



June 24, 2024

Will O'Leary
Oxbow Hill Solar, LLC
3402 Pico Boulevard
Santa Monica, CA, 90405
oxbowhill@ccrenew.com

RE: Matter No. 21-00060 - NOTICE OF INCOMPLETE APPLICATION
Public Service Law Article VIII (former Executive Law § 94-
c) Permit Application of Oxbow Hill Solar, LLC, for the
proposed Oxbow Hill Solar Facility, located in the Town of
Fenner, Madison County, New York (140 MW Solar Facility)

Dear Will O'Leary:

Based upon review of the above Permit Application submitted by Oxbow Hill Solar, LLC (Applicant) on April 23, 2024, the Office of Renewable Energy Siting (the Office or ORES) has determined that the Application, as submitted, is incomplete. A list of the areas of incompleteness and description of the specific deficiencies is identified in Attachment A to this letter, pursuant to 19 NYCRR § 900-4.1(d).

The Applicant should review the attached information and provide a supplemental response to the Office. The supplement should include both a clean and redline version of all updated exhibits, a full set of plans submitted electronically with revisions clouded, and associated Geographic Information Systems (GIS) spatial data as requested in Attachment B. Additionally, please provide a Table of Contents with names of corresponding PDF files in tabular format. The Permit Application shall remain incomplete until all requested information is received by the Office, and a partial submission of the requested material shall not change the incomplete status in compliance with 19 NYCRR § 900-4.1(e). Failure to respond in writing to the Office's notice of incomplete application may result in the Application being deemed withdrawn without prejudice in compliance with 19 NYCRR § 900-4.1(f).

Please note that the Applicant is required to serve a copy of its supplemental response on all entities entitled to receive a copy of the Application pursuant to 19 NYCRR § 900-1.6. The Office is committed to responding as expeditiously as possible to your complete supplemental response.

cc: Service List

Effective April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, ch 58, part O) repealed Executive Law § 94-c, repealed the current Public Service Law article VIII, and enacted a new Public Service Law article VIII entitled "Siting of Renewable Energy and Electric Transmission" (Article VIII) (see RAPID Act §§ 2, 11). The RAPID Act also transferred ORES from the Department of State to the Department of Public Service, continuing all existing functions, powers, duties, and obligations of the Office under the former Executive Law § 94-c, and adding new functions, powers, duties, and obligations related to major electric transmission siting (see id. §§ 3, 4). Further, all applications pending before ORES on the effective date of the Act are considered and treated as applications filed pursuant to the RAPID Act as of the date of application filing (see id. § 4). Accordingly, the caption now reflects these changes.

With respect to ORES's regulations at 19 NYCRR part 900 (Part 900), the RAPID Act transfers Part 900 to 16 NYCRR chapter XI, and continues Part 900 in full force and effect subject to conforming changes, such as the substitution of numbering, names, titles, citations, and other non-substantive changes to be filed with the Secretary of State (see RAPID Act § 7). Inasmuch as the conforming changes have not yet been filed, this notice retains the numbering of the former Part 900.

Finally, in light of the continuation of ORES, all administrative precedent issued under former Executive Law § 94-c remains applicable to proceedings under Article VIII.

ATTACHMENT A**Areas of Incompleteness and Description of Specific Deficiencies****ORES Matter No. 23-00060 Oxbow Hill Solar Facility**

Pursuant to 19 NYCRR § 900-4.1(d), this notice includes a listing of all identified areas of incompleteness and a description of specific deficiencies requiring a written response from the Applicant.

Without limitation, the additional analyses and information requested herein are necessary to make findings and determinations as to whether the proposed Oxbow Hill Solar Facility (Facility), together with applicable Uniform Standards and Conditions (USCs), site specific conditions, and pre-construction and post-construction compliance filings, would:

- a) comply with Public Service Law Article VIII and applicable provisions of the Office's regulations at 19 NYCRR Part 900;
- b) comply with substantive provisions of applicable State laws and regulations;
- c) comply with substantive provisions of applicable local laws and ordinances;
- d) avoid, minimize, or mitigate, to the maximum extent practicable, potential significant adverse environmental impacts of the Facility;
- e) achieve a net conservation benefit with respect to any impacted threatened or endangered species; and
- f) contribute to New York's Climate Leadership and Community Protection Act (CLCPA) targets by providing the estimated additional megawatts (MW) of renewable energy set forth in the Application, and provide the environmental benefits of offsetting the estimated number of tons of CO₂ and other emissions per year set forth in the Application.

Exhibit 3 - Location of Facilities and Surrounding Land Use

1. 19 NYCRR § 900-2.4(e) requires "a summary of any consultations with owners of major facilities ... that may be impacted by the facility".
 - a) Please provide a summary of any consultations with the proposed Hoffman Falls Wind Project regarding any components proposed to be co-located on Facility Site parcel 79.-1-6.1.
 - b) Please provide any updates regarding the details of the cooperative agreements with the Fenner Windpower Project (Enel Green Power) for collection line easement areas and co-location of access roads, collection cables, or other components, as applicable.
2. 19 NYCRR § 900-2.4(q) requires "[o]verlays on aerial photographs which clearly identify ... the limits of proposed clearing or other changes to the topography, vegetation or human-made structures..." Please revise Figure 3-11 to separately depict the limits of clearing and grading.
3. 19 NYCRR § 900-2.4(u) (2) requires "[a] map based on the survey required in subdivision (u) (1) of this section identifying the location of all wells and associated infrastructure (to the extent known), along with the facility boundaries, proposed areas to be disturbed, and proposed facility components."
 - a) Please provide a figure depicting the limit of disturbance (LOD), the 500 foot buffer of proposed areas to be disturbed, the actual survey area, known wells, and magnetic anomalies; provide the updated corresponding spatial data, as needed.
 - b) For any areas not surveyed in accordance with 19 NYCRR § 900-2.4(u) (1) using an Unmanned Aerial Vehicle magnetometer, provide a discussion of survey alternatives pursued or proposed.
 - c) For Anomaly D and any additional discovered unexplained anomalies, please provide a discussion of efforts to identify whether the anomalies represent oil or gas wells.

Exhibit 5 - Design Drawings

4. The Applicant requested a site specific condition to allow phased construction of the Facility. Please provide a preliminary phasing and filing plan to support this request.
5. 19 NYCRR § 900-2.6(d) requires that “[s]olar facilities shall meet the setback requirements set forth in Table 2.” Please revise Appendix 5-A: Design Drawings to separately depict the required setbacks overlaid with Facility components. For example, a unique linetype would depict the 100 foot setback to non-residential property lines. Alternatively, if a single linetype is used, please annotate each setback by dimensioning to the feature being avoided (e.g., occupied residence and centerline of public roads) and provide the corresponding spatial data.
6. 19 NYCRR § 900-2.6(f) requires site plans of the proposed facility. Please specifically address the following with respect to Appendix 5-A: Design Drawings:
 - a) There appear to be exclusion areas around existing wind turbines. Please provide an expanded narrative explaining the size and reasons for these areas and include any supporting information.
 - b) Please provide profiles for all access roads and collection lines. For example, Access Road 1.8 on sheet C-014 and C-024 does not seem to be shown on the profile sheets, and the access road on sheets C-015 and C-025 is not labeled and does not seem to be shown on profile sheets.
 - c) The site plans contain hatchings on some segments of access roads that are not defined in the legend. Please clarify this symbology.
 - d) Please revise the site plan and profile legend to include “gravel access road” and “pervious gravel access road,” and revise the site plans to clearly depict where access road segments will use the gravel and pervious gravel access road designs consistent with the cross-sections on Sheet C-603.

- e) Consistent with 19 NYCRR § 900-2.17(a)(1), please annotate the site plans to depict proposed driveway widths and the proposed geometry at intersections with public roads, including paved apron lengths and radius of curves to demonstrate compliance with all State, County, and local standards and regulations.
- f) Please confirm whether the depicted road design(s) are in conformance with the 2020 Fire Code of New York State (FCNYS). If applicable, please cross-reference correspondence with the Town fire code official for any proposed features that do not comply.
7. 19 NYCRR § 900-2.6(f)(2)(i) requires "[t]ypical elevation drawings indicating the length, width, height, material of construction, color and finish of all buildings, structures, and fixed equipment to be provided..." Please supplement Appendix 5-B: Electrical Design and Substation Plan Drawings with detailed elevation drawings, including the material, color, and finish for the electrical control house, riser structures, and H-frame take-offs of the collection substation and Point of Interconnection (POI) switchyard.
8. 19 NYCRR § 900-2.6(f)(2)(i)(b) requires drawings for "[s]witchyard station(s) and interconnection facilities (including fencing, gates, and all other station equipment); a general arrangement plan shall be included in the elevation drawing set showing elevation mark pointers (arrows) with reference to associated elevation views (including views of all components of the station)". Please revise Appendix 5-B: Electrical Design and Substation Plan Drawings to specifically address the following:
- a) Drawing E.102 depicts a 6-foot tall fence at the collection substation. Please revise the drawings to clearly demonstrate compliance with all pertinent electrical enclosure codes and standards, including the FCNYS, National Electrical Safety Code (NESC), and any applicable local laws. Provide a design detail for the proposed substation fence.

- b) Please update the General Notes to indicate that work within agricultural lands shall be completed in accordance with the October 18, 2019 Solar Energy Projects - Construction Mitigation for Agricultural Lands issued by the New York State Department of Agriculture and Markets (NYSAGM).
9. 19 NYCRR § 900-2.6(f)(2)(iii) requires "[t]ypical underground infrastructure section details including single and multiple circuit layouts with dimensions of proposed depth, trench width, level of cover, separation requirements between circuits... and a description of the cable installation process ..." Regarding the underground collection lines, please address the following:
- a) With respect to the Multi-Circuit Trench Detail on sheet E.100, please indicate the trench width and separation between the edge of cable/conduit and trench wall.
 - b) Please provide clearing width limits of the underground collection cable trenches necessary for construction and operation.
 - c) Please provide a detailed description of the installation process for collection cables running in parallel to existing Fenner Wind Farm cables.
 - d) With respect to Appendix 5-B: Electrical Design and Substation Plan Drawings sheet E.100, please explain the collection cable numbering for the routing paths. The legend indicates 1 to 4 AC conductors; however the routing, number of conductors, and the 34.5 kV relaying one-line diagram circuits on Drawing E.201 appear to be misaligned.
10. 19 NYCRR § 900-2.6(f)(5) requires "[a]ny manufacturer provided information regarding the design, safety and testing information for the... solar panel, inverters, substations, transformers, and battery storage equipment to be installed during construction, or as related to any equipment installed during facility operation." Please provide any available manufacturer provided information regarding the safety and

toxicity of materials used in the Facility components, including the proposed photovoltaic panels and transformer.

11. Please revise Exhibit 5 to address the following with respect to cultural resources:

a) Please update Appendices 5-A: Design Drawings and 5-B: Electrical Design and Substation Plan Drawings to indicate the location of archaeological site E01-01 as an Environmentally Sensitive Area (ESA). The ESA should be represented as a single polygon that includes the site and a 50-foot buffer, and is labeled "Environmentally Sensitive Area - No Access."

b) Please revise Appendices 5-A: Design Drawings and 5-B: Electrical Design and Substation Plan Drawings to include a General Note prohibiting significant ground disturbance within the ESA consistent with the measures in the final Archaeological Avoidance Plan approved by Office of Parks, Recreation, and Historic Preservation/State Historic Preservation Office (OPRHP/SHPO).

Exhibit 6 - Public Health, Safety and Security

12. 19 NYCRR § 900-2.7(c) requires a Safety Response Plan (SRP). Please update the SRP to include a map to be used by emergency responders with clearly labeled Facility components (e.g., all points of access and access roads, substation, switchyard, inverter IDs, array area IDs) and GPS coordinates or addresses of all points of access.

13. 19 NYCRR § 900-2.7(c)(5) requires the SRP to include "[a] description of all on-site equipment and systems to be provided to prevent or handle fire emergencies and hazardous substance incidents in compliance with the fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law." Please provide the required equipment description.

14. 19 NYCRR § 900-2.7(d) requires that the SRP and Site Security Plan (SSP) be provided to the New York Division of Homeland Security and Emergency Services (DHSES). Exhibit 6 states

that the SRP and SSP were provided to DHSES on October 6, 2023, and cites correspondence in Appendix 2-A: Community Engagement Plan. The relevant correspondence does not appear to be included in Appendix 2-A. Please supplement Appendix 2-A to provide this correspondence or provide a specific citation to its location in the Application.

Exhibit 7 - Noise and Vibration

15. 19 NYCRR § 900-2.8(p)(5)(ii) requires the Application to contain “[s]ound information from the manufacturers for all noise sources as listed above, and any other relevant noise sources.” Please provide manufacturer sound data for the control house HVAC equipment for the collector substation.

Exhibit 8 - Visual Impacts

16. 19 NYCRR § 900-2.9(a)(2) requires an analysis of “[t]he visibility of the facility, including visibility of facility operational characteristics, such as.. glare from solar panel arrays.” The provided glare analysis does not adequately analyze potential glare impacts to non-participating residences and roadways within areas of potential photovoltaic (PV) panel visibility. Please supplement the glare study to include additional representative non-participating receptors and road corridors for areas with potential PV panel visibility.
17. 19 NYCRR § 900-2.9(a)(4) requires a description of “[t]he appearance of the facility upon completion, including building/structure size, architectural design, facade colors and texture..” Please provide additional information and details showing the proposed design, colors, and texture of all structures proposed in connection with the Facility, including the control building and access road bridge illustrated in Appendix 5-A: Design Drawings sheet C-604.
18. 19 NYCRR § 900-2.9(a)(10) requires “[a] description of all visual resources that would be affected by the facility.” Please revise the Visually Sensitive Resource (VSR) Table to include the Faulkner Cemetery (05305.000010), Dougherty Cemetery (05305.000013), and Inman Cemetery (05305.000009)

which were determined eligible by the OPRHP/SHPO in response to the Historic Resources Survey.

19. 19 NYCRR § 900-2.9(b)(3) requires the use of viewshed mapping to "determine the potential visibility from viewpoints to be analyzed ... and locations of viewer groups in the vicinity of the facility..." Please revise Visual Impact Assessment (VIA) Table 5.2-1, the narrative discussion of viewpoints in Section 5.2.2, and any related sections to ensure that the Through-Travelers user group is represented in the photosimulations and related analysis.
20. Pursuant to 19 NYCRR § 900-2.9(d) a "Visual Impacts Minimization and Mitigation Plan [VIMMP] shall include proposed minimization and mitigation alternatives based on an assessment of mitigation strategies, including screening (landscaping), architectural design, visual offsets, relocation or rearranging facility components, reduction of facility component profiles, alternative technologies, facility color and design, lighting options for work areas and safety requirements..." Please revise the VIMMP to demonstrate how the current Facility layout avoids and minimizes potential visual impacts to the maximum extent practicable, including an expanded discussion of the iterative siting process in response to existing constraints, community feedback, consideration of existing natural resources, and local law compliance.
21. 19 NYCRR § 900-2.9(d)(3) requires that "[e]lectric collection and transmission facilities design shall specify use of either wood poles or steel pole structures." Please revise Appendix 8-B: VIMMP to demonstrate compliance with this requirement or indicate that there are no such pole structures proposed within the Facility Site.
22. 19 NYCRR § 900-2.9(d)(8) requires "[p]lanting plans which shall include the facility substation; energy storage structures; and the POI Switchyard; and for components of solar generating facilities as appropriate to facility setting." Please address the following:

- a) Provide a discussion quantifying the use of each of the six planting modules, describing how locations were selected for each module, and analyzing the effectiveness of the mitigation for the selected locations.
 - b) Develop an additional height-restricted screening module for implementation in areas where simulations demonstrated an increase in contrast resulting from mitigation plantings foreshortening views.
23. 19 NYCRR § 900-2.9(d)(9)(iii)(a) requires "... limiting the maximum total outdoor lighting output based on the lowest allowable OSHA limits; task lighting fixtures shall be designed to be placed at the lowest practical height and directed to the ground and/or work areas to avoid being cast skyward or over long distances..." Please provide a justification indicating that the provided mounting heights and illumination levels comply with the requirement for the lowest practical height and lowest allowable OSHA limits required.

Exhibit 9 - Cultural Resources

24. 19 NYCRR § 900-2.10(a)(1) requires "[a] summary of the nature of the probable impact on any archaeological/cultural resources identified, addressing how those impacts shall be avoided or minimized." Please address the following:
- a) Please revise Appendix 9-A: Cultural Resources Correspondence Summary, and other exhibits as applicable, to include the May 28, 2024 OPRHP/SHPO letter and revise the Conceptual Landscape Mitigation Planting consistent with the letter.
 - b) Exhibit 9, Table 9-1 and Appendix 9-A: Cultural Resources Correspondence Summary cite several instances of correspondence with the Oneida Indian Nation (OIN), including an email from the OIN stating that the Nation has no outstanding historic resource concerns. Please update Appendix 9-A to provide all records of written correspondence with the OIN Exhibit 9, Table 9-1 and Appendix 9-A.

25. 19 NYCRR § 900-2.10(a)(5) requires "[a]n Unanticipated Discovery Plan [UDP] that shall identify the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during the excavation process." Please update the UDP as follows:

a) Please remove the five business day requirement from UDP Section 3.8.

b) Include updated New York State Department of Public Service (NYS DPS) compliance staff on the UDP contact information list.

Exhibit 10 - Geology, Seismology and Soils

26. 19 NYCRR § 900-2.11(a)(4) requires "[a] description of the characteristics and suitability for construction purposes of the material [to be] excavated... and [c]haracterize subsurface conditions where hydraulic horizontal drilling [HDD] is proposed..." Please revise Figure 10-2: Trenchless Installation Locations to label the HDD locations using the numeric IDs from Exhibit 10, Table 10-1.

27. 19 NYCRR § 900-2.11(b)(2) requires that "[i]f piles are used... an assessment of pile driving impacts on surrounding properties and structures due to vibration." Exhibit 10, page 15 states that "[p]ile driving may be performed using high-speed impact hammers, vibratory drivers and extractors, down-the-hole hammers, or auger drives, all of which have the potential to emit vibrations." Accordingly, please provide a quantitative assessment of potential pile driving impacts, prepared by a qualified expert, including an evaluation of the potential for damage to surrounding properties and structures, and a plan for compensation as required by 19 NYCRR § 900-2.11(b)(3).

Exhibit 12 - NYS Threatened or Endangered Species

28. 19 NYCRR § 900-2.13(d) requires "...[a]n identification and evaluation of avoidance and minimization measures incorporated into the facility design, as well as any unavoidable potential impacts to NYS threatened or endangered

species or species of special concern." Please update Exhibit 12(d) to reflect construction time-of-year restrictions to avoid and minimize potential impacts to breeding grassland bird species of special concern and to forest raptor species of special concern in their respective habitats.

Exhibit 13 - Water Resources and Aquatic Ecology

29. 19 NYCRR § 900-2.14(c)(1) requires "[a] Stormwater Pollution Prevention Plan (SWPPP) for the collection and management of stormwater discharges from the facility site during construction." Please supplement Appendix 13-C: Preliminary SWPPP with a complete preliminary SWPPP demonstrating, with site-specific information, compliance with the State Pollution Discharge Elimination System (SPDES) General Permit. Such compliance includes adequate controls for construction stormwater quality and quantity as well as post-construction stormwater management provisions.

Exhibit 15 - Agricultural Resources

30. 19 NYCRR § 900-2.16(c), requires submission of an Agricultural Plan "to avoid, minimize, and mitigate agricultural impacts to active agricultural lands (i.e., land in active agriculture production defined as active three (3) of the last five (5) years) within NYS Agricultural Land Classified Mineral Soil Groups [MSG] 1 through 4."

a) Please revise Exhibit 15 to include itemization and acreages of permanent and temporary impacts to active agricultural lands within MSG 1-4 in tabular format, provide the corresponding spatial data, and ensure consistent characterization of temporary and permanent impacts to agricultural resources throughout Exhibit 15. In the context of Exhibit 15, permanent impacts to agricultural resources generally include impervious surfaces and conversion to built facilities, such as inverter pads, constructed collector substation and point of interconnection switchyard, constructed operations and maintenance building. Temporary impacts to agricultural resources are limited to components proposed to be removed during decommissioning and site

restoration consistent with the information provided in Exhibit 23, such as solar panels and racking equipment, fencing, and access roads.

- b) Please provide a table, and corresponding spatial data, to quantify the total area of active agricultural lands within MSG 1-4 relative to the fenced area, LOD, Facility Site, 5-mile study area, Town(s), County, and NYS in acreages and percentages; and include a Figure depicting these areas within the Facility Site parcels.

Exhibit 17 - Consistency with Energy Planning Objectives

31. 19 NYCRR § 900-2.18(g) requires "[a] statement of the reasons why the facility will promote public health and welfare, including minimizing the public health and environmental impacts related to climate change." Please provide the amount of reduced kilowatt-hours used in the Environmental Protection Agency (EPA) Greenhouse Gas Equivalencies Calculator. Please describe specific calculations and assumptions for expected annual power generation, capacity factor, and emissions factor/rate associated with the offset greenhouse gas emissions. Please include citations to established criteria supporting these calculations and assumptions and provide cross references to Exhibit 6, as applicable.

Exhibit 18 - Socioeconomic Effects

32. 19 NYCRR § 900-2.19(g) requires "[f]or each jurisdiction... an estimate of the incremental amount of annual taxes ... it is projected would be levied against the post-construction facility site, its improvements and appurtenances..." Table 18-11 presents estimated annual and cumulative total 20-year payment in lieu of taxes (PILOT) payments to local taxing jurisdictions. Please revise Table 18-11 to include expected tax revenue provided to these jurisdictions over the 40-year anticipated operational life of the Facility. Exhibit 18(g), page 13 states that the Applicant "...anticipates payments to the Cazenovia Fire District and the Smithfield Fire District; however ... the exact amount of this payment has not been finalized." Please revise Exhibit 18 to provide to the extent

practicable, an estimate of the annual tax payment that the Applicant anticipates will be made to each individual fire district.

Exhibit 19 - Environmental Justice

33. Please update the evaluations in Exhibit 19 and Figure 19-1: Potential Environmental Justice Area to consider the Facility's impacts to Disadvantaged Communities (DACs) consistent with 19 NYCRR § 900-2.20 and CLCPA § 7(3).
34. Consistent with 19 NYCRR § 900-2.20(b), please update the evaluations in Exhibit 19 to identify and assess the nature and magnitude of potential and significant adverse disproportionate noise, visual, traffic or other impacts occurring within or impacting DACs, as compared to Facility areas located outside of DACs, resulting from the construction and operation of the proposed Facility. Please include supporting information, facts and figures, and provide the proportion of impacts occurring within the DACs and the proportion of impacts outside of DACs. Please include analysis of any proposed minimization or mitigation measures proposed for potentially unavoidable impacts, consistent with 19 NYCRR §§ 900-2.20(b)(2) and (3), as necessary.

Exhibit 20 - Effect on Communications

35. 19 NYCRR § 900-2.21(d)(2) requires "[a] statement describing the anticipated effects of the facility and the electric interconnection ... including the potential for ... [s]tructures to block necessary lines-of-sight." Please supplement the narrative with additional details including the heights of Facility structures at the collection substation and POI switchyard and the potential for any structures to block necessary communication lines-of-sight.
36. 19 NYCRR § 900-2.21(d)(5) requires [a] statement describing the anticipated effects of the facility and the electric interconnection ... including ... [a]ny other potential for interference." Appendix 3-B: Magnetometer Survey, page 9 indicates that "[t]wo large metal communication towers are present in the survey area." Please supplement the narrative

to provide a discussion on potential for interference due to presence of these towers.

Exhibit 21 - Electric System Effects and Interconnection

37. 19 NYCRR § 900-2.22(a) (7) requires "[a] detailed description of the proposed electric interconnection, including ... [f]or underground construction, the type of cable system to be used and the design standards for that system." Please revise Appendix 5-B: Electrical Design and Substation Plan Drawings to incorporate details regarding the type of trench filling material, cable laying depths in different soil type areas, and use of conduits consistent with the narrative in Exhibit 21(a) (7). Additionally, please supplement the detail on the Appendix 5-B drawings for four circuits in parallel (Section A-2) and sectionalizing device (Section A-4).

Exhibit 22 - Electric and Magnetic Fields

38. 19 NYCRR § 900-2.23(c) (3) requires an aerial photo/drawing showing the location of each "[n]earest residence or occupied non-residential building..." Please provide an aerial photo/drawing that depicts the distance to nearest residence or occupied non-residential building.
39. 19 NYCRR §§ 900-2.23(d) (3) and (4) require that both electric and magnetic field modeling include "... digital copies of all input assumptions and outputs for the calculations." Please provide the "Cypress Creek EMF Calculation Spreadsheet" mentioned in the Appendix 22-A: Electric and Magnetic Field Study, page 4.

Exhibit 23 - Site Restoration and Decommissioning

40. 19 NYCRR § 900-2.24(a) requires a decommissioning and site restoration plan. Exhibit 23, page 2 describes restoration of agricultural land "...where suitable conditions exist..." and indicates that "...areas will be returned to pre-construction condition, to the maximum extent practicable..." Additionally, Appendix 23-A: Decommissioning and Site Restoration Plan, page 15 indicates that the Facility Site will be restored "...to the most practical extent back to predevelopment conditions." Please revise Exhibit 23 and Appendix 23-A to

clarify that agricultural areas will be restored in accordance with the NYSAGM Guidelines and explain, with specific cross references to other exhibits, where the Applicant anticipates that the Facility Site will not be fully restored to pre-development conditions (e.g. areas within the limit of vegetation management).

41. 19 NYCRR § 900-2.24(c) requires a cost estimate "...including projected salvage value (including reference to the salvage value data source) ... and removal and restoration of access road locations, where appropriate..." Please address the following:

- a) Appendix 23-A: Decommissioning and Site Restoration Plan, page 8 states that "[a]ccess roads would be removed unless the landowner(s) request that they remain in place." Other sections of the Decommissioning and Site Restoration Plan state that access roads that are no longer needed for the Facility will be completely removed. Please remove the statement that access roads may remain in place in accordance with landowner preference. In the alternative, revise the statement to indicate that access roads may remain in place "...[a]s may be allowed by federal, state, and local laws at the time of decommissioning."
- b) Please revise the cost estimate to include permitting, construction management, environmental oversight, and other project costs.
- c) Please provide reference materials, such as emailed quotes, to support salvage value projections.
- d) Please supplement the narrative and tables in Appendix 23-A to provide data showing unit removal quantities that allow for cross-checking removal and salvage values. For example, removal of 46,230 racks and posts. Provide data such as unit weight and unit price to support scrap values for frames, posts, and motors.
- e) Please provide data to support the "lump sum" cable removal and salvage quantities.

Exhibit 24 - Local Laws and Ordinances

42. 19 NYCRR § 900-2.25(a) requires that copies of zoning documents are included in the exhibit when such are referenced in such local substantive requirements. Please supplement Appendix 24-B: Local Laws and Ordinances to include copies of Local Law No. 1 of 2000 and Local Law No. 1 of 2001.

43. 19 NYCRR § 900-2.25(c) requires "[a] list of all substantive requirements... for which the applicant requests that the Office elect to not apply to the facility. ...For each local substantive requirement identified by the applicant, a statement justifying the request shall be provided. The statement of justification shall show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable..." Please specifically address the following:

a) Regarding the request for relief from the maximum structure height requirements of Land Use Schedule, Table 1 for structures within the interconnection facilities:

- i. Please provide additional explanation for the Applicant's position that the height requirements in the Land Use Schedule are not applicable to structures within the proposed interconnection facilities, including a description of the Applicant's classification of the designated use within the applicable zoning district.
- ii. Please specify the maximum approximate height of any Facility component for which relief is being sought.
- iii. Please provide the parcel numbers(s) for the parcels located in the Town of Fenner that are the subject of this request for relief.

- b) Regarding the request for relief from landscape screening zone requirements of Land Use Schedule, Table 1, note e., please identify how the Facility is classified as a specific use (i.e., multi-family, mobile dwelling park, business, professional, or industrial) in the zoning districts where it is proposed to be located, and provide additional explanation to support the Applicant's position that the landscape screening zone requirement is not applicable to the proposed Facility.
 - c) Regarding the request for relief from the bulk regulation requirements of the Land Use Schedule, Table 1 (Setbacks):
 - i. Please provide additional explanation for the Applicant's position that these requirements do not apply to the Facility.
 - ii. Please provide the acreage per parcel that would be removed from the proposed Facility if the Applicant were to fully comply with local bulk requirements and the basis and methods for the approximate 16 MW loss in generation capacity.
44. 19 NYCRR § 900-2.25(d) requires a summary table demonstrating the degree of compliance with applicable substantive provisions of local laws and ordinances. Please revise Table 24-1 to include the following:
- a) § 100.4(D) of the Town of Fenner Land Use Regulations (as amended by Local Law No. 2 of 2021);
 - b) §§ 301.4, 302.4, and 303.4 of the Town of Fenner Land Use Regulations; and
 - c) Exhibit 24, page 5 indicates that the Facility will comply with Article 4, Section 402, which requires compliance with standards contained in the Uniform Fire Prevention and Building Code (Fire Code). The Facility design proposes to use 14 foot wide access roads, which does not meet Fire Code requirements. Please provide a detailed discussion of the Facility's compliance with Fire Code provisions, with cross reference(s) to

specific information in other exhibits and documented consultations with local fire department and fire code officials.

ATTACHMENT B

GIS Spatial Data Requests

ORES Matter No. 23-00060 Oxbow Hill Solar Facility

Please provide a complete file geodatabase (FGDB) and updated index of GIS data sources containing all project GIS data, including any exhibit with new or modified spatial data. Data should be organized by individual feature datasets for each exhibit. Office staff will consider all feature layers contained within the most recently submitted FGDB to be the authoritative data for the Facility. Please provide spatial data and any applicable source references as described below:

19 NYCRR Reference	Requested Spatial Data
§ 900-2.6(d)	For local setback requirements, please provide setbacks as individual feature layers for each setback type, or in a single layer, indicating in the attribute table the setback type and feature which the setback corresponds to (e.g., occupied residence and centerline of public roads).
§ 900-2.6(f)	Please provide a layer depicting the sheet index boundaries in Appendix 5-A: Design Drawings. The layer should contain a field representing the associated sheet(s) name(s) (e.g., C-XXX).
§ 900-2.16(c)	Field-verified active agriculture land use (including all lands involved in the production of crops, livestock, and livestock products for three (3) of the last five (5) years) within MSG 1-4.
§ 900-2.16(c)	Temporary and permanent impacts, including an attribute table that lists each impact and acreage, of field-verified active agricultural lands within MSG 1-4.