

Narrative in Support of Parts 2 and 3 of SEQRA EAF
Norbut Solar Farm-Town of Burns
(section number references are to those in Part 2 of the SEQRA Form)

Description of Action and Summary of Determination

The proposed action would construct and operate five nominal 5-megawatt ground-mounted solar energy system facilities and associated electrical appurtenances at 00 State Route 70 and 00 County Road 13A (the "Project Site", being Tax IDs: 34.-1-14 and 34.-1- 1.21, respectively) in the Town. The proposed solar photovoltaic (PV) systems would be installed on a 126.30-acre combination of what is currently forested and agricultural land on parcels totaling 163.50 acres. The proposed solar array (the "Project") will involve mounting PV panels on racking systems that will be pile-driven into the ground and the solar facilities then connected to the electrical grid. Installation will include gravel access roads/areas, equipment pads for inverters, electric interconnection lines, perimeter fencing, and vegetated soil cover. Existing roads will also be utilized to access the site.

The Town Board has carefully reviewed the information and answers given in the Part 1 EAF, the application materials, and supplemental applications materials provided by the Applicant. This information was utilized in the Town Board's identification of impacts in preparing the Part 2 EAF. In order to assess whether the potential impacts identified by the Town Board, the Town's consultants, and comments at the public hearing, may have a significant adverse impact on the environment, the impacts reasonably expected to result from the proposed action were compared against the criteria for determining significance provided in 617.7 of the SEQR regulations.

Based on this analysis, the Town Board has not identified any large or significant adverse impacts on the environment as a result of the proposed action. Instead, the potential impacts identified using the criteria provided in Part 2 of the EAF were found to be small to moderate in importance, particularly in consideration of their magnitude, geographic scope, irreversibility, duration, number of people affected, and probability. The Town of Burns Town Board therefore issues a Negative Declaration for the Project. The following information has been provided to document the findings of the Town Board with regard to the significance of potential adverse environmental impacts.

1. Impact on Land

- a. The water table in the Project Site involves construction on land where the depth to water table is less than 3 feet, and generally between 0.5 and 2.0 feet. Given the shallow water table and the potential for erosion and sedimentation impacts, the Town will require the Project to implement erosion control measures in accordance with the SWPPP prepared for the Project site. However, the anticipated impact is small because only minor levels of soil disturbance are expected to occur, largely related to driven pilings for racking systems, grading related to access roads, and excavation for 5 relatively small concrete pads for inverters and power conditioning equipment.
- b. About 7% of the Project Site may involve construction on slopes of 15% or greater and 77.5% of the Project Site contains slopes of a grade of 10 to 15%. The impact from construction on this portion of the project site will be small because of the limited portion of the site containing 15% or greater slopes,

the amount of construction on these slopes is limited to pile driven foundations, and minimal cut and fill is anticipated on these slopes.

- c. The depth to bedrock at the site ranges from 0.5 to 2.5 feet. However, the impact will be small because the amount of ground disturbance will be limited because of the use of pile driven foundations and the applicant will be required to comply with the NYSDEC General Stormwater Permit for Construction Activity.
- d. The Project will remove less than 1,000 tons of natural material.
- e. No impact. Construction is anticipated to be completed in less than one year.
- f. The Project will cause a small environment impact as a result of erosion. The Project includes some construction of some impervious surfaces, including access roads and concrete pads for equipment, but runoff is controlled with a SWPPP and the impervious surfaces cover a small percentage of the parcel. Additionally, for the portion of the Project where impervious surfaces are not present, the Project complies with NYSDEC guidelines for management of stormwater at solar energy facilities.

3. **Impact on Surface Water**

A wetland delineation conducted on the Project Site identified that nine (9) federally (US Army Corps of Engineers) regulated palustrine emergent (PEM) wetlands totaling 11.45 acres and four (4) federally regulated (two NYS Class C and two Class D) streams. According to the Site Plans, there will be both temporary and permanent impact associated with streams and wetlands. Temporary impacts associated with the wetlands are primarily due to them being located within the solar panel arrays being placed over top of them. Poles for the panels will be driven into the ground. The USACE does not consider this to be a regulated impact to wetlands and does not regulate posts as fill. Since all of the wetlands are palustrine emergent (PEM) they will remain as such during the life of the Project and there will be no permanent conversion or change in land use for those wetland areas. The proposed access roads cross multiple streams and wetlands throughout the Project Site. Fill will be required to install the road and associated culverts at the crossings. The combined stream impact length is 117-lf and the combined wetland impact is 0.12-acres. An USACE Nationwide Permit applies to the federally regulated wetlands.

Additionally, 3.94 acres of impervious surfaces will be installed associated with access roads and about 6.5 areas of forested land will be cleared.

- d. The Project will involve construction within a freshwater wetland and impact streams on the Project Site. Poles for the panels will be driven into the ground in a substantial portion of the wetlands present at the Project Site. Approximately 117 linear feet of stream and 0.12 acres of wetland will be impacted associated with culverts for road crossings. These quantities are within the thresholds for USACE Nationwide Permit 14 and 51, which require pre-construction notification to USACE. However, the impact will be small because runoff is controlled with a SWPPP and covers a small percentage of the Project Site.
- e. The impact from turbidity is considered small because the potential turbidity is of a temporary nature, is easily controlled with erosion control methods pursuant to the NYSDEC General SPDES Permit, and will take place only during construction phase of the Project.

h. The Project will cause a small environment impact as a result of erosion. The Project includes some construction of some impervious surfaces, including access roads and concrete pads for equipment, but runoff is controlled with a SWPPP and the impervious surfaces cover a small percentage of the parcel. Additionally, for the portion of the Project where impervious surfaces are not present, the Project complies with NYSDEC guidelines for management of stormwater at solar energy facilities.

j. As provided in the Operations and Maintenance Plan (O&M) Plan for the Project, organic herbicides will be used to manage vegetation as necessary at the Project Site.

7. Impact on Plants and Animals

The U.S. Fish and Wildlife Service indicates the potential presence of one threatened species, the Northern Long-eared Bat, and one candidate species for protected status, the Monarch Butterfly. Records maintained by NYSDEC's Natural Heritage Program do not indicate presence of the bat in this area. Moreover, according to NYSDEC, the Project site does not contain any critical habitats, and there are no records of rare or State-listed animals or plants, or significant natural communities on, or in the immediate vicinity of the Project Site.

Given the recent history of active agriculture at the site, there are likely no threatened or endangered species currently present at the site. The proposed mowing for vegetation management will further reduce the likelihood of T/E species taking up residence before construction commences and reduces the likelihood of direct take of any listed species by construction activity. There may still be indirect take as the surrounding lands appear to be suitable habitat for T/E grassland birds, but not enough to require an incidental take permit.

The installation of the solar array would involve the removal of approximately 6.5 acres of wooded habitat from the site. The 6.5-acre portion to be cleared is generally part of a larger forested area bordering agricultural land which will generally be replaced by the solar panel array and a ground cover of herbaceous plants, seeded with a pollinator mix. The presence of nearby wooded areas adjacent to the Project Site and within the larger forested ridgeline would mitigate the effects of habitat loss or change, and therefore, no large or significant adverse impacts on tree or wildlife species have been identified.

8. Impact on Agricultural Resources

The Project Site includes about 151.90-acres of highly productive soils and is mostly considered Farmland of Statewide Importance. The southern parcel (34.-1-14) is registered under the Allegany County 003 Agricultural District (ALLE003). The northern parcel (34.-1-1.21) is not registered to an Agricultural District even though it has historically been used for agricultural purposes.

The Applicant's commitment to NYSEDA as part of the funding for the project is to adhere to the Ag and Market's Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (10/18/19), in its entirety, and its commitment to return the affected parcel to its current condition once the project is decommissioned. These requirements would be incorporated into the conditions of the solar permit issued for the Project by the Town. In addition, as required by the Town Solar Law, the Applicant will provide financial assurance, through a bond or letter of credit, to benefit the Town so

that, in the event the Applicant fails to decommission and restore the property at the end of the useful life of the solar project, the Town will have the funding available to it to decommission and restore the site as provided in the approved decommissioning plan.

The impacts to Agricultural Resources are therefore deemed to be small.

9. **Impact on Aesthetic Resources**

The project will be screened from adjacent properties with existing vegetation and landscape screening along the perimeter of the facility. The Project is not visible from or within any officially designated federal, state, or local scenic or aesthetic resource. The Project will only be partially visible from public areas. Therefore, there will be no adverse impact on aesthetic resources.

15. **Impact on Noise, Odor, and Light**

No significant impacts on odor or light would result from the proposed Project.

The proposed action will include the creation of noise or noise sources during construction from the movement of trucks, operation of equipment, and installation of the piles, racking and panels. Noise sources are expected to be generated from construction equipment and vehicles during the weekdays Monday through Saturday, 7am – 7pm, as needed.

With regard to noise during Project construction, due to the shallow bedrock, pounding noise associated with pile installation would occur. Standard industry data for pile-driven solar racking posts indicates that the pile driver can produce a maximum instantaneous sound level of 84 dBA at 50 feet when the hammer is operating. However, a pile driver only operates at full power for a short period of time. Based on the standard noise attenuation rate of minus 6 dBA per doubling of distance for point sources, maximum off-site instantaneous levels from the pile driver operating at full power would be approximately:

- 84 dBA at 50 feet away (equal to the sound of an alarm clock)
- 78 dBA at 100 feet away
- 72 dBA at 200 feet away (equal to the sound of a washing machine)
- 66 dBA at 400 feet away
- 60 dBA at 800 feet away (equal to the sound of an electric toothbrush)

The nearest residences are located at a distance of as close as about 500 feet from anticipated pile driving activities and a tree line is present between the pile driving activities and the residences. Additionally, typical farm equipment utilized on agricultural properties such as the subject parcel and other parcels in the vicinity of the project site, including tractors and combines, operate at a noise range of 90 dBA to 97 dBA at 50 feet, producing noise at a factor of 10 higher than the proposed racking installation by pile driver.

As such, no significant adverse impact related to noise is anticipated as a result of the project.

Once operational, there would be some noise from the inverters and the tracking panels during daytime hours, but such noise is expected to be minimal and to dissipate quickly with increasing

distanced from the panels. As a result, no large or significant noise impacts are anticipated when the solar array is operational.

Lighting for the Project will be limited to that required for safety and operational purposes and shall be shielded from abutting properties, directed downward, and will incorporate full cutoff fixtures to reduce light pollution. Therefore, no light shining onto adjacent properties is anticipated and no change in sky-glow is expected from current conditions.

No blasting is proposed for the construction of the Project and the Project will not generate odors except those that may be associated with construction equipment during the construction.

17/18. Consistency with Community Plan/Consistency with Community Character

While the project alters the visual landscape within the immediate areas of the Project Site, the Project activities do not have other significant adverse environmental impacts and the project is sited in such a manner, with setbacks and significant buffering, so that the visual character of the natural landscape is not noticeably different when viewed from publicly accessible viewpoints. In addition, the change to the natural landscape is not in sharp contrast to the broader area.

Solar energy systems are allowed under Town Code as a specially permitted use. Several solar arrays currently exist or are proposed within Town boundaries, which is distinct land use from the existing rural land use pattern of nearby properties, which include a mix of agricultural, wooded, and some residential uses

The proposed action is unlikely to induce significant new growth, promote development, increase density or require expanded public infrastructure within the designated rural or residential areas.

The O&M Plan indicates how the Applicant proposes to maintain the solar energy system with regular monthly mowing and without the use of pesticides. The Decommissioning Plan will return the land to its pre-development state when the Project has reached the end of its useful life and financial security is included in the Decommissioning Plan to assure that the Town would have funds available to remove the solar array if the operator of the Project is unable to do so at the time.

The racking and panels are set back a minimum of about 900 feet from State Route 70, approximately 500 feet from the closest residence on State Route 70, and is screened with trees and additional landscaping that will screen views into the area where the solar panels would be developed. This conclusion is further supported by line of site profiles submitted with the application.

The project is therefore consistent with community plans and will have a small impact on community character.