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Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

**NYS Department of Agriculture and Markets – Agricultural Districts Law §305(4)
Short Form Notice of Intent to Undertake an Action Within an Agricultural District for
Solar Energy Projects Affecting Less than 30 acres in Soil Groups 1 - 4**

Instructions: The purpose of this form is to provide NYSERDA with the necessary information required to submit a Notice of Intent to the Department of Agriculture and Markets (NYSAGM) for the Project Developer. Please populate all fields in this template, as applicable, and return to NYSERDA, with a copy to commercial.industrialpv@nyserda.ny.gov, and upload as part of your NY-Sun Commercial/Industrial application. Please add additional documents if desired and include required maps and/or other figures as outlined below in the response sent to NYSERDA. **If the proposed project impacts more than 30 acres, please refer to the Long Form Notice of Intent Submission Form. NYSERDA has provided Contractors with mapping resources ([the interactive map is available here](#)) to assess the level of overlap that their Facility Area is expected to have on Mineral Soil Groups (MSG) 1-4.**

Provide, as part of your response package to NYSERDA, maps showing the site of the proposed action including the following:

1. The proposed solar array layout of the project on an aerial image.
2. Label or annotate the map with all affected landowners, including tax map numbers, surrounding land uses, and type(s) of agricultural production.
3. Label all points of interconnection with the public utilities, all transmission lines associated with the project, equipment storage or mobilization pads/construction areas, and access roads/driveways
4. A copy of the NRCS Web Soil Survey map of all affected parcels, including the breakdown of soils impacted (Soil Groups 1 - 4)¹.

I. Project Description and Agricultural Setting:

Project Address: 2621 NYS RT 55
 Authority Having Jurisdiction: Town of Glen
 Total Facility Area²: 20
 Impacted MSG 1-4 within Facility Area: #2 Soils Only - 9 acres

County: Montgomery
 Agricultural District: 3
 Total Parcel Size: 48

Project Name: 2621 State Highway 5S-Glen
 Public Entity: NYS Energy and Research Development Authority
 Developer: Borrego Solar Systems, Inc.

¹ Mineral Soils Group (MSG) 1-4 are defined by the NYS Department of Agriculture and Markets for each soil type in each county identified by the United State Department of Agriculture, and are used to classify the state's agricultural lands based upon soil productivity and capability. Each county in New York State has a listing of all soil types present in the county that is associated with a specific mineral soil group, MSG 1 through 10. The interactive map of MSG 1-4 is available [here](#).

² The Facility Area is defined as all land area occupied during the commercial operation of the generation facility, the associated interconnection equipment and, if applicable, energy storage equipment as verified by NYSERDA through the Operational Certification process. Generally, this will include all areas within the facility's perimeter security fence(s) and the applicable facility related improvements outside of fenced areas. The Facility Area shall include the area "inside the fence" of the project including all fencing inclosing the mechanical equipment such as the solar arrays, inverters, location of any combiner boxes, fuses, switches, meters, distribution boards, monitoring systems such as Balance of Systems components, interconnection equipment, and stormwater controls. The Facility Area shall additionally include improvements of the project "outside of the fence" including access roads, parking areas, stormwater controls and other permanent facilities, or structures installed at the Facility Area, except vegetative landscape screenings or appropriately buried utilities such as electrical conductors or conduit(s).

New York State Energy Research and Development Authority

Albany
 17 Columbia Circle, Albany, NY 12203-6399
 (P) 1-866-NYSERDA | (F) 518-862-1091
 nyserda.ny.gov | info@nyserda.ny.gov

Buffalo
 726 Exchange Street
 Suite 821
 Buffalo, NY
 14210-1484
 (P) 716-842-1522
 (F) 716-842-0156

New York City
 1359 Broadway
 19th Floor
 New York, NY
 10018-7842
 (P) 212-971-5342
 (F) 518-862-1091

**West Valley Site
 Management Program**
 9030-B Route 219
 West Valley, NY
 14171-9500
 (P) 716-942-9960
 (F) 716-942-9961

Project Developer Information: Borrego Solar Systems, Inc.

Name/Title: Steve Long - Project Developer Email: slong@borregosolar.com
Phone Number: 603-455-9483 Fax Number:

Contact Information of other individuals authorized to respond to Agriculture & Markets inquiries:

Name/Title: Greg Gibbons - P.E. Civil Engineer Email: ggibbons@borregosolar.com
Phone Number: 315-378-9567 Fax Number:

Name/Title: Email:
Phone Number: Fax Number:

Anticipated date of commencement of proposed action³: 6/1/2022

Date of Interconnection Application: 10/4/2020

Provide information regarding the system size, NY-Sun incentives awarded, the current status of interconnection and any other relevant information for the project.

The project is a 5 MW AC generating solar collection facility. The fenced solar area will be 18.83 acres in size with an additional acre of area occupied by the access road/storm water features. This results in a 20 acre facility area. 9 acres of Type #2 Soils are being impacted No incentives awarded at this time. CESIR received 6/4/21; 25% payment made in September 2021.

Affected Landowners⁴:

1. Name(s): Jeffery Lanfear
Address: 2621 NYS RT5S
Parcel Number(s): 53.3-1-13
2. Name(s):
Address:
Parcel Number(s):
3. Name(s):
Address:
Parcel Number(s):

Operator of the Parcel (if different from the listed landowner):

³ The commencement date is the first day the Project Developer/Developer starts any construction-related activity and may include, but is not limited to, creating access road(s), digging underground trenches, starting land clearing, staging supplies and/or equipment, or installing solar panels.

⁴ Provide the names, addresses, and tax parcel identification numbers for the landowners that are directly affected by the construction of the proposed project within the agricultural district. This includes the owners of the land where the project will be constructed and any other landowner that may be affected by the construction of an access road or transmission lines across their property. Do not include landowners within the project vicinity that are not within the agricultural district.

II. Adverse Agricultural Effects:

Has the proposed action been approved by the affected local municipality?

Yes No

If no, please cite approvals which are still pending:

[Redacted area]

Is the parcel subdivided, or will the parcel be subdivided?

Yes No

If yes, will the parcels be merged after the system has been decommissioned? Yes No

Has the Project Company avoided and/or minimized impacts to prime soils in the consideration of the proposed layout?

Yes No

If no, please explain:

[Redacted area]

Will unaffected portions of any impacted farms remain in agricultural production?

Yes No

If yes, will the landowner have access to the remainder of the agricultural field?

Yes No

III. Alternatives to the Proposed Action:

Were other alternative sites considered within the same county?

Yes No

Were non-agricultural locations or locations outside of a State Certified, County Adopted Agricultural District considered?

Yes No

If no, explain :

No other property owners were interested.

Describe alternatives to the proposed action, and reasons why the project site was selected as the preferred site for the proposed action. An alternative site is viewed as any other parcel(s) that were assessed or reviewed to be a potential candidate to host the project, before arriving at the selected location. Provide only the tax parcel ID and a brief explanation as to why the parcel was not ultimately selected.

53.-1-20.111, 53.-1-21, 69.-1-1.111, 68.-1-11, 68.-1-20.212 - Owners not interested

IV. Mitigation measures proposed:

NY-Sun supported Projects in Agricultural Districts are required to adopt the NYSAGM *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* (10/18/19) (Guidelines) in their entirety. Confirm both that the Guidelines will be adhered to in their entirety and include a signed copy with this filing.

- I confirm that the Project will conform to the NYSAGM Guidelines, in their entirety.
- Signed copy of Guidelines included in application.

Does the decommissioning plan ensure the project site will be restored to its previous condition upon decommissioning?

- Yes No

If no, please explain:

Additional mitigation measures proposed, if any:

When this form is completed, the Project Developer must provide his/her signature prior to submitting the form to NYSERDA.

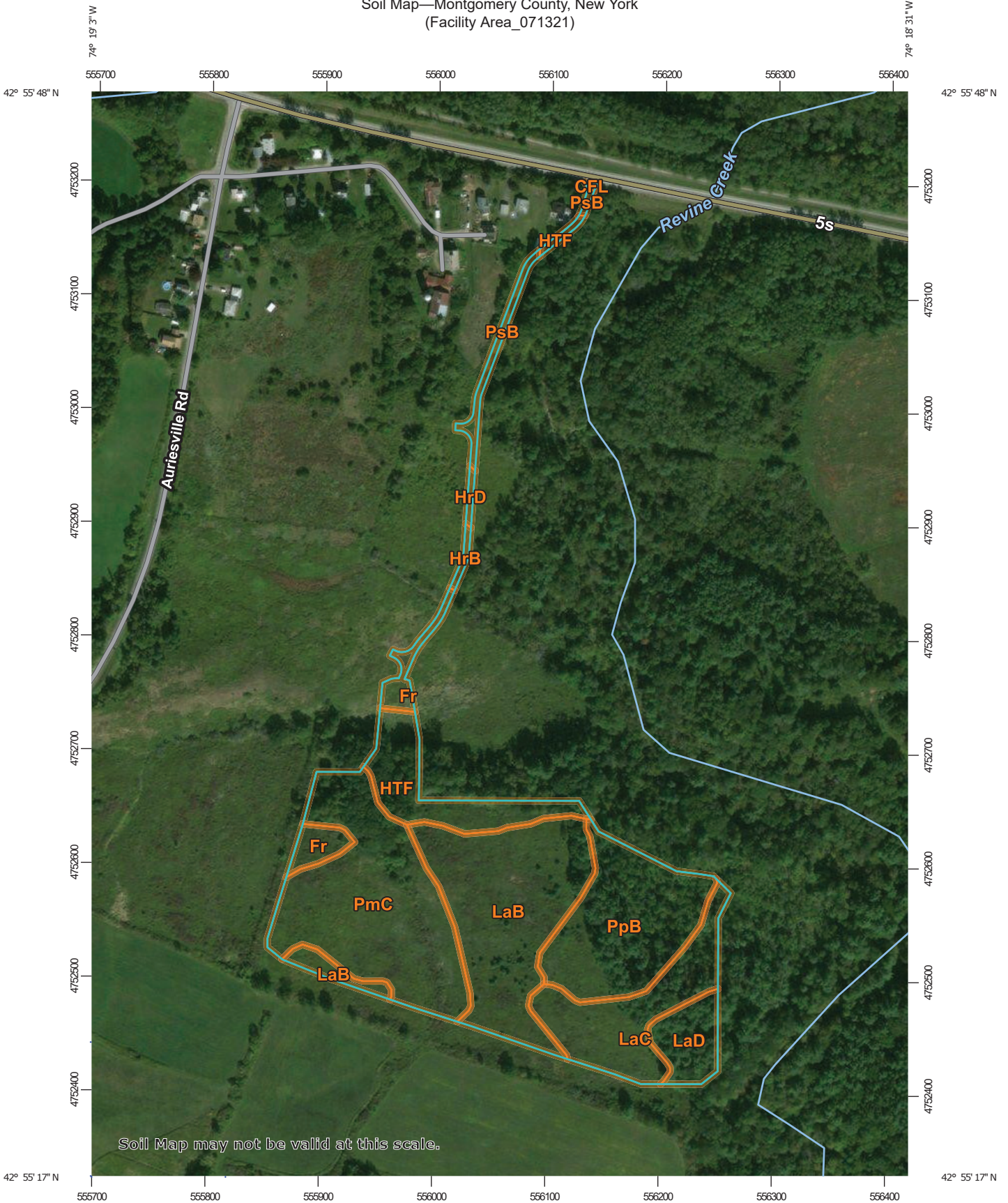


Project Developer

2/3/2022

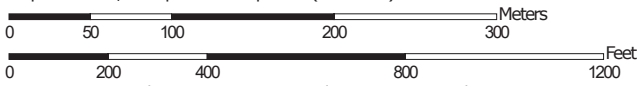
Date

Soil Map—Montgomery County, New York
(Facility Area_071321)



Soil Map may not be valid at this scale.






































Map Scale: 1:4,650 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soil Map Unit Polygons	 Stony Spot
 Soil Map Unit Lines	 Very Stony Spot
 Soil Map Unit Points	 Wet Spot
 Special Point Features	 Other
 Blowout	 Special Line Features
 Borrow Pit	Water Features
 Clay Spot	 Streams and Canals
 Closed Depression	Transportation
 Gravel Pit	 Rails
 Gravelly Spot	 Interstate Highways
 Landfill	 US Routes
 Lava Flow	 Major Roads
 Marsh or swamp	 Local Roads
 Mine or Quarry	Background
 Miscellaneous Water	 Aerial Photography
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Montgomery County, New York
Survey Area Data: Version 18, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 7, 2013—Nov 9, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CFL	Cut and fill land	0.0	0.1%
Fr	Fredon silt loam	0.7	3.5%
HrB	Howard gravelly silt loam, 3 to 8 percent slopes	0.1	0.3%
HrD	Howard gravelly silt loam, 15 to 25 percent slopes	0.1	0.3%
HTF	Howard soils, very steep	1.8	8.8%
LaB	Lansing silt loam, 3 to 8 percent slopes	5.0	25.1%
LaC	Lansing silt loam, 8 to 15 percent slopes	2.5	12.4%
LaD	Lansing silt loam, 15 to 25 percent slopes	0.9	4.6%
PmC	Palmyra gravelly silt loam, 8 to 15 percent slopes	5.3	26.3%
PpB	Phelps gravelly loam, 3 to 8 percent slopes	3.4	17.2%
PsB	Plainfield loamy sand, 3 to 10 percent slopes	0.3	1.6%
Totals for Area of Interest		20.0	100.0%



Table of Contents

Please click on a county below.

[Albany](#)

[Allegany](#)

[Broome](#)

[Cattaraugus](#)

[Cayuga](#)

[Chautauqua](#)

[Chemung](#)

[Chenango](#)

[Clinton](#)

[Columbia](#)

[Cortland](#)

[Delaware](#)

[Dutchess](#)

[Erie](#)

[Essex](#)

[Franklin](#)

[Fulton](#)

[Genesee](#)

[Greene](#)

[Hamilton](#)

[Herkimer](#)

[Jefferson](#)

[Lewis](#)

[Livingston](#)

[Madison](#)

[Monroe](#)

[Montgomery](#)

[Nassau](#)

[Niagara](#)

[Oneida](#)

[Onondaga](#)

[Ontario](#)

[Orange](#)

[Orleans](#)

[Oswego](#)

[Otsego](#)

[Putnam](#)

[Rensselaer](#)

[Rockland](#)

[Saratoga](#)

[Schenectady](#)

[Schoharie](#)

[Schuyler](#)

[Seneca Nation](#)

[Seneca](#)

[St. Lawrence](#)

[Steuben](#)

[Suffolk](#)

[Sullivan](#)

[Tioga](#)

[Tompkins](#)

[Ulster](#)

[Warren](#)

[Washington](#)

[Wayne](#)

[Westchester](#)

[Wyoming](#)

[Yates](#)

2021 NEW YORK AGRICULTURAL LAND CLASSIFICATION - MONTGOMERY - JANUARY 1, 2021

MAPSYM	FM5 CAP	TEMP	SOIL MODIFIER	SOIL SLOPE	SOIL NAME	DRAINAGE	MODIFIER	TEXTURE	LIME	ROTN	AVE CORN	AVE HAY	SOIL GROUP	FLD	CHNG	AVE TDN	INDEX
AlB	2S	M		03-08	ALTON	WE	GR	L	LO	5	15.2	3.7	3			2.44	53.8
AmA	2W	M		00-03	AMENIA	M		L	HI	5	18.5	3.7	2			2.77	61.0
AmB	2E	M		03-08	AMENIA	M		L	HI	4	18.2	3.7	3			2.56	56.5
AnB	3W	M		03-08	ANGOLA	S		SIL	LO	3	12.0	2.0	6			1.40	30.9
AoB	3W	M		03-08	ANGOLA	S	CN	SIL	LO	3	12.0	2.0	6			1.40	30.9
ApA	3W	M		00-03	APPLETON	S		SIL	HI	4	13.5	2.6	5			1.87	41.2
ApB	3W	M		03-08	APPLETON	S		SIL	HI	4	13.5	2.6	5			1.87	41.2
ArB	3E	M		00-08	ARNOT	MW	CN	SIL	LO	3	10.5	2.0	6			1.31	28.9
AtC	4E	M		08-15	ARNOT	MW	R	SIL	LO	2	7.5	1.0	8			0.48	10.6
AtD	6E	M		15-25	ARNOT	MW	R	SIL	LO	0	0.0	0.7	8			0.36	7.9
AvB	3E	M		03-08	ARNOT-ANGOLA	MS	CN	SIL	LO	3	11.3	2.0	6			1.36	29.9
AZF	7S	M	V STEEP	35-60	ARNOT-ROCK OUTCROP	MW	CN	SIL	LO	0	0.0	0.0	9			0.00	0.0
BoB	2E	M		03-08	BROADALBIN	MW		L	LO	3	16.7	3.7	3			2.29	50.5
BoC	3E	M		08-15	BROADALBIN	MW		L	LO	1	15.0	3.0	5			1.64	36.0
BoD	4E	M		15-25	BROADALBIN	MW		L	LO	0	0.0	2.6	6			1.30	28.6
Br	3W	M		00-03	BROCKPORT	S		SIL	LO	4	12.8	2.6	5			1.81	39.9
BuA	3W	M		00-03	BURDETT	S	CN	SIL	LO	4	12.8	2.6	5			1.81	39.9
BuB	3W	M		03-08	BURDETT	S	CN	SIL	LO	4	12.8	2.6	5			1.81	39.9
BuC	3E	M		08-15	BURDETT	S	CN	SIL	LO	1	11.3	1.9	7			1.09	24.0
BvA	3W	M		00-03	BURDETT-SCRIBA	S	CN	SIL	LO	3	12.0	2.3	6			1.52	33.4
BvB	3W	M		03-08	BURDETT-SCRIBA	S	CN	SIL	LO	3	12.0	2.3	6			1.52	33.4
BvC	3E	M		08-15	BURDETT-SCRIBA	S	CN	SIL	LO	1	12.0	2.3	6			1.26	27.8
BXB	7S	M		00-03	BURDETT-SCRIBA	S	STX	SIL	LO	3	12.0	2.2	9			1.48	32.6
Ca	3W	M	DRAINED	00-03	CARLISLE	B		MK	LO	5	9.0	1.6	6			1.31	28.8
Ca	5W	M	UNDRAINED	00-03	CARLISLE	B		MK	LO	0	0.0	0.0	10			0.00	0.0
Ce	4W	M		00-03	CHEEKTOWAGA	P		FSL	LO	3	10.5	1.6	7			1.19	26.2
ChA	3W	M		00-03	CHURCHVILLE	S		SICL	LO	4	13.5	2.6	5			1.87	41.2
ChB	3W	M		03-08	CHURCHVILLE	S		SICL	LO	4	13.5	2.6	5			1.87	41.2
CIB	2W	M		03-08	CLAVERACK	M		LFS	LO	5	15.2	3.4	3			2.36	51.9
CPE	7E	M	STEEP	15-50	COLONIE-PLAINFIELD	WE		FSL	LO	0	0.0	0.0	9			0.00	0.0
Cr	1	M		00-03	COPAKE	WE		SIL	LO	7	17.7	3.7	2			3.03	66.8
DaA	3W	M		00-03	DARIEN	S		SIL	LO	4	12.8	2.3	5			1.71	37.7
DaB	3W	M		03-08	DARIEN	S		SIL	LO	4	12.8	2.3	5			1.71	37.7
DaC	3E	M		08-15	DARIEN	S		SIL	LO	1	12.0	1.6	7			0.96	21.1
FaB	3E	M		00-08	FARMINGTON	WE		SIL	HI	5	9.8	2.0	6			1.46	32.2
FBD	7E	M	M STEEP	00-25	FARMINGTON-ROCK OUTCRO	WE		SIL	HI		0.0	0.0	8			0.00	0.0
FL	NA		LOAMY	00-03	FLUVAQUENTS					0	0.0	0.0	9			0.00	0.0
Fo	4W	M		00-03	FONDA	V	MK	SICL	LO	3	9.0	1.3	7			0.99	21.8
Fr	3W	M		00-03	FREDON	SP		SIL	LO	4	11.3	2.0	6			1.49	32.7
Gr	4W	M		00-03	GRANBY	V		LFS	LO	2	10.5	1.0	8			0.48	10.6
Ha	1	M		00-03	HAMLIN	W		SIL	LO	7	20.3	4.0	1	R		3.44	75.8
Ha	1	M		00-03	HAMLIN	W		SIL	LO	5	16.7	3.4	3	S		2.51	55.3
Ha	1	M		00-03	HAMLIN	W		SIL	LO	3	13.5	2.6	5	U		1.73	38.2
He	1	M	CALCM SUB	00-03	HERKIMER	WM	SH	SIL	LO	7	16.9	3.4	2			2.87	63.3
HGC	6S	M		08-15	HOLLIS-ROCK OUTCROP	WE		FSL	LO	3	9.8	1.6	7			1.15	25.2
HoA	3W	M		00-03	HORNELL	SM		SIL	LO	3	12.0	2.0	6			1.40	30.9
HoB	3W	M		03-08	HORNELL	SM		SIL	LO	3	12.0	2.0	6			1.40	30.9
HoC	3E	M		08-15	HORNELL	SM		SIL	LO	1	10.5	1.6	7			0.93	20.5
HrA	2S	M		00-03	HOWARD	WE	GR	SIL	LO	7	17.7	3.7	2			3.03	66.8
HrB	2S	M		03-08	HOWARD	WE	GR	SIL	LO	6	16.9	3.7	2			2.77	61.0
HrC	3E	M		08-15	HOWARD	WE	GR	SIL	LO	3	13.5	3.0	5			1.85	40.7
HrD	4E	M		15-25	HOWARD	WE	GR	SIL	LO	1	12.0	2.6	6			1.41	31.1
HrE	7E	M	V STEEP	25-70	HOWARD	WE	GR	SIL	LO	0	0.0	0.0	9			0.00	0.0
HuB	2E	M		03-08	HUDSON	MW		SICL	LO	4	17.5	3.4	3			2.40	52.9
HuC	3E	M		08-15	HUDSON	MW		SICL	LO	1	15.0	2.6	6			1.47	32.4
HuD	4E	M		15-25	HUDSON	MW		SICL	LO	1	15.0	2.6	7			1.45	32.0
HVF	7E	M	V STEEP	25-70	HUDSON	MW		SICL	LO	0	0.0	0.0	9			0.00	0.0
IIA	4W	M		00-03	ILION	P		SIL	LO	3	11.3	1.6	7			1.24	27.2
IIB	4W	M		03-08	ILION	P		SIL	LO	3	11.3	1.6	7			1.24	27.2
InB	7S	M		00-08	ILION	P	STV	SIL	LO	3	11.3	1.2	8			0.60	13.2
Jo	4W	M		00-03	JOLIET	P		SIL	LO	3	7.5	1.9	7			1.12	24.7
Ju	3W	M		00-03	JUNIUS	SP		LFS	LO	5	10.5	2.0	6			1.54	33.9
LaB	2E	M		03-08	LANSING	W		SIL	LO	5	18.5	3.7	2			2.77	61.0
LaC	3E	M		08-15	LANSING	W		SIL	LO	2	15.8	3.0	5			1.82	40.0
LaD	4E	M		15-25	LANSING	W		SIL	LO	1	13.5	2.6	6			1.44	31.7
LMF	7E	M		25-60	LANSING-MOHAWK	WM		SIL	LO		0.0	0.0	9			0.00	0.0
LoA	2S	M		00-03	LORDSTOWN	W	GR	SIL	LO	7	13.5	2.7	4			2.29	50.5
LoB	2E	M		03-08	LORDSTOWN	W	GR	SIL	LO	5	13.5	2.7	4			2.02	44.5
LoC	3E	M		08-15	LORDSTOWN	W	GR	SIL	LO	2	12.0	2.0	6			1.26	27.8
LoD	4E	M		15-25	LORDSTOWN	W	GR	SIL	LO	1	9.0	1.6	7			0.90	19.8
LRE	7E	M	STEEP	08-35	LORDSTOWN-ROCK	W	GR	SIL	LO		0.0	0.0	8			0.00	0.0
Ma	4W	M		00-03	MADALIN	PV		SICL	LO	3	10.5	1.6	7			1.19	26.2
Md	4W	M	M SHL VAR	00-03	MADALIN	PV		SICL	LO	3	9.0	1.6	7			1.10	24.2
Mg	8S				MADE LAND					0	0.0	0.0	9			0.00	0.0
MmA	3W	M		00-03	MANHEIM	S		SIL	LO	4	13.5	2.6	5			1.87	41.2
MmB	3W	M		03-08	MANHEIM	S		SIL	LO	4	13.5	2.6	5			1.87	41.2
MnB	2E	M		03-08	MANLIUS	WE		SIL	LO	5	13.5	3.0	4			2.10	46.3
MoC	3E	M		08-15	MANLIUS	WE	SH	SIL	LO	2	12.0	2.3	6			1.39	30.6
MoD	4E	M		15-25	MANLIUS	WE	SH	SIL	LO	1	9.8	1.9	7			1.06	23.3
MPE	6E	M	STEEP	25-35	MANLIUS-ROCK OUTCROP	WE	SH	SIL	LO		0.0	0.0	8			0.00	0.0
MrB	2W	M		03-08	MARDIN	M	GR	SIL	LO	5	14.3	2.7	4			2.10	46.1

MsB	2E	M		03-08	MOHAWK	WM		SIL	HI	4	18.2	3.7	3	2.56	56.5
MsC	3E	M		08-15	MOHAWK	WM		SIL	HI	2	16.5	3.0	5	1.85	40.7
MsD	4E	M		15-25	MOHAWK	WM		SIL	HI	1	13.5	2.6	6	1.44	31.7
MtA	3W	M		00-03	MOSHERVILLE	S		L	LO	4	12.8	2.3	5	1.71	37.7
MtB	3W	M		03-08	MOSHERVILLE	S		L	LO	3	12.8	2.3	6	1.56	34.4
NaD	6E	M		08-25	NASSAU	E	SH	SIL	LO	1	6.0	1.0	8	0.48	10.6
NeB	2E	M		03-08	NELLIS	W		L	HI	5	18.5	3.7	2	2.77	61.0
NeC	3E	M		08-15	NELLIS	W		L	HI	1	16.5	3.0	5	1.67	36.7
NeD	4E	M		15-25	NELLIS	W		L	HI	3	0.0	2.6	6	0.91	20.0
NuB	2E	M		03-08	NUNDA	M	CN	SIL	LO	5	16.0	3.4	3	2.43	53.6
NuC	3E	M		08-15	NUNDA	M	CN	SIL	LO	1	14.3	2.6	6	1.46	32.0
NuD	4E	M		15-25	NUNDA	M	CN	SIL	LO	0	0.0	2.2	7	1.12	24.7
NVF	7E	M	V STEEP	25-50	NUNDA	M	CN	SIL	LO	0	0.0	0.0	9	0.00	0.0
NWC	7S	M		00-15	NUNDA	M	STX	SIL	LO		0.0	0.0	9	0.00	0.0
PaB	2E	M		03-08	PALATINE	WE		SIL	HI	5	15.0	3.0	4	2.25	49.6
PaC	3E	M		08-15	PALATINE	WE		SIL	HI	1	12.0	2.6	6	1.41	31.1
PaD	4E	M		15-25	PALATINE	WE		SIL	HI	1	6.0	1.9	7	0.98	21.7
Pb	3W	M	DRAINED	00-03	PALMS	B		MK	LO	5	9.0	1.6	6	1.31	28.8
Pb	5W	M	UNDRAINED	00-03	PALMS	B		MK	LO	0	0.0	0.0	10	0.00	0.0
PmA	1	M		00-03	PALMYRA	WE	GR	SIL	HI	7	18.7	3.7	1	3.17	69.9
PmB	2E	M		03-08	PALMYRA	WE	GR	SIL	HI	6	18.5	3.7	2	2.95	65.1
PmC	3E	M		08-15	PALMYRA	WE	GR	SIL	HI	2	16.5	3.0	5	1.85	40.7
PpA	2W	M		00-03	PHELPS	M	GR	L	LO	5	18.5	3.4	2	2.69	59.2
PpB	2E	M		03-08	PHELPS	M	GR	L	LO	5	18.5	3.4	2	2.69	59.2
Pr	2W	M	FAN	00-03	PHELPS	M	GR	L	LO	5	18.5	3.4	2	2.69	59.2
PsA	4S	M		00-03	PLAINFIELD	E		LS	LO	7	11.3	2.6	5	1.97	43.4
PsB	6S	M		03-10	PLAINFIELD	E		LS	LO	4	10.5	2.3	6	1.52	33.5
Ra	3W	M		00-03	RAYNHAM	SP		SIL	LO	4	12.0	2.3	5	1.65	36.4
RhA	3W	M		00-03	RHINEBECK	S		SICL	LO	4	13.5	2.6	5	1.87	41.2
RhB	3W	M		03-08	RHINEBECK	S		SICL	LO	4	13.5	2.6	5	1.87	41.2
RLF	8S	M	V STEEP	25-70	ROCK OUTCROP-FARMINGTO	WE		SIL	HI		0.0	0.0	9	0.00	0.0
SA	8W				SAPRISTS-AQUENTS						0.0	0.0	10	0.00	0.0
ScA	2W	M		00-03	SCIO	M		SIL	LO	6	17.7	3.4	2	2.80	61.6
ScB	2E	M		03-08	SCIO	M		SIL	LO	3	17.3	3.4	4	2.21	48.6
Su	4W	M		00-03	SUN	PV		L	LO	2	10.5	1.6	7	1.06	23.3
Te	2W	M		00-03	TEEL	M		SIL	LO	6	18.5	3.4	2	2.89	63.6
Te	3W	M		00-03	TEEL	S		SIL	LO	4	13.5	2.6	5	1.87	41.2
Te	2W	M		00-03	TEEL	M		SIL	LO	5	16.0	3.0	3	2.35	51.8
Te	3W	M		00-03	TEEL	S		SIL	LO	3	12.0	2.0	6	1.40	30.9
Te	3W	M		00-03	TEEL	M		SIL	LO	3	12.8	2.3	6	1.56	34.4
Te	4W	M		00-03	TEEL	S		SIL	LO	2	10.5	1.6	7	1.06	23.3
Tu	4W	M		00-03	TULLER	SP	CN	SIL	LO	3	10.5	1.6	7	1.19	26.2
TvA	4W	M		00-03	TULLER-BROCKPORT	SP	CN	SIL	LO	3	11.3	1.6	7	1.24	27.2
TvB	4W	M		03-08	TULLER-BROCKPORT	SP	CN	SIL	LO	3	11.3	1.6	7	1.24	27.2
UnB	2E	M		00-08	UNADILLA	W		SIL	LO	4	18.5	4.0	2	2.68	59.1
UnC	3E	M		08-15	UNADILLA	W		SIL	LO	1	16.5	3.3	5	1.82	40.0
UnD	4E	M		15-25	UNADILLA	W		SIL	LO	0	0.0	2.9	6	1.46	32.2
VaA	4W	M		00-03	VARICK	P		SIL	LO	3	10.5	1.6	7	1.19	26.2
VaB	4W	M		03-08	VARICK	P		SIL	LO	3	10.5	1.6	7	1.19	26.2
WaA	2S	M		00-03	WASSAIC	WM		SIL	HI	6	16.0	3.0	3	2.52	55.5
WaB	2E	M		03-08	WASSAIC	WM		SIL	HI	5	16.0	3.0	3	2.35	51.8
WaC	3E	M		08-15	WASSAIC	WM		SIL	HI	3	13.5	2.6	5	1.73	38.2
Wy	3W	M	FREQ FLOOD	00-03	WAYLAND	PV		SIL	LO	2	9.0	1.0	8	0.48	10.6

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)

The following are guidelines for mitigating construction impacts on agricultural land during the following stages of a solar energy project: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance¹ within agricultural lands including:

- Lands where agriculture use will continue or resume following the completion of construction (typically those lands outside of the developed project's security fence);
- Lands where the proposed solar development will be returning to agricultural use upon decommissioning, (typically those lands inside of the developed project's security fence);
- Applicable Area under review pursuant to Public Service Law Article 10 Siting of Major Electric Facilities.

The Project Company will incorporate these Guidelines into the development plans and applications for permitting and approval for solar projects that impact agricultural lands. If the Environmental Monitor, hereafter referred to as EM, determines that there is any conflict between these Guidelines and the requirements for project construction that arise out of the project permitting process, the Project Company and its EM, will notify the New York State Department of Agriculture and Markets (NYSDAM), Division of Land and Water Resources, and seek a reasonable alternative.

Environmental Monitor (EM)

The Project Company (or its contractor) shall hire or designate an EM to oversee the construction, restoration and follow-up monitoring in agricultural areas. The EM shall be an individual with a confident understanding of normal agriculture practices² (such as cultivation, crop rotation, nutrient management, drainage (subsurface and/or surface), chemical application, agricultural equipment operation, fencing, soils, plant identification, etc.) and able to identify how the project may affect the site and the applicable agricultural practices. The EM should also have experience with or understanding of the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Project permits and/or construction duties, if the agricultural workload allows. The EM should be available to provide site-specific agricultural information as necessary for project development through field review and direct contact with both the affected farm operators and NYSDAM. The EM should maintain regular contact with appropriate onsite project construction supervision and inspectors throughout the construction phase. The EM should maintain regular contact with the affected farm operator(s) concerning agricultural land impacted, management matters pertinent to the agricultural operations and the site-specific implementation of agricultural resource mitigation measures. The EM will serve as the agricultural point of contact.

¹Ground Disturbance is defined as an activity that contributes to measurable soil compaction, alters the soil profile or removes vegetative cover. Construction activities that utilize low ground pressure vehicles that do not result in a visible rut that alters soil compaction, is not considered a Ground Disturbance. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the agricultural area.

² An EM is not expected to have knowledge regarding all of the listed agricultural practices, but rather a general understanding such that the EM is able to perform the EM function.

1. For projects involving less than 50 acres of agricultural land within the limits of disturbance (LOD),³ the EM shall be available for consultation and/or on-site whenever construction or restoration work that causes Ground Disturbance is occurring on agricultural land.
2. For projects involving 50 acres or more of agricultural land within the (LOD) (including projects involving the same parent company whether phased or contiguous projects), the EM shall be on site whenever construction or restoration work requiring or involving Ground Disturbance is occurring on agricultural land and shall notify NYSDAM of Project activity. The purpose of the agency coordination would be to assure that the mitigation measures of these guidelines are being met to the fullest extent practicable. The Project Company and the NYSDAM will agree to schedule inspections in a manner that avoids delay in the work. NYSDAM requires the opportunity to review and will approve the proposed EM based on qualifications or capacities.

Construction Requirements

- Before any topsoil is stripped, representative soil samples should be obtained from the areas to be disturbed. The soil sampling should be consistent with Cornell University's soil testing guidelines, and samples should be submitted to a laboratory for testing PH, percent organic material, cation exchange capacity, Phosphorus/Phosphate (P), and Potassium/Potash (K). The results are to establish a benchmark that the soil's PH, Nitrogen (N), Phosphorus/Phosphate (P), and Potassium/Potash (K) are to be measured against upon restoration. If soil sampling is not performed, fertilizer and lime application recommendations for disturbed areas can be found at https://www.agriculture.ny.gov/ap/agsservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf.
- Stripped topsoil should be stockpiled from work areas (e.g. parking areas, electric conductor trenches, along access roads, equipment pads) and kept separate from other excavated material (rock and/or sub-soil) until the completion of the facility for final restoration. For proper topsoil segregation, at least 25 feet of additional temporary workspace (ATWS) may be needed along "open-cut" underground utility trenches. All topsoil will be stockpiled as close as is reasonably practical to the area where stripped/removed and shall be used for restoration on that particular area. Any topsoil removed from permanently converted agricultural areas (e.g. permanent roads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD) ; however not to significantly alter the hydrology of the area. Clearly designate topsoil stockpile areas and topsoil disposal areas in the field and on construction drawings; changes or additions to the designated stockpile areas may be needed based on field conditions in consultation with the EM. Sufficient LOD (as designated on the site plan or by the EM) area should be allotted to allow adequate access to the stockpile for topsoil replacement during restoration.
 - Topsoil stockpiles on agricultural areas left in place prior to October 31st should be seeded with Aroostook Winter Rye or equivalent at an application rate of three bushels (168 lbs.) per acre and mulched with straw mulch at rate of two to three bales per 1000 Sq. Ft.
 - Topsoil stockpiles left in place between October 31st and May 31st should be mulched with straw at a rate of two to three bales per 1000 Sq. Ft. to prevent soil loss.
- The surface of access roads located outside of the generation facility's security fence and constructed through agricultural fields shall be level with the adjacent field surface. If a level road design is not

³ The Limits of Disturbance (LOD) includes all project related ground disturbances and all areas within the project's security fencing.

feasible, all access roads should be constructed to allow a farm crossing (for specific equipment and livestock) and to restore/ maintain original surface drainage patterns.

- Install culverts and/or waterbars to maintain or improve site specific natural drainage patterns.
- Do not allow vehicles or equipment outside the planned LOD without the EM seeking prior approval from the landowner (and/or agricultural producer), and associated permit amendments as necessary. Limit all vehicle and equipment traffic, parking, and material storage to the access road and/or designated work areas, such as laydown areas, with exception the use of low ground pressure equipment.⁴ Where repeated temporary access is necessary across portions of agricultural areas outside of the security fence, preparation for such access should consist of either stripping / stockpiling all topsoil linearly along the access road, or the use of timber matting.
- Proposed permanent access should be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM. Any extra topsoil removed from permanently converted areas (e.g. permanent roads, equipment pads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD); however not to significantly alter the hydrology of the area.
- When open-cut trenching is proposed, topsoil stripping is required from the work area adjacent to the trench (including segregated stockpile areas and equipment access). Trencher or road saw like equipment are not allowed for trench excavation in agricultural areas, as the equipment does not segregate topsoil from subsoil. Horizontal Directional Drilling (HDD) or equivalent installation that does not disrupt the soil profile, may limit agricultural ground disturbances. Any HDD drilling fluid inadvertently discharged must be removed from agricultural areas. Narrow open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, are exempt from topsoil segregation.
- Electric collection, communication and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Thus, interconnect conductors outside of the security fence must be buried in agricultural fields wherever practicable. Where overhead utility lines are required, (including Point(s) of Interconnection) installation must be located outside field boundaries or along permanent access road(s) wherever possible. When overhead utilities must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.
- All buried utilities located **within** the generation facility's security fence must have a minimum depth of 18-inches of cover if buried in a conduit and a minimum depth of twenty-four inches of cover if directly buried (e.g. not routed in conduit).⁵
- The following requirements apply to all buried utilities located **outside** of the generation facility security fence:
 - In cropland, hayland, and improved pasture buried electric conductors must have a minimum depth of 48-inches of cover. In areas where the depth of soil over bedrock is less than 48-inches, the

⁴ low ground pressure vehicles that do not result in a visible rut that alters soil compaction.

⁵ Burial of electrical conductors located within the energy generation facility may be superseded by more stringent updated electrical code or applicable governing code.

electric conductors must be buried below the surface of the bedrock if friable/rippable, or as near as possible to the surface of the bedrock.

- In unimproved grazing areas or on land permanently devoted to pasture the minimum depth of cover must be 36-inches.
- Where electrical conductors are buried directly below the generation facility's access road or immediately adjacent (at road edge) to the access road, the minimum depth of cover must be 24-inches. Conductors must be close enough to the road edge as to be not subject to agricultural cultivation / sub-soiling.
- When buried utilities alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the conductor installation zone and adjacent areas. Install and/or repair all drain lines according to Natural Resources Conservation Service conservation practice standards and specifications. Drain tile must meet or exceed the AASHTO M-252 specifications. Repair of subsurface drains tiles should be consistent with the NYSDAM's details for "*Repair of Severed Tile Line*" found in the pipeline drawing A-5 (<http://www.agriculture.ny.gov/ap/agsservices/Pipeline-Drawings.pdf>).
- In pasture areas, it may be necessary to construct temporary fencing (in addition to the Project's permanent security fences) around work areas to prevent livestock access to active construction areas and areas undergoing restoration. For areas returning to pasture, temporary fencing will be required to delay the pasturing of livestock within the restored portion of the LOD until pasture areas are appropriately revegetated. Temporary fencing including the project's required temporary access for the associated fence installations should be included within the LOD as well as noted on the construction drawings. The Project Company will be responsible for maintaining the temporary fencing until the EM determines that the vegetation in the restored area is established and able to accommodate grazing. At such time, the Project Company should be responsible for removal of the temporary fences.

Post-Construction restoration requirements applicable to continued use agricultural areas that suffered ground disturbance due to construction activities (typically lands outside of the developed project's security fence).

- All construction debris in active agriculture areas including pieces of wire, bolts, and other unused metal objects will need to be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.
- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas. Remove all excess subsoil and rock unearthed from construction related activities occurring in areas intended to return to agricultural use. On-site disposal of such material is not permissible in active agricultural lands. Designated spoil disposal locations should be specified in the associated construction plans. If landowner agreements, LOD boundary, or Project's land use approvals do not allow for on-site disposal, material must be removed from the site.⁶

⁶ Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the facility operator, with the cooperation of the landowner when required.

- Excess stripped topsoil shall not be utilized for fill within the project area. Any extra topsoil removed from permanently impacted areas (e.g. roads, equipment pads, etc.) should be evenly spread in adjacent agricultural project areas, however not to significantly alter the hydrology of the area.
- Regrade all access roads outside of the security fencing (as determined necessary by the EM), to allow for farm equipment crossing and restore original surface drainage patterns, or other drainage pattern incorporated into the design.
- Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.
- On agricultural land needing restoration because of ground disturbance, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be regraded, and subsoil must not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No permanent project restoration activities shall occur in agricultural areas between the months of October through May unless favorable soil moisture conditions exist.
- In all continued use agricultural land where the topsoil was stripped, subsoil decompaction shall be conducted prior to topsoil replacement. Following construction, all such areas will be decompacted to a depth of 18 inches with a tractor mounted deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) throughout the decompacted 18 inches as measured with a soil penetrometer. Following decompaction, all rocks 4 inches and larger in size unearthed from decompaction will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger from topsoil shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with NYSDAM. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth for stabilization⁷ to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to prevent potential springtime erosion, as well as restore any eroded areas in the springtime, to establish proper growth. Excess stripped topsoil shall be evenly spread in the adjacent project areas, or adjacent agricultural areas (within the LOD), however, not to significantly alter the hydrology of the area.
- In all continued use agricultural areas where the topsoil was not stripped, including timber matted areas, the EM shall determine appropriate activities to return the area to agricultural use. These activities may include decompaction, rock removal, and revegetation. Soil compaction should be tested in the affected areas and the affected area's adjacent undisturbed areas using an appropriate soil penetrometer or other soil compaction measuring device as soon as soils achieve moisture equilibrium with adjacent unaffected areas. Compaction tests will be made at regular intervals of distance throughout the affected areas, including each soil type identified within the affected areas. Soil compaction results shall be measured with a soil penetrometer not exceeding more than 250 pounds per square inch (PSI), by

⁷ Sufficient growth for stabilization should be determined by comparison with unaffected crop production. Annual crops restored after normal planting window (as determined by the landowner or associated producer) should be stabilized with Aroostook Winter Rye at the rate of 150/100 lbs. per acre (broad cast/drill seeder).

comparing probing depths of both the affected and unaffected areas. Where representative soil density of the affected area's collective depth measurements present compaction restrictions exceeding an acceptable deviation of no more than 20% from the adjacent undisturbed area's mean soil density, additional decompaction may be required to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Following decompaction, remove all rocks unearthed from decompaction activities 4 inches and larger in size from the surface. Revegetation shall be performed in accordance with the instructions below.

- Seed all agricultural areas from which the vegetation was removed or destroyed with the seed mix specified by the landowner/agriculture producer or as otherwise recommended in the Department's fertilizer, lime and seeding guideline: [https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf]. Soil amendments should be applied as necessary so that restored agricultural areas' soil properties, at minimum, reasonably reflect the pre-construction soil test results or as otherwise agreed to by the involved parties to ensure continued agricultural use. All parties must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to restore and/or re-seed any eroded or poorly germinated areas in the springtime, to establish proper growth.

Monitoring and Remediation

Project Companies shall provide a monitoring and remediation period of one complete growing season following the date upon which the desired crop is planted. All projects subject to NYS Public Service Law Article 10 will provide a monitoring period of two complete growing seasons following the date upon which the project achieves the establishment of the desired crop.

On site monitoring shall be conducted seasonally at least three times during the growing season (Spring, Summer, Fall). Monitoring is required to identify any remaining impacts directly associated with the construction of the project on agricultural lands proposed to remain or resume agriculture production, including the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring observations can be made. NYSDAM expects the Project Company (or its contractor) to retain the EM for follow-up monitoring and remediation (as needed) in agricultural areas. Monitoring is limited to the restored agricultural area. Non-project related impacts affecting the restored project area will be discussed with NYSDAM staff and considered for omission from future monitoring and remediation. The EM is expected to record the following observations from onsite inspections:⁸

- **Topsoil Thickness and Trench Settling** – The EM observations may require small hand dug holes to observe the percentage of settled topsoil in areas where the topsoil was stripped, or trenching was performed without stripping topsoil. Observations concerning depth of topsoil deficiencies shall require further remediation by re-appropriating additional topsoil. Acceptable materials for remediation are: known areas of native excess topsoil (according to records of project specific excess topsoil disposal spread within the original LOD) or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site.

⁸ The activities that follow are not necessary for restored agricultural lands on which the farmer or landowner has commenced activities, including agricultural activities or other use that tend to reverse restoration or create conditions that would otherwise trigger restoration. Should NYSDAM contend upon inspection that conditions indicate that post-construction restoration activities were improperly performed or insufficient, NYSDAM may inform the project company and NYSERDA for further investigation and remediation.

- **Excessive Rock (>4-inches)** - Determined by a visual inspection of disturbed areas as compared to unaffected portions of the same field located outside the construction area. Observations concerning excess stone material in comparison to off-site conditions shall require further remediation including removal and disposal of all excess rocks and large stones.
- **Soil Compaction** - Project affected agricultural soils should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made at regular intervals of distance throughout the access or work areas, including each soil type identified on the affected agricultural areas. Where representative soil density of the affected area exceeds the representative soil density of the unaffected areas, additional decompaction may be required. Consultation with NYSDAM staff and the agricultural producer(s) should be conducted prior to scheduling additional decompaction. If warranted, decompaction to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Restoration of displaced topsoil to original depth and re-establish original contours where possible. Decompaction deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock (Four-inches) material that is uplifted/unearthed to the surface as a result of the deep shattering will be removed.
- **Drainage** – The EM shall visually inspect the restored agricultural areas in search of pervasive stunted crop growth due to seasonal saturation, not previously experienced at the site and not resulting from the agricultural producer’s irrigation management or due to excessive rainfall. Identified areas of stunted crop growth shall be compared to the nearest undisturbed adjacent areas under a substantially equivalent terrain and crop management plan. Drainage observations should be evaluated to determine if the project affected surface or sub-surface drainage during construction or restoration. Project caused drainage issues affecting or likely to reduce crop productivity of the adjacent areas will have to be remediated via a positive surface drainage, sub-surface drainage repair or an equivalent.
- **Agriculture Fencing and Gates** – The EM shall inspect Project associated fencing and gates (installed, altered or repaired) within the Project’s LOD associated with agricultural activities for function and longevity. The Project Company is responsible during the Monitoring and Remediation Phase for maintaining the integrity of Project associated fencing and gates.

The Project Company (or its contractor) shall consolidate each applicable growing season’s observations into an annual report during the monitoring period and shall be provided upon request to NYSDAM. Annual reports should include date stamped photographs illustrating crop growth in comparison with unaffected portions the agricultural areas.

The EM shall record observations of the establishment of the desired crop and subsequent crop productivity within restored agricultural areas and shall be evaluated by comparing its productivity to that of the nearest adjacent undisturbed agricultural land of similar crop type within the same field. If a decline in crop productivity is apparent the Project Company as well as other appropriate parties must determine whether the decline is due to project activities. If project activities are determined to be the primary detrimental factor, the project EM will notify NYSDAM concerning unsuccessful restoration and to potentially schedule a NYSDAM staff field visit. If project restoration is determined to be insufficient, the Project Company will develop a plan for appropriate rehabilitation measures to be implemented. NYSDAM staff will review and approve said plan prior to implementation. Additional monitoring may be required depending on additional restoration activities needed.

The Project Company is not responsible for site conditions and/or potential damages attributable to the agricultural producer's land use management or others' land use management.

Decommissioning

If the operation of the generation facility is permanently discontinued, remove all above ground structures (including panels, racking, signage, equipment pad, security fencing) and underground utilities if less than 48-inches deep. All concrete piers, footers, or other supports must be removed to a minimum depth of 48-inches below the soil surface. The following requirements apply to electric conductors located at the respective range of depth below the surface:

- 48-inches plus: All underground electric conduits and direct buried conductors may be abandoned in place. Applicable conduit risers must be removed, and abandoned conduit must be sealed or capped to avoid a potential to direct subsurface drainage onto neighboring land uses.
- Less than 48-inches: All underground direct buried electric conductors and conductors in conduit and associated conduit with less than 48-inches of cover must be removed, by means of causing the least amount of disturbance as possible.

Access roads in agricultural areas must be removed, unless otherwise specified by the landowner. If access is to be removed, topsoil will have to be returned from recorded project excess native topsoil disposal areas, if present, or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site. Restore all areas intended for agricultural production, according to recommendations by the current landowner or leasing agricultural producer, and as required by any applicable permit, the Soil and Water Conservation District, and NYSDAM.

Monitoring and restoration requirements in accordance to the prior sections of these guidelines, will be required for the decommissioning restoration. NYSDAM requires notice before the Project Company undertakes decommissioning.

Glen Solar 1, LLC (Project Company) hereby agrees to use best efforts to adopt and employ the provisions of the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects in all material aspects of the construction, post construction and decommissioning of this project. Where Project Company determines that it cannot perform an activity in a manner that meets the material terms of any provision of the Guidelines, the Project Company or its Environmental Monitor will notify NYSDAM and make good faith efforts to devise an alternative solution that will mitigate adverse agricultural impacts.

Signature 

1/26/22
Date