and racks) is located within 100 feet of the oil and gas equipment to the south and east, however, would be sited over current tree stands, not impacting current access availability. Additionally, the unrestricted accessway and multidirectional access from NE Sherman Road (County Rt 6) ensures accessibility for maintenance, operation, and potential decommissioning.
13-11117	22	Gas well is accessible via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from NE Sherman Road (County Rt 6) through the forest, along Twentymile Creek. Well equipment has unrestricted accessibility from the south and the west and access of at least 130 feet on the north. Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on western side, but unrestricted accessway and 270-degree access of greater than 100 feet ensure accessibility for maintenance, operation, and potential decommissioning.
n/a	4	Oil and gas equipment is located along Post Road and is accessible via a minimum 20 feet unrestricted existing access from Post Road. Oil and gas equipment has unrestricted accessibility of from the north, west, and south directions (270 degrees). A solar fence of approximately 75 feet in length is located within 100 feet of the oil and gas equipment to the southeast, but unrestricted accessway and 270-degree access of greater than 100 feet ensure accessibility for maintenance, operation, and potential decommissioning.

DEC FID	Field Verified ID	Access Description
13-10110	5	Gas well is accessible via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from Post Road. Oil and gas well equipment has unrestricted accessibility of at least 100 feet on the north. Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on west, east, and south side, but unrestricted accessway and of greater than 100 feet to the north ensure accessibility for maintenance, operation, and potential decommissioning.
13-10707	11, 12	Gas well is accessible via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from Rt 76. Well equipment has unrestricted accessibility on the east and west directions. Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on north and south sides, but unrestricted access from the east and west ensure accessibility for maintenance, operation, and potential decommissioning.
13-11414	13	Gas well is accessible via a minimum 20 feet unrestricted access route (concurrent with existing well access road) from Rt 76. Well equipment has unrestricted accessibility from all directions. Approximately 20 feet of a single solar fence is within 100 feet from the oil and gas well equipment on southwestern side, however, an approximately 70 feet wide stand of trees sits between the fence and the well, negating potential access impact.
13-27554	34	Gas well is accessible via a minimum 20 feet unrestricted access route (concurrent with existing gravel well access road) from NE Sherman Road (County Rt 6). Oil and gas well equipment has unrestricted accessibility of at least 130 feet on the west, east, and south directions (approximately 200 degrees). Solar array equipment (fence and solar racks) is located within 100 feet from well equipment on northeastern and northwestern, but unrestricted accessway and excess space on the south and west sides ensure accessibility for maintenance, operation, and potential decommissioning and negate potential impact of fence and racking siting on the north and east sides.

As explained in Table 3-7, all well locations identified incorporate access paths greater than the regulation's requirement of 20 feet, all incorporate spacing for potential well servicing or plugging of greater than 100 feet from wells in at least one direction, and all wells are provided adequate, permanent workspace area that aligns with regulations proposing a setback of 100 feet. In compliance with 19 NYCRR 900-2.4(u) and 900-10.2(c), the Applicant will submit any agreements with well owners concurrent with the Applicant's Final Plans, Profiles and Detail Drawings demonstrating adherence to the setbacks identified in agreements or, if agreements are not able to be obtained by that time, a minimum of 100 feet to solar panel arrays, racks and fences so as not to preclude access to the well. In addition, the Applicant's Final Plans, Profile and Detail Drawings will show that the Facility structures will be sited to allow for sufficient space for construction of an access road to the well of at least 20 feet in width. In the event previously unknown oil and/or natural gas wells are confirmed within the Facility Site during construction of the Facility, the Applicant will immediately cease construction activities in the adjacent area surrounding the well and will notify and consult with ORES and DEC Region 9 Staff to determine what, if any, measures must be implemented.

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