

ENVIRONMENTAL ASSESSMENT

For

HAMILSUN COMMUNITY SOLAR FARM

286 Mannix Rd
Peru, NY 12972

Prepared by

Thomas J LaBombard PE

*1778 Route 22 Main St
Keeseville NY 12944*

Applicant:

HAMILSUN COMMUNITY SOLAR LLC

E 5th St.
Frederick, MD 21701

September 7th, 2022 revised May 18, 2023



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1.0 PURPOSE NEED AND SCOPE

1.1 Project Description: Hamilsun Solar LLC is constructing a Community Solar facility of approximately 2.6 MWDC at 286 Mannix Rd, Peru NY in conjunction with the Hamilton family. The site will utilize approximately twelve acres of farmland that is no longer used for any agricultural purpose. The facility will operate as a community solar host site that will generate renewable energy and will benefit local homeowners, small businesses, small commercial, and industrial users in the Town of Peru and surrounding New York State Electric and Gas Company service area. As the site had recently been farmed for hay, clearing will not be required for this project, however farming activities have been terminated due to market decisions on the part of the owner. During the planning process, it was anticipated that there will be some temporary disruption during installation after which any disturbed areas will be restored except for the locations of the foundations, however this is no longer a factor. Construction activities consist primarily of installation of the panel foundations, installation of the panels, transformer pads, and installation of underground wiring to connect the solar panels to the transformers and to the grid.

This project is scheduled for construction beginning in the third quarter of 2023. It is designed to produce over 4 million KWH of clean energy in the first year, enough to provide solar energy to approximately 300 - 320 homes and businesses. The project is anticipated to begin operations in calendar year 2023.

The immediate project area is fallow, with the panels to be installed in a former hay field. The surrounding properties are a mix of agricultural and rural, with a funeral business in the vicinity of the project site. The region has long been in food production, with the primary farm products in the region being dairy and apple production, with market conditions having recently taken the land out of production. It should be noted that the presence of solar panels does not preclude agricultural activities on the land should the owner determine in the future that the activity is once again viable. The project does allow for multiple use of the land.

The Hamilsun solar project has been developed by and financing arranged by Hamilsun Community Solar Farm LLC. The construction of the array is being provided by RER Energy Group.

1.2 Purpose and Need: In 2105, NYS Governor Andrew Cuomo enacted a new energy initiative for NYS called the Reforming the Energy Vision (REV). this initiative is designed to create a stronger and healthier economy by providing clean energy solutions to communities and individual customers throughout New York State through the use of the private sector market. The three major goals under the REV initiative by the year 2030 consist of a 40% reduction in greenhouse gas emissions from the 1990 level, increase in the percentage of electrical generation from renewable resources to 50%, and to create a 600 trillion BTU increase in statewide energy efficiency from 2012 levels. The proposed solar generation facility will help to reach the goals listed in the REV initiative as well as produce less costly electricity to the surrounding community.

The project will receive up to \$996, 203 from New York State Research Development Authority (NYSERDA).

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

There are only two alternatives for this project, to construct or not to construct. Because of the project sponsor, the Hamilton family, no alternative sites are available. Within the Hamilton lands, the only available site is the selected site, as the remaining lands are taken up with other types of agriculture that would not be compatible at this time with the construction of a solar farm. The construct alternative allows for the multiple use of land, agriculture, and solar production.

2.1 Proposed Action: The proposed action is to construct the project as described above and contribute to the goals of providing clean, non-polluting, carbon free energy sources, thus reducing our dependence on climate changing energy sources.

2.2 Other alternatives Considered: For this site, there are no other alternatives to consider. When originally conceived, the owner envisioned dual use of agricultural uses along with the solar energy production, but then later made the decision to get out of agriculture due to economic considerations. This left the alternatives to either construct the solar farm or to not construct the solar farm on the lands identifies.

2.3 No Action Alternative: The no action alternative would consist of not constructing the project, or the “no-build alternative”. The “no-build alternative would allow the former agricultural land to remain to remain in its current fallow condition, but would not contribute to the goal of increasing renewable energy.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

The purpose of this EA is to evaluate the direct and indirect impacts associated with the proposed action in accordance with NEPA. This document evaluates the potential environmental, cultural resources, and socioeconomic impacts associated with the proposed action as well as the No Action Alternative, both of which are defined in Section XII. Section IV describes the existing environment, cultural, and socioeconomic conditions, along with potential impacts the proposed action and the No Action Alternative could have on these resource areas.

The EA focuses on impacts likely to occur within the proposed area of development. The document analyzes direct effects (those resulting from the alternatives and occurring at the same time and place) and indirect effects (those occurring at some distance at a future date). The potential for cumulative impacts as defined by 40 CFR 1508.7 is also addressed. Compliance with applicable federal statutes, standards, and directives pertinent to the Proposed Action was considered along with the direct action in the preparation of this EA. Under the guidance provided by NEPA and in 7CFR Part 1b, either an EA or and EIS must be prepared for any Federal Action. Actions that are emergencies, categorically excluded, or determined to be exempt by law do not require the preparation of an EIS or an EA. If an action may significantly impact the environment, and EIS is required. The contents of an EA include the need for the proposed action, alternatives to the proposed action, environmental impacts of the proposed action, and public coordination. An evaluation of the environmental consequences of the Proposed Action and the No Action Alternative includes direct, indirect, and cumulative effects as well as the quantitative and qualitative (where available) assessment of the significance of these impacts. The EA results in either a

Finding of No Significant Impact (FNSI) or a Notice of Intent (NOI) to prepare an EIS. If USDA determines that this proposed action may have a significant impact on the quality of the natural or human environment, and EIS would need to be prepared.

The purpose of this section is to describe the existing resources that may be impacted, including the Proposed Action and the No Action Alternative. Management measures that would minimize potentially adverse impacts on the environment due to the proposed action and the No Action Alternative have been developed and specified. Management measures are described within each resource area as appropriate within this section.

3.1 Land Use/ Land Ownership: With or without construction, land ownership and land use of the site on which the solar panels are not placed will not change. Agriculture has ceased on this site, however can be reinstated at the desire of the owner should the economic realities allow for re-institution regardless of the presence of the solar panels.

3.1.1 General Land Use:

3.1.1.1 Affected Environment: The current land use is fallow land. If the project is constructed it will support solar panels, and will continue to allow all other current natural and human uses of the land. If not constructed, the current fallow conditions will remain and no change in the land use or natural environment will occur.

3.1.1.2 Environmental Consequences: The environmental consequences of constructing the solar panels will be none to minimal on the land use, except that the panels will change the landscape and viewsheds noticeable in the area of construction. For the no construction alternative, there will be no impact on the general land use.

3.1.1.3 Mitigation: No mitigation will be required.

3.1.2 Important Farmland: As stated previously, the owner has recently taken the agricultural activity at this property out of service for reasons not related to this project.

3.1.2.1 Affected Environment: Section Not Used

3.1.2.2 Environmental Considerations: Section Not Used

3.1.2.3 Mitigation: Section Not Used

3.1.3 Formally Classified Lands: The Town of Peru has a Zoning Ordinance. As such, this project was the subject of a meeting at the Town of Peru Zoning Board of Appeals for which it received approval on October 17, 2018. As part of the process, it underwent a Public Hearing and State Environmental Quality Act Review, at which time it was determined that the project would have No Significant Impact, and was in general conformance with the goals set out by the Town in its Zoning Ordinance. The Town ZBA findings are attached at the end of this document.

3.1.3.1 Affected Environment: Section Not Used

3.1.3.2 Environmental Considerations: Section Not Used

3.1.3.3 Mitigation: Section Not Used

3.2 Floodplains: The project is not located in a FEMA designated flood plain.

3.2.1 Affected Environment: Section Not Used

3.2.2 Environmental Considerations: Section Not Used

3.2.3 Mitigation: Section Not Used

3.3 Wetlands: The action was coordinated with the US Army Corps of Engineers and was determined to have no impact on the Waters of the United States. The proposed project will have no requirements for potable water supplies or sewage supplies either from surface or ground water

resources. The site was found to have no jurisdictional wetlands and can proceed without further ACOE review. Correspondence by the ACOE is attached.

3.3.1 Affected Environment: Section Not Used

3.3.2 Environmental Considerations: Section Not Used

3.3.3 Mitigation: Section Not Used

3.4 Cultural Resources: The Town of Peru has a population of approximately 6,700 residents of a total Clinton County population of approximately 80,000. According to the Census Bureau, the largest ethnic group in the town is White non-Hispanic (96.7%) followed by 1.7% Hispanic, 1.0% Asian, 0.7% African American, and 0.4% Native American. The remaining are "other" and/or "Mixed Race". 7.2% of the population is under 5, 22.2% of the population is under eighteen, and 17.1% of the population is over 65. The age distribution is roughly equivalent to the national average, however the racial mix shows significantly fewer persons of color than the national average. The location of this project is rural in nature and will not significantly impact any particular socio-ethnic group. The attached letter from the SHPO indicates that there are no historical or archeological assets on the project site.

3.4.1 Affected Environment: Because the project will neither increase nor decrease the population of the community, there will be no impact on community services such as water, sewer, or emergency services. Peru is served by a public water and sewer system within the hamlet area; however, the project is located outside the hamlet and will require neither of these services either on a public or private basis. Fire and EMS are volunteer systems and serve the general vicinity. No increase in demand on those services is anticipated as a result of this project. Police service is provided by the Clinton County Sheriff Department and the New York State Police. Neither agency is anticipated to be impacted either positively or negatively by this project.

3.4.2 Environmental Considerations: Because the project does not essentially change the community, it is anticipated that there will be no impact, either positive or negative on the cultural resources by either the build or do-nothing options.

3.4.3 Mitigation: None Required

3.5 Biological Resources:

3.5.1 General Fish, Wildlife and Vegetation: Proposed Action- As the site is cleared for agricultural uses, the natural environment will change only slightly with the addition of the solar modules. The biggest impact is the installation of security fencing which may interrupt the movement of larger animals such as deer, however there is enough area for them to traverse around the fencing and the impact while they adjust to the new reality should be only temporary. There will be no impact either positive or negative on the natural environment if the project is not constructed.

3.5.1.1 Affected Environment: Under the construction option perimeter fence will be constructed. No change will occur under the do-nothing alternative, and therefore no wildlife will be impacted.

3.5.1.2 Environmental Considerations: After construction of the perimeter fence, some species of migratory animals may be required to slightly alter their movement patterns. This impact is considered minor.

3.5.1.3 Mitigation: No mitigation is proposed.

3.5.2 Listed Threatened and Endangered Species: No listed threatened or endangered species habitat have been identified at the site as per the Environmental Mapper per New York State Department of Environmental Conservation

3.5.2.1 Affected Environment: Section Not Used

3.5.2.2 Environmental Considerations: Section Not Used

3.5.2.3 Mitigation: Section Not Used

3.5.3 Migratory Bird Treaty Act: Neither the project nor the do-nothing alternative will have an impact on the patterns of migratory birds.

3.5.3.1 Affected Environment: Section Not Used

3.5.3.2 Environmental Considerations: Section Not Used

3.5.3.3 Mitigation: Section Not Used

3.6 Water Resources: Proposed Action –A SWPPP was prepared for this project to address impacts of erosion potential during the construction phase, which is minor during the placement of the panels. The project will produce no increase in runoff due to the minimal area converted to impervious surface for the transformer pads. All runoff control measures addressed in the SWPPP will be strictly enforced, with silt fencing required and a minimal of disturbed area required at any given time during panel installation. The SWPPP and the drawings contain further details and are available for review. We anticipate that any water quality impacts will be minimal if any and temporary. Under the No Action Alternative, the no action alternative will not impact water resources wither negatively or beneficially. The project will have no discharge to any waterway, therefore there will be no impact on surface waters with either the build or no-build alternatives.

3.6.1 Affected Environment: Section Not Used

3.6.2 Environmental Considerations: Section Not Used

3.6.3 Mitigation: Section Not Used

3.7 Costal Resources: Not applicable

3.8: Socioeconomical and Environmental Justice: The project is not anticipated to be a significant job creator, either under the build or no build alternatives. However, community solar does provide the benefits of renewable energy to low and moderate income (LMI) members of the communities in which they are located. LMI populations have historically been less able to access these benefits due to either a lack of available capital or property ownership. Community solar provides access and tangible savings to these community residents.

3.8.1 Affected Environment: Section Not Used

3.8.2 Environmental Considerations: Section Not Used

3.8.3 Mitigation: Section Not Used

3.9 Air Quality: Proposed Action – The proposed action is not anticipated to have a negative impact on air quality. The solar project will require no installation permit, construction permit (save for Town of Peru Building Permit), Operating Permit, or indirect sources permit IAW the Clean Air Act as there are no associated air emissions. The existing air quality in the area is good, with no major sources of emission in the surrounding area. No anticipated negative impacts on air quality are anticipated in the operation of the facility. The facility will emit no odors. Since the project is a renewable energy supply, there will be no air emissions and the potential to eliminate emissions from fossil fuel plants in other locations. In that regard, all impacts on air quality are anticipated to be positive.

No Action Alternative- By definition, the No Action Alternative will have no negative impacts on air quality as nothing will occur. However, there will also be no beneficial impacts on air quality from the reduction of air emissions, as electricity will continue to be generated from existing sources.

3.9.1 Affected Environment: Section Not Used

3.9.2 Environmental Considerations: Section Not Used

3.9.3 Mitigation: Section Not Used

3.10 Noise: The lack of nearby receptors and the short-term duration of the construction activities limits the impact of noise impacts due to construction activities. Additionally, work hours will be limited to daytime hours to further reduce impacts of noise from interfering with normal sleep patterns.

The following table demonstrates typical noise levels from various activities:

Source	Decibel Level	Exposure Concerns
Soft Whisper	30	Normal Safe Levels
Quiet Office	40	
Average Home	50	
Conversational Speech	65	
Highway Traffic	75	May affect hearing in some individuals depending on sensitivity, exposure length, etc.
Noisy Restaurant	80	
Average Factory	80-90	
Pneumatic Drill	100	
Automobile Horn	120	
Jet Plane	140	Above 140 dB may cause pain
Gunshot Blast	140	

The following table demonstrates typical noise levels of various construction equipment:

Construction Vehicle Type	dBA
Bulldozers	80
Backhoe	72-93
Bobcat	72-93
Jack Hammer	81-98
Crane	75-77
Pick Up Truck	83-94
Dump Truck	83-94

The no action alternative will produce no noise.

3.10.1 Affected Environment: Section Not Used

3.10.2 Environmental Considerations: Section Not Used

3.10.3 Mitigation: Section Not Used

3.11 Transportation: During construction, transportation of materials to and from the job site will produce the noise issues on a temporary basis as identified in the previous section. Additionally, there will be solid waste issues generated from the movement of materials and from the construction

activities itself. This is a low volume road and will see a temporary increase in heavy vehicle traffic during the shipment of solar equipment. This cannot be mitigated. The construction debris will be handled by a licensed hauler, which will also add to the transportation demand.

Proposed Action: - The proposed action can be anticipated to produce the usual amount of construction debris typical of a construction site. All attempts will be made to reuse waste materials generated either on this site or on other construction sites. Those items not reusable will be disposed of in a licensed construction spoil area or sanitary landfill. The no action alternative does not trigger any of these impacts.

3.11.1 Affected Environment: Section Not Used

3.11.2 Environmental Considerations: Section Not Used

3.11.3 Mitigation: Section Not Used

3.12 Aesthetics: It is the intent to have the solar panels be surrounded by the existing natural environment. In general, the public seems to be receptive to the appearance of solar panels, and as these are not in a highly traveled area, the change in the landscape will not be deemed as detrimental. During the public hearing on the project, there were no commenters who mentioned the issue. Of course, the no build alternative will not have an impact on the area aesthetics.

3.12.1 Affected Environment: Section Not Used

3.12.2 Environmental Considerations: Section Not Used

3.12.3 Mitigation: Section Not Used

3.13 Human and Health Safety: Not Applicable

3.14 Corridor Analysis: Not Applicable

4.0 CUMULATIVE IMPACTS

As described in the above sections, there will be minimal impacts to the proposed actions. As all impacts are minimal, they are not anticipated to cause any lasting effects on the surrounding area and are generally offset and/or exceeded by the positive impacts.

Adverse Impacts: Impacts to the surface and subsurface waters were determined to be minimal, and readably handled by normal erosion control measures. The site is already disturbed for agricultural uses and hay production has already ceased for unrelated reasons. Noise impacts are temporary during the construction period and is offset by the rural nature of the area with few sensitive receptors.

Positive Impacts: The most obvious positive impact is the reduction locally of dependence on fossil fuels the clean renewable energy will be a positive impact to the community by providing clean affordable energy for the life cycle of the project.

The no action alternative carries with it neither the identified adverse impacts nor the positive impacts. Therefore, nothing would need to be offset, and no benefit would be attained.

5.0 SUMMARY OF MITIGATION

As outlined in previous sections of the report, the mitigation efforts for any negative impacts that may occur as a result of this project have been built into the project. The stormwater analysis and erosion control efforts have been incorporated into the SWPPP which was prepared to include the project within the framework of NYSDEC GP-20-001. There is no temporary disruption of agricultural activities as the land has been taken out of production for unrelated reasons, and increase in noise during the construction phase will be short term and the ambient activities and levels will return to pre-construction levels when construction is completed.

6.0 COORDINATION, CONSULTATION AND CORRESPONDENCE

See attachments.

7.0 REFERENCES

Back up documents are attached and constitute a portion of this report.

8.0 LIST OF PREPARERS

This report has been prepared under the direction of the undersigned incorporating standard engineering practices. It was prepared in accordance with the Nation Environmental Protection Act. It is subject to Public Comment and review by the lead Federal Agency. Assistance in the preparation of this report was received from Andrew Biederman and Michael Roach or RER Energy Group.

Thomas J LaBombard, PE

Attachments:

Confirmation of Local Land Use Approval

Layout – Reduced Scale

SHPO Determination

FAA Determination

Town of Peru Action/ SEQR Determination

ACOE Determination

Reduced Scale USGS Map with Annotations

Coastal Zone Determination

Sole Source Aquifer Showing None in Project Vicinity

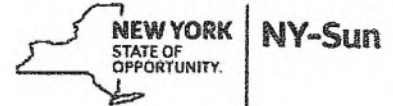
Flood Hazard Map Showing Project in Zone X

NYSDEC Environmental Resources Map with All Layers Turned On

Letter to Mohawk Nation Requesting Input (Nearest Recognized Nation to Site – Letter Sent To Both Main Reservation and to Ganiienkeh Territory in Altona NY, approximately 22 miles from site)

Agricultural Impact Review (NYSERDA Correspondence)

CONFIRMATION OF LOCAL LAND USE APPROVAL
 Planning and Zoning Form



Applicant Information			
Company Name:	HamilSun Community Solar, LLC		
Contact Name:	Jim Kurtz	Title:	Manager
Email Address:	jkurtz@sunvestmentgroup.com	Telephone Number:	917-304-0762

Project Information	
Project Name:	HamilSun Community Solar
Project Address:	286 Mannix Rd. Peru, NY
Solar Project Size (AC/DC):	1.996 MW AC / 2.7 MW DC
Energy Storage Size AC: (if applicable)	NA

Municipality Information			
Municipality Name:	Town of Peru NY		
Contact Name:	Codes Enforcement Office	Title:	
Email Address:		Telephone Number:	518-643-2745

Required Solar Land Use Approvals			
Land Use Approval and Date Approved (check all that apply):			
<input type="checkbox"/>	Special Use Permit	Date Approved:	
<input checked="" type="checkbox"/>	Site Plan Review	Date Approved:	6/12/19
<input checked="" type="checkbox"/>	SEQR Negative Declaration (if municipality is lead agency)	Date Approved:	6/12/19
<input checked="" type="checkbox"/>	Other (list type): USE VARIANCE	Date Approved:	12/19/18
<input type="checkbox"/>	No Land Use or Zoning Approval is required for this project		
Required Energy Storage Land Use Approval(s) (if applicable)			
List type of approval required:	N/A	Date Approved:	

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging and confirming the above is accurate and correct, and that this project has received all required local land use approvals for the solar PV project. If Energy Storage is part of the project, the Contractor is responsible for providing to NYSERDA, a copy of the meeting minutes confirming the Energy Storage system was presented to or approved by the municipality. NYSERDA may contact the municipality to confirm approvals if needed.

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY

Robert M Guynup
 Signature

6/19/20
 Date

ROBERT M GUYNUP
 Print Name

CODE ENFORCEMENT OFFICER
 Title



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 07, 2022

Thomas LaBombard
Thomas J LaBombard PE
1778 Rt 22 Main St
Keeseville, NY 12944

Re: AG/MKTS
Hamilsun Solar Farm/12 Acres
286 Mannix Rd, Peru, NY 12972
22PR04570

Dear Thomas LaBombard:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AEA-853-OE

Issued Date: 02/09/2021

Tom LaBombard
Thomas J LaBombard PE
1778 Rt 22 Main St
Keeseville, NY 12944

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Hamilton Solar Farm
Location: Peru, NY
Latitude: 44-35-10.21N NAD 83
Longitude: 73-33-59.57W
Heights: 456 feet site elevation (SE)
30 feet above ground level (AGL)
486 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 08/09/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-853-OE.

Signature Control No: 464377660-468748287

(DNE)

Darin Clipper
Specialist

Attachment(s)

Map(s)





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AEA-808-OE
Prior Study No.
2020-AEA-9704-OE

Issued Date: 02/09/2021

Tom LaBombard
Thomas J LaBombard PE
1778 Rt 22 Main St
Keeseville, NY 12944

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Hamilton Solar Farm NE
Location:	Peru, NY
Latitude:	44-35-09.65N NAD 83
Longitude:	73-33-54.02W
Heights:	456 feet site elevation (SE) 30 feet above ground level (AGL) 486 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 08/09/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-808-OE.

Signature Control No: 464190735-468748288

(DNE)

Darin Clipper
Specialist

Attachment(s)

Map(s)

Verified Map for ASN 2021-AEA-808-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AEA-851-OE

Issued Date: 02/09/2021

Tom LaBombard
Thomas J LaBombard PE
1778 Rt 22 Main St
Keeseville, NY 12944

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Hamilton Solar Farm SW
Location: Peru, NY
Latitude: 44-35-02.41N NAD 83
Longitude: 73-33-57.16W
Heights: 460 feet site elevation (SE)
30 feet above ground level (AGL)
490 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

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If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-851-OE.

Signature Control No: 464375937-468748286

(DNE)

Darin Clipper
Specialist

Attachment(s)
Map(s)

Verified Map for ASN 2021-AEA-851-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AEA-852-OE

Issued Date: 02/09/2021

Tom LaBombard
Thomas J LaBombard PE
1778 Rt 22 Main St
Keeseville, NY 12944

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Hamilton Solar Farm
Location:	Peru, NY
Latitude:	44-35-03.06N NAD 83
Longitude:	73-33-51.63W
Heights:	457 feet site elevation (SE) 30 feet above ground level (AGL) 487 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

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This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-852-OE.

Signature Control No: 464377354-468748289

(DNE)

Darin Clipper
Specialist

Attachment(s)
Map(s)

Verified Map for ASN 2021-AEA-852-OE



**ZONING BOARD OF APPEALS MEETING
WEDNESDAY, October 17, 2018**

James Falvo, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of **Wednesday, October 17, 2018** at 7:00pm to order.

PLEDGE OF ALLEGIANCE.

ROLL CALL:

JAMES FALVO, CHAIR	: PRESENT
STEVE LABOUNTY, VICE CHAIR	: PRESENT
THOMAS FUSCO	: PRESENT
SEAN LUKAS	: PRESENT
CEO: BOB GUYNUP	: PRESENT
ATTORNEY MATTHEW FAVRO	: PRESENT

APPROVAL of August 15, 2018 minutes.

Mr. Falvo shared with the Board that you have the minutes from the last meeting. He asked if anyone had any changes, corrections, deletions or additions.

MOTION: Mr. Fusco made a motion to approve.

SECOND: Mr. Lukas.

ROLL CALL: Mr. Fusco ~ yes, Mr. Lukas ~ yes, Mr. LaBounty ~ yes, Mr. Falvo ~ yes.

MOTION CARRIED.

PUBLIC HEARING:

Mr. Falvo opens the floor to public hearing.

Scott Coleman was present to speak about his subdivision project. Mr. Falvo shares that the public hearing is for any discussion in regards to the application being presented this evening. The application being presented is a Use Variance for a solar farm located at 286 Mannix Rd. Mr. Coleman will be added to any further business at the end of the meeting.

1. APPLICATION

- | | |
|---------------------------------------|--|
| 1. Use Variance with SEQR: Z-2018-037 | Apex Solar Power
Use Variance – To construct a 2.7 megawatt
ground mount solar array
286 Mannix Rd.
Peru, NY 12972 |
|---------------------------------------|--|

The applicant, Apex Solar, was present. Mr. Charamella a representative for Apex Solar Power was here to present the project and answer any questions the Board may have. Apex Solar Power is seeking a Use Variance to construct a 2.7 megawatt ground mount solar array panels located at 286 Mannix Rd. This property is owned by Patricia and Neil Hamilton.

Mr. Mark Hamilton shares with the Board that the project we are seeking, is a 2 megawatt solar farm. It's a project that the Hamilton family along with Apex Solar and Sunvestments has been putting together for some time. It has approvals from NYSEG in connecting with the three phase system that runs down Mannix Rd. We are looking to use land that has been unused and vacated for 45+ years. Its land that is surrounded by an apple orchard and only been used these past 45 years, to hay. This is because; the land itself is fairly wet in the spring and is too wet to plant anything like corn or apple trees. The land is vacant and has no value for the Hamilton family, so we are looking to get a Use Variance to be able to put a solar farm there, to be a community solar project that will benefit the community. It will benefit folks in town because they will have the opportunity to get discounted solar. It could potentially benefit the town as well as other businesses, commercial enterprises in the community of the North Country, but specifically in Peru because they will get to benefit from discounted electricity.

Mr. Charamella provided each Board member, Attorney Matthew Favro, and Mr. Guynup with a flash drive with all the documentation relating to this project. This flash drive with all its contents has been added to the file. Mr. Charamella shares with the Board, photos of the land showing a diagram of where the 2.7 megawatt ground mount solar array panels will be placed, so the Board would have a better visual of this project. He also provided a descriptive letter of the proposed project. The picture provided is a google earth image of the funeral home, farm, barns, apple orchard, and where the solar panels will be placed within the vacated portion of the land. The solar panels will be 125' back from the Mannix Rd. to the first set of panels which meets the setbacks for the property. Another photo that Mr. Charamella provided was a side view of what the panels would look like when driving past the property on the Mannix Rd. The solar panels will stand only about 10' off the ground. These photos are part of the documents in the flash drive.

The total acreage of this property is 194.5 acres. The vacated space is 15 acres and only 9 acres will be used for a 2 megawatt solar array. No trees will be removed, the 9 acres is currently used for haying.

The Board viewed the application, a google earth photo of the property with the purposed solar farm with dimensions, diagrams of the solar array panels, two signed Apex Solar Authorization forms signed

by Patricia and Neil Hamilton, along with a letter from, James Jock, a Real Estate Salesperson from RE/MAX for the market value of the 15 acres if a residential home was added to the same lot, and a chart of a potential market value of 15 acres for a solar farm with an estimated selling value of land per acre, and the total land lease payments for the solar farm for 35 years.

It was acknowledged a SEQR was required.

SEQR REVIEW: PART 1

Mr. Falvo shares with the Board that part 1 of the SEQR pg. 1 (4) check all land uses that occur on, adjoining and near the proposed action. Applicant only marked commercial and agriculture. Forest, Rural, and Residential (Suburban) should also be checked.

The Board all agreed and the correction was made. Mr. Falvo checked Forest, Rural, and Residential (Suburban) then, initialed and dated it.

The next question on part 1 of the SEQR pg. 2 (13a) does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetland or other waterbodies regulated by a federal, state or local agency was marked no and should be checked yes.

The Board all agreed and the correction was made. Mr. Falvo marked yes, initialed and dated it.

The last question on part 1 of the SEQR pg. 2 (16) is the project site located in the 100 year flood plan was marked no and should be checked yes.

The Board all agreed and the correction was made. Mr. Falvo checked yes, initialed and dated it.

There was a discussion in regards to the new map being different from the map that was provided with the application. The updated photo of the location of the solar array panels on the property shows no removal of any apple trees that are currently on the property with the new measurement of 325' x 900'. The location of the solar farm would be between 294 Mannix Rd. and the apple orchard to the right when facing the property from the Mannix Rd.

There was a discussion in regards to storm water drainage and whether drain tiles would be needed.

Mr. Charamella shares with the Board that the same amount of water will end up on the ground whether or not the solar panels are put in. This entire property slopes down to a culvert drain that the Town replaced last year and with all the drainage that naturally occurs, this field will continue to be wet and drain out to that culvert and go across the road. In the course of the engineering of this project, if you require the water tiles for diverting the drainage to the culvert on the Mannix Rd., this can be done. Under the solar panels typically have stone for the purpose of keeping any erosion from happening and to catch the water and disburse it. It is engineered this way, for this reason. The type of grass that is reseeded is a special kind of grass and will only grow to about 5" to 6" so therefore it doesn't have to be mowed like regular field grass would. This particular type of grass is very rugged and can stand up to drought, wet, and tuff conditions. So this is something else we can add under the solar panels to help. The bottom of the solar panels will be 3' off the ground.

It was determined that if the application is approved, the Planning Board may need a more detailed description for the storm water drainage and the Town Engineer would review this as well.

SEQR REVIEW: PART 2

Mr. Falvo went over the SEQR; the Zoning Board concurred that there are no negative impacts.

MOTION: Mr. LaBounty made a motion to declare a negative declaration.

SECOND: Mr. Lukas.

ROLL CALL: Mr. Fusco ~ yes, Mr. Lukas ~ yes, Mr. LaBounty ~ yes, Mr. Falvo ~ yes.

MOTION CARRIED.

The Board viewed and added an email sent on October 10, 2018 by Marque Moffett to the application. She is an adjoining land owner who is in support of the project and the use variance on the following merits:

1. The proposed site of the solar array is predominantly on land that has lain fallow for more than 40 years, because it is not usable for farming. Installation of the solar array will provide the landowners with a use for the land.
2. The proposed site of the solar array is set back from the road and will not stand out as an eye sore to community members.
3. According to Apex Solar, there are many ways our town can benefit from the array, one of which is that the energy generated can be used right here in our community. If we are able to make this happen, I think it would be a great example of how we are keeping our small town and rural atmosphere alive, as required in our Comprehensive Plan, even as we keep an eye to the future.

There was a lengthy discussion between the Board, Attorney Matthew Favro, Mr. Charamella, and the Hamilton family in regards to the application and what is required for a Use Variance. It was discussed that if the Use Variance was approved that possibly adding some kind of screening in front of the solar panels.

Mr. Falvo went over the four conditions that is required for a Use Variance and that all must have a positive vote in order to pass.

The four conditions are as follows:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion or neighborhood.
3. The requested use variance, if granted, will not alter the essential character of the neighborhood.
4. The alleged hardship has not been self-created.

Mrs. Hamilton shares with the Board that she spoke to an orchardist who just put in a new acreage and he told her that with tiling, trees, and everything he figured it to be \$15,000 an acre.

Mr. Mark Hamilton shares with the Board that a family member hays the land, no money is distributed. He stated that the property is not usable land as it sits. If the orchard was useable it would have been in the last 100 years. Its 190 acres that you cannot plant or harvest on due to it being so wet in the spring time and takes so long to dry out. The property on either side of the orchard is elevated so the water slopes down into that spot, so literally for the past 50 years the only thing this portion of the property has been used for is to hay because it can't be used for any agricultural use.

The property is assessed as a 240, which means it is Rural Residential.

Mr. Hamilton provided the Board with documentation showing if they were to sell off 15 acres of the land or if someone wanted to build a house on this land, there is a water issue and this would have to be taken care of first. If they were to sell it based on a local real estate assessment done as of today, October 17, 2018, we would essentially get \$1,600 per acre and you could account this for any acreage of that land, whether it has trees on it now or it doesn't. There are lots of properties throughout that area of the Calkins Rd., Clark Rd., and Mannix Rd. that once was an orchard that has been sold. It's his understanding that no matter what they wanted to do with the property would need a variance, even if someone wanted to put a home on it they would have figure out the water issue.

Even though the project is based on only 15 acres and out of that will only use 7 acres for the solar arrays, the entire parcel of 194.5 acres is considered in the approval process. So a subdivision could be done and building a single family home as well on this property.

The Board, along with Attorney Matthew Favro and Mr. Hamilton, went over the current figures of property being sold around the proposed property that's being considered for a solar array. This documentation has been added to the file.

Mr. Hamilton shares with the Board that if the 194.5 acres of land was somewhere else they would probably see a return over the years. But unfortunately this 194.5 acres we haven't seen a return for the entire parcel because 100 acres is orchard, it has some homes, barns and a small portion you can't do anything with it due to it being so wet and haven't seen a return on that portion of the property. The family has had this parcel of land for 100 years, and they can't use the entire parcel of land for its intended use which is agricultural use.

Mr. Falvo explains that in answering the 4 conditions of a Use Variance, you have to show what permitted uses can be produced on this property. If you cannot turn a reasonable return on this property on any of the permitted uses and you can show financial data and information that the Board can answer yes on one of those four questions, then its ok to use the use, beyond what the permitted use is for.

Mr. Falvo asked if there is something they can put together with the understanding of what the Board is looking for.

Mr. Mark Hamilton shares with the Board that based on the conversation that we have heard all we can do is determine the cost in turning that land into farmable land. We can talk to some engineers, we can talk to some people on what it would take to put in drainage tiles and to build it up so it could be used for farming which is what it is intended to be used for, it may be zoned for residential but it is assessed for agricultural land. It is meant to be farmed and can't be.

Attorney Matthew Favro asked Mr. Hamilton how much of a profit do they receive for the apples per bushel.

Mr. Hamilton shares with the board that for the orchard, the profit that is made depending on the year is about \$15,000 to \$30,000. There is another orchard off this parcel so for just this parcel is about 75% of that total per year as this is leased.

In conclusion of this discussion, it was determined by the Board that more information to support the four conditions was needed, with some reasonable amount of cost to support their reasons. Examples of analysis were provided by the Board were as follows:

1. Talk to farmers who are experts in this field to what it would cost per acre for planting trees, tiling the fields etc. and what the return would be. You can also contact Cornell to give accurate numbers on apple trees and tiling per acre.
2. How much it would cost to clear the land and use it for other permitted uses under the use land table in the Zoning Code.
3. Talk to an engineer on the cost to make the land livable. How much it would cost to subdivide, put a single family dwelling on the 15 acres of land, to build up the land due to it being so wet, drive way cut, well, septic, not including building the home.
4. The analysis of changing this property from its current use to a residential use or any one of the uses that is permitted under the land use table.

So, in answering the four conditions, the applicant needs to have documentation from an expert in that field on the cost and what the return would be for it.

Attorney Matthew Favro made a suggestion from what has been discussed of what the Board is looking for with the four conditions, to make a motion to table the application until the next month and ask the applicant to provide this information as soon as possible so he can view the information and discuss this with the Board, as he's unable to attend the next meeting that is scheduled for November 21, 2018.

Mr. Falvo shares with the applicant and the Hamilton family that before he can have a motion to table, he needs to know if they can have all the information discussed by October 31, 2018 to the Codes Office so Mrs. Grigware can send it to the Board to view.

Mr. Hamilton and Mr. Charamella shares with the Board they are comfortable with this date.

The Board all agrees and is comfortable with this decision.

MOTION: Mr. Falvo made a motion to table the action until the November 21, 2018 meeting, pending the receipt of the requested documents no later than October 31, 2018.

SECOND: Mr. Fusco.

ROLL CALL: Mr. Fusco ~ yes, Mr. Lukas ~ yes, Mr. LaBounty ~ yes, Mr. Falvo ~ yes.

MOTION CARRIED.

ANY FURTHER BUSINESS:

There was a discussion in regards to a Subdivision and map that was filed and recorded at the Clinton County Clerk's office on August 15, 2018. The subdivision did not go through the Town of Peru Planning Board for approval.

Mr. Guynup shares with the Board that this was brought to his attention during a conversation with Jeremiah Cross, who is the Assessor for the Town of Peru, after receiving a copy of the map by the Clinton County Clerk's office.

CEO REPORT:

- Twenty-five Building Permits issued.
- \$1,893.85 in fees collected.
- Attended Town Board and Planning Board meetings.
- Three Planning Board application received
- Twenty-three Certificates of Completions/Certificate of Occupancies issued.
- Eight Order to Remedy Violations issued.
- Attended court.
- Continued inspections on open permits.
- Met with Town Lawyer on possible violation.

ADJOURNMENT:

MOTION: Mr. LaBounty made a motion to adjourn at 8:25pm

SECOND: Mr. Lukas

Voice vote: All agreed

Meeting adjourned.

Janne Miller
Town Clerk
12/20/18

FILE

Project: K 2019-013
Date: 6/12/19

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 2.7 mw solar array			
Project Location (describe, and attach a location map): 286 Mannix Rd.			
Brief Description of Proposed Action: Installation of a 2.7 megawatt community solar array on an unused land.			
Name of Applicant or Sponsor: Apex Solar		Telephone: 518-309-2786 ext. 212	
		E-Mail: chime1rick@apexsolarpower.com	
Address: 64 Main St.			
City/PO: Queensbury		State: NY	Zip Code: 12804
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: SPDES - NYS DEC			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		194.5 acres	
b. Total acreage to be physically disturbed?		3.86 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		194.55 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

FILE
Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
<u>Peru Planning Board</u> Name of Lead Agency	<u>6/12/19</u> Date
<u>Reyan Davis</u> Print or Type Name of Responsible Officer in Lead Agency	<u>Vice Chairman</u> Title of Responsible Officer
<u>RD</u> Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

Upstate New York Section

April 20, 2021

SUBJECT: Permit Application Number NAN-2020-00968-UCO
by Sunvestment Group
for the proposed Hamilton Solar Farm
Town of Peru, Clinton County, New York

Mike Roach
Sunvestment Group
7 East 5th Street
Frederick, MD 21701

Dear Mr. Roach:

This office has reviewed your revised request for Department of the Army authorization dated April 6, 2021, and the attached drawing entitled "Site Plan and Details, Hamilton Solar Farm, Mannix Rd, Peru NY 12972", Drawing No. C1.1, prepared by Thomas J. LaBombard, P.E. and dated January 11, 2021. This request was made by Thomas J. LaBombard, P.E., as consultant for Sunvestment Group. The site consists of approximately 12.4 acres, in the Lake Champlain watershed, in the Town of Peru, Clinton County, New York. The proposed project would involve the construction of a land-based solar energy generating facility. Based on our observations at an inspection of the subject site by our representative on October 2, 2020, this office has verified that the limits of aquatic resources are accurately delineated as shown on the above referenced drawings. The submitted information describes a proposal that would consist of the following:

The construction of a land-based solar energy generating facility, including electric transmission lines, transformer and perimeter fencing. None of the work associated with the construction of a land-based solar energy generating facility, nor any of the other activities described in the above referenced drawings would be conducted within a manner that is within the jurisdiction of this office, and/or is not a regulated activity under the jurisdiction of this office.

Based solely on a review of the information provided, it appears that a Department of the Army permit, in accordance with 33 CFR 320-332, will not be required for your proposal. Care should be taken so that any fill or other construction materials, including debris, do not enter any waterbody or wetland to become a drift or pollution hazard.

The Department of the Army regulates construction activities in and over navigable waterways and discharges of dredged or fill material into waters of the United States, including intermittent and perennial streams and coastal and inland wetlands regardless of their size. If your proposal would involve such work, and has not been portrayed as such in

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

the drawing you provided, you should contact this office immediately so that a project-specific determination can be made as to whether a Department of the Army permit will be required.

Please note that this determination does not eliminate the need to obtain any other Federal, State, or local authorizations required by law for the above-described work, including any required permit from the NYSDEC.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

Any inquiries can be directed to the undersigned at (518) 266-6357.

Sincerely,

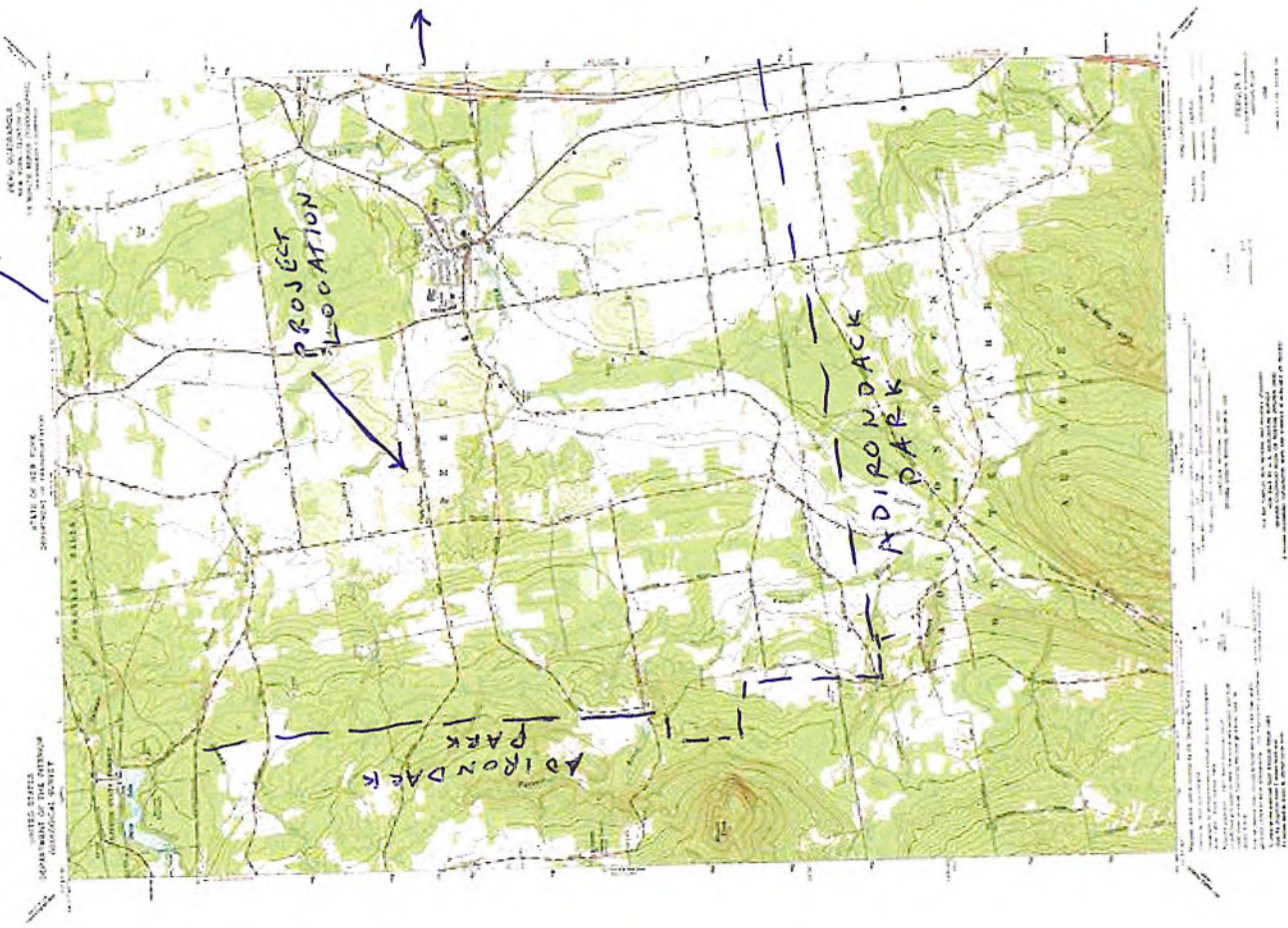
CONNELL.JOHN
.ROBERT.11965
77544

Digitally signed by
CONNELL.JOHN.ROBERT.1
196577544
Date: 2021.04.20 11:54:14
-04'00'

John R. Connell
Senior Project Manager
Upstate New York Section

Cf: E. Donhauser – NYSDEC, Region 5 (Ray Brook)
Town of Peru
T. LaBombard, P.E.

GAMLENKEN
MOUNTAIN
NATION APPROX 22 MILES



Peru Quadrangle
→ LAKECHEMUNIAN
~ 6.5 MILES FROM
PROJECT LOCATION

- WITHIN ADIRONDACK PARK STATE LANDS INTERPERSÉD WITH PRIVATE LANDS, PROJECT SITE IS OUTSIDE PARK. NO NATIONAL PARKS
- OTHER LANDS WITHIN MAP AREA
- NO HISTORIC STRUCTURES ON SITE
- NO WETLANDS ON SITE
- AREA NOT A SOLÉ SOURCE AQUIFER
- NYS CANAL SYSTEM APPROX 70 MILES SSE OF PROJECT SITE

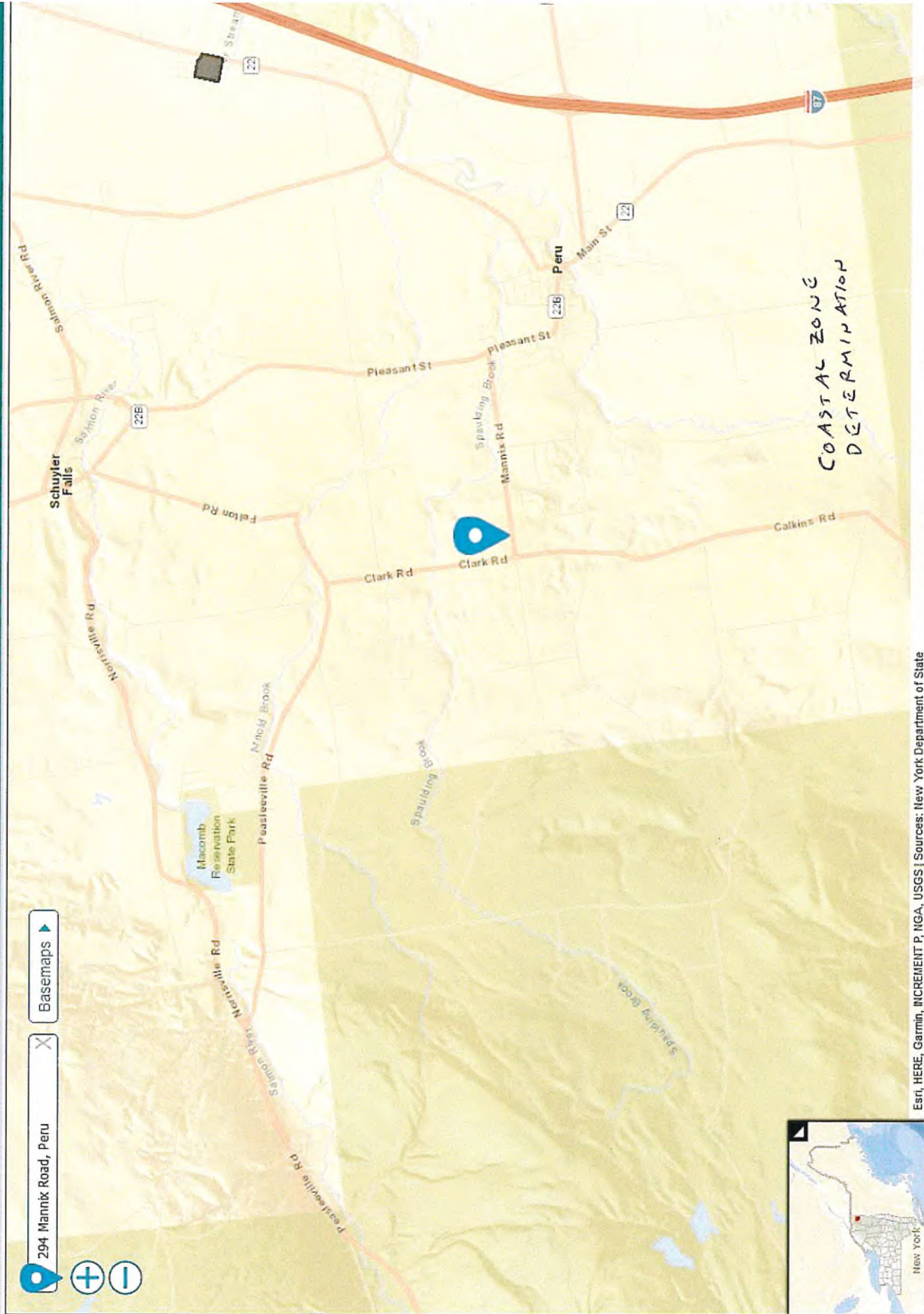
browse

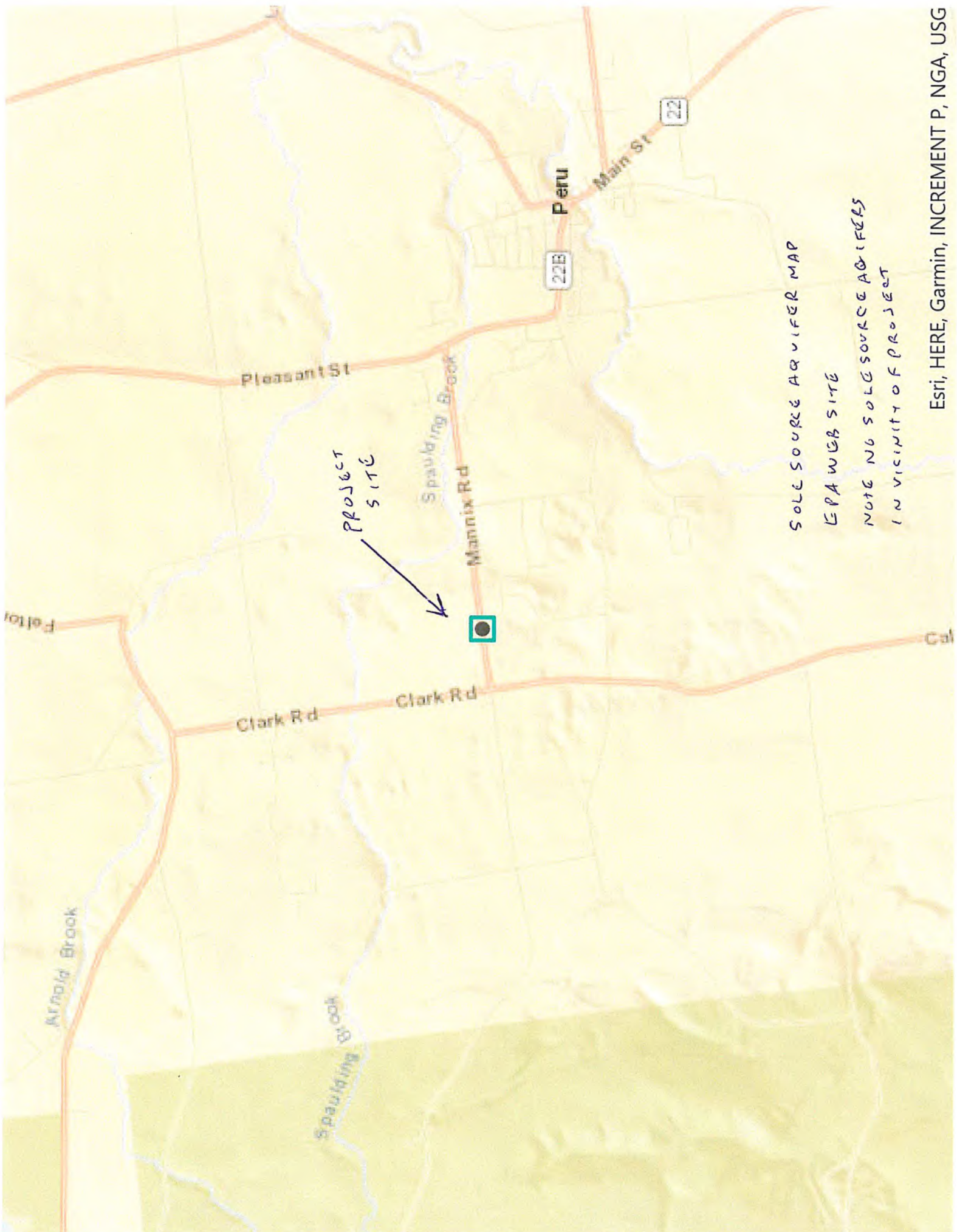
294 Mannix Road, Peru

+

-

Basemaps





PROJECT SITE

SOLE SOURCE AQUIFER MAP
EPA WEB SITE
NOTE NO SOLE SOURCE AQUIFERS
IN VICINITY OF PROJECT

National Flood Hazard Layer FIRMette

73°34'20"W 44°35'18"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone J)
- Future Conditions 1% Annual Chance Flood Hazard (Zone X)
- Area with Reduced Flood Risk due to Levee. See Notes. (Zone X)
- Area with Flood Risk due to Levee (Zone D)

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard (Zone X)
- Effective LOMRs
- Area of Undetermined Flood Hazard (Zone X)

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

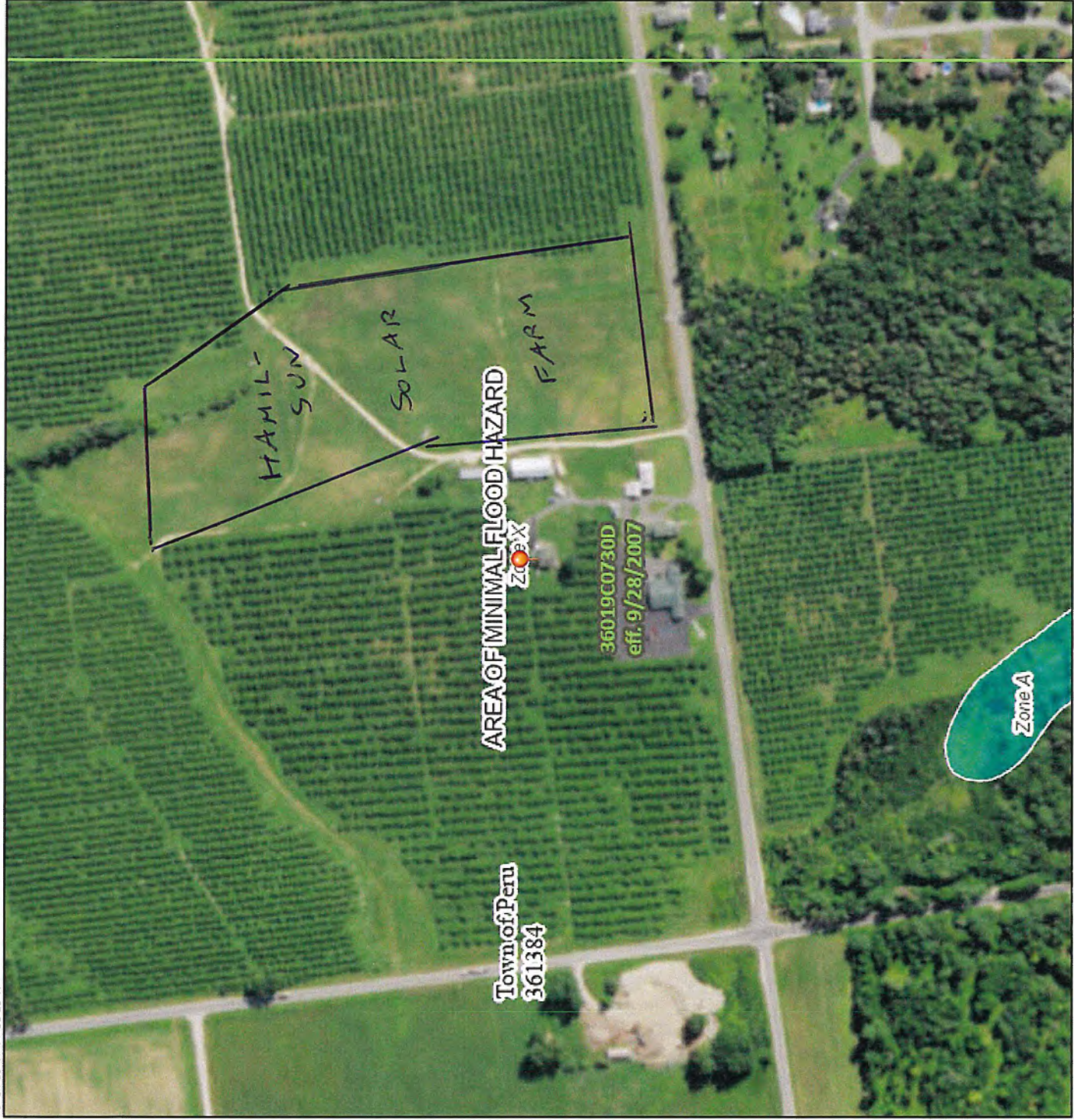
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/11/2023 at 2:09 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

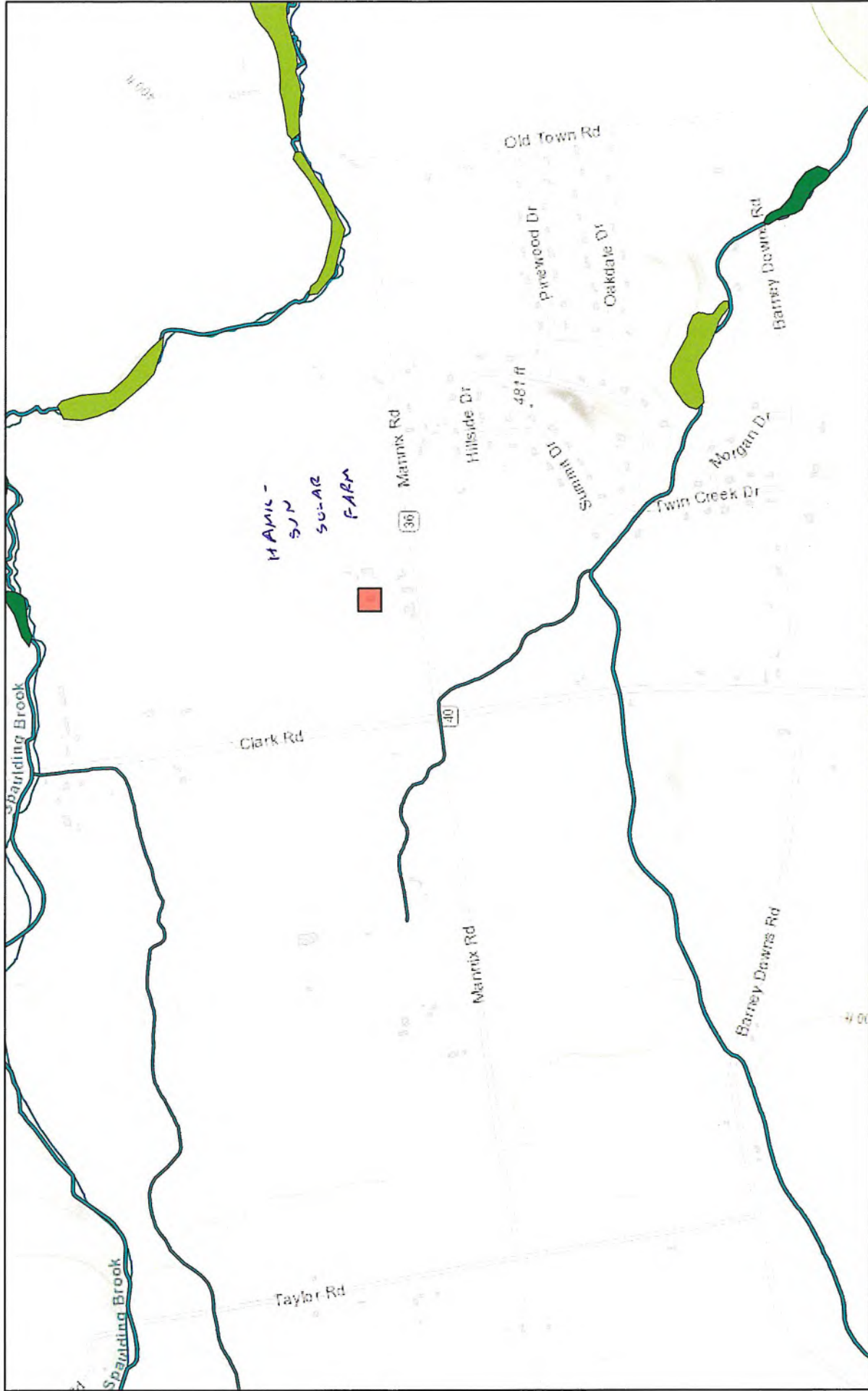
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



0 250 500 1,000 1,500 2,000 1:6,000

73°33'43"W 44°34'52"N

Hamilsun Natural Areas



May 11, 2023

1:18,056

0 0.1 0.2 0.4 mi
0 0.17 0.35 0.7 km
Esri, Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA
NYS Department of Environmental Conservation
Not a legal document

1778 Rt 22 Main St.
Keeseville, NY 12944

Thomas J. LaBombard, PE

Phone: (518) 834-7729
email toml@tjlpe.com
www.tjlpe.com

May 11, 2023

Abram Benedict, Grand Chief
Akwesasne Mohawk Nation
Email: grand.chief@akwesasne.ca

**RE: Hamilsun Solar Energy Project, Mannis Rd, Peru NY, Town of Peru Clinton County, Engineers
Project Number 201945**

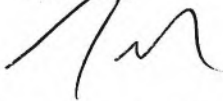
Dear Grand Chief Benedict:

I am the local engineer working with RER Energy Group on a 4 million KWH solar project to bring clean energy into Clinton County. The project location in Peru NY is located approximately 20 miles south of Ganienkeh. As the nearest Native American nation, we wanted to allow you the opportunity to comment on the project if you so desired. I have included several attachments that will give you an idea of what is proposed. The project has been through the Environmental Review process with the Town of Peru as lead agency, and is currently seeking funding through a federal loan. They of course will require their own environmental review process, thus the information included in the attachments.

The purpose of the project is to reduce our dependence on fossil fuels for our energy needs. While this particular facility will only provide a small contribution, as we commit to more renewable sources we can continue to reduce our dependence on fossil fuels and have each community do their part to reduce their role in the climate crisis we find ourselves coping with.

If you have any comments, please feel free to reply either by return email or by regular mail. You can call me at (518)834-7729 if you have any questions or would like more information on the project.

Sincerely,



Thomas J LaBombard, PE

Cc: Ganienkeh Territory, 102 Devils Den Rd, Altona NY 12910

III. Description of the Proposed Action and its Agricultural Setting:

Project Address: 294 Mannix Rd. Peru, NY 12972

Authority Having Jurisdiction: Town of Peru NY

Agricultural District: District 7

Total Farms Affected¹: 1

Anticipated date of commencement of proposed action³: TBD

County: Clinton

Total Parcel Size: 194.5

Total Acres Affected²: 10*

Please provide a detailed description of the proposed action below. If any grading, shaping, excavation or filling is identified, please express such details in a narrative or on a site plan. Identify if there is any tile drainage installed within this parcel.

Please answer the following questions:

1. Will the landowner have access to the remainder of the agricultural field? **Yes**
2. Is the parcel subdivided, or will the parcel be subdivided? If so, will the parcels be merged after the system has been decommissioned?

The proposed community solar project involves the development of under-utilized acreage of the farm for the installation of a solar array sized 2,692.44 kW, to be operated for the benefit of the community. The array footprint will remain within the existing tax parcel, with no sub-division of the parcel anticipated. *Regarding the total acres affected, the developer seeks to reduce this amount further by constructing the array so as to allow for the continued haying of the inter-row spacing areas, subject to lender and financing requirements.

Developer anticipates the installation will accommodate the existing grades and contours of the site with little to no grading. There is no drain tile existing within the proposed development area. Installation of the solar facility will in no way impede the access to, or productivity of, adjacent cultivated areas of the parcel.

The array will consist of a series of tables of solar modules mounted to an engineered racking system which is mechanically fastened to helical earth-screws or driven posts. Use of concrete will be limited to the construction of engineered slabs upon which transformers and switchgear will be located. The installation will be grid-connected to the NYSEG local distribution system via a pole-mounted overhead service drop to the pad-mounted transformer.

¹ Total number of farms within the district affected by the action.

² Affected Areas are areas within the proposed Limits of Disturbance (LOD) that are currently used for agricultural production of food and fiber. The following further identifies these applicable affected areas within agricultural areas: (1) Any agricultural areas that would be permanently converted from agricultural use, including: the entire area within the perimeter fencing (accounting for areas being permanently converted from agricultural use), access roads, buried utilities, overhead electric/communication structures, required permanent, and post construction stormwater management. (2) Any agricultural areas infeasible to farm due to the development of the facility. These areas are dependent on the normal operation to maneuver typically used equipment for the production of food and fiber. Examples of these areas would include narrow setback areas or divided fields that are not able to efficiently maneuver equipment. (3) Temporary disturbed soil areas during construction which proposed to be returned to the pre-existing condition, such as: lay-down areas, temporary access areas, stockpiles areas, temporary grading areas, and areas where temporary erosion and sediment controls were installed.

³ The commencement date is the first day the Project Sponsor/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.

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. Include a map showing the proposed solar array overlaid on the soils map, if available

Maps should always be supplied to a displayed scale, include a north arrow, and be viewable rather than an imbedded image. Multiple maps may be submitted to fulfill this request.

Operator of Parcel and Affected Landowners (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. This can complicate the review process):

Operator of the Parcel⁴: Patricia T & Neil E Hamilton

Affected Landowners:

1. Name(s): Patricia T Hamilton
Address: 288 Mannix Rd
Parcel Number(s): 268.-1-51
2. Name(s): Ruth Hamilton Laclair
Address: 288 Mannix Rd
Parcel Number(s): 268.-1-51
3. Name(s):
Address:
Parcel Number(s):
4. Name(s):
Address:
Parcel Number(s):
5. Name(s):
Address:
Parcel Number(s):

⁴ If the parcel is continuing as an active farming operation, provide information for the operator of the farm.

IV. Agricultural Impact of the Proposed Action:

Describe and assess all short-term and long-term effects associated with the proposed action, including an assessment of any agricultural impacts and any concerns expressed by farm landowners directly affected by the proposed action.

Temporary initial loss of approximately 10 acres of hay production during construction, followed by a resumption of approximately 5 acres post-construction. No landowners have expressed concerns regarding this project.

V. Adverse Agricultural Effects which cannot be avoided should the proposed action be implemented:

Describe any adverse agricultural effects which cannot be avoided should the proposed action be implemented.

As stated above, there would be a temporary initial loss of approximately 10 acres of hay production during construction, followed by a resumption of approximately 5 acres post-construction.

VI. Alternatives to the Proposed Action:

- a. 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.⁵ Provide only the tax parcel ID and a brief explanation as to why the parcel was not ultimately selected.⁶

We did not have the option of considering other parcels, as our landowner is also a partner in the CDG solar project. The owner of our site identified fallow, unproductive land on his acreage, and approached us to make it productive through the deployment of solar PV in a way that would benefit his community (they have been there 5+ generations, a pillar of the community).

The acreage allocated for this community solar array is a small subset (less than 7%) of the entire parcel. This land area is acreage within the farm that is unable to be cultivated as apple orchard, the primary crop being produced at the farm. In contrast, this acreage is situated in close proximity to existing utility infrastructure of sufficient capacity to allow for a viable interconnection with the distribution utility, NYSEG. As such, the proposed site is ideally suited for solar development.

- b. Briefly describe any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action should it be implemented. Include the decommissioning plan as an attachment and provide any other plans to return the project site to agricultural use following the conclusion of the proposed action's lifespan. Provide confirmation that the affected parcel will be returned to its current condition, once the project has been decommissioned.

Installation of the solar array on this site would temporarily cease the production of approximately 10 acres of hay during the construction period. Post- construction, and for subsequent years thereafter, it is anticipated to recover approximately 4-5 acres back into hay production, subject to lender requirements for the project. At the end-of-life the solar array will be decommissioned, with all above-ground electrical components, support structures, and foundations being removed from the site, and the site essentially returned to its pre-construction condition in accordance with NYSDAM guidance.

⁵ Examples of what is considered alternatives by NYSDAM are any parcels considered for development in or outside the agricultural district, wooded lots, county owned land, etc.

⁶ Examples of why the alternative was not selected include the unavailability of three-phase connections, landowner unwillingness to lease the alternative site, environmental concerns, etc.

VII. Mitigation measures proposed:

Describe any mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of a farm enterprise or enterprises within the district. Confirm that the proposed action will follow NYSDAM's [Guidelines for Agricultural Mitigation for Solar Energy Projects](#) and describe specifically if any guidelines will not be followed.

Two good options exist as potential mitigation strategies for the site:

As previously stated, the intent is to recover some of the hay production that previously occurred on the 10 acres, to the extent that it can be successfully and safely achieved. This option would allow for approximately 4-5 acres of hay production to resume post-construction.


If it is determined that the above cannot be achieved, an alternate, eco-friendly strategy is available. This would involve the planting of pollinator-friendly varieties of native species as ground cover for the site. Implementation of this option is also desirable in that it directly supports pollinator populations while enhancing pollination of the existing commodity crop, apples.

- a. Describe any aspects of the proposed action which would encourage non-farm development, where applicable and appropriate, including any local zoning restrictions which apply to the area.

The benefits that community solar projects bring to the communities in which they are located include:

- Providing a mechanism for guaranteed savings on electricity costs, a vital and necessary operating expense for virtually all residents and businesses in the community. This is attractive both to existing residents and businesses in the area as well as new businesses and residents coming into the region.
- Tangible local participation in New York State's transition to renewable energy and attainment of the State's goal of 6GW of distributed solar by 2025.
- Local generation of clean, emissions-free electricity.

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



Project Sponsor (Developer)

July 17, 2020

Date



NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
Acting President and CEO

Commissioner Richard Ball
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

August 7, 2020

SENT VIA ELECTRONIC MAIL

Re: Notice of Intent to Undertake an Action Within an Agricultural District, RER Energy Group's HamilSun Community Solar project in the Town of Peru

Dear Mr. Ball:

Pursuant to New York State Agriculture and Markets Law (AML) Section 305(4)(b), the New York State Energy Research and Development Authority (NYSERDA) hereby files a Notice of Intent to undertake an action within a State-certified Agricultural District.

NYSERDA has reviewed the attached information submitted by *RER Energy Group*, the project developer, for the construction of *HamilSun Community Solar* project at 294 Mannix Rd, Peru, New York. The information provided herein is accurate to the extent of NYSERDA's knowledge.

Sincerely,

Candace Rossi
Project Manager, NY-Sun

Cc: Kathleen Tylutki, NYSAGM
Max Joel, NYSERDA
Mike Roach, RER Energy Group

Enclosures

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



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

September 4, 2020

Candace Rossi, Program Manager
NY Sun- NYSERDA
11 Columbia Circle
Albany, NY 12203

RE: Final Notice of Intent – Notice of Intent to Undertake an Action Within an Agricultural District, RER Energy Group’s, HamilSun Community Solar in the Town of Peru, Clinton County Agricultural District No. 7

Dear Ms. Rossi:

The enclosed Final Notice of Intent, filed with this Department by the New York State Energy and Research Development Authority, for the advance of public funds for the construction of a 2.69 Mega Watt Solar Photo-Voltaic System, located within the Town of Peru, within Clinton County Agricultural District No. 7, is complete.

The Final Notice has been forwarded to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture, and the County Agricultural and Farmland Protection Board (AFPB). In consultation with them, the Commissioner shall review the proposed action during the next forty-five (45) day period commencing September 4, 2020 and make an initial determination whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district and state environmental plans, policies and objectives. Furthermore, the Department will be exploring acceptable mitigation options for the proposed project during the next thirty (30) days.

Please be advised that the Department's acceptance as complete of the Final Notice of Intent for the proposed action does not authorize commencement of the project. In order to comply with the provisions of Section 305(4), no funds may be advanced to construct the facility or to acquire land within the district until the Notice process has been completed as set forth in Section 305(4).

Please do not hesitate to contact me, at (518) 451-3186 if you have any questions regarding your Notice filing.

Sincerely,

Andy Steiner
Senior Environmental Analyst

cc: Rodney Brown, Chair, Clinton County AFPB
Brandy McDonald, Supervisor, Town of Peru
Mike Roach, RER Energy Group
File: 20-120

Prep'd By	AB	Date	08/10/22
Drawn By	AB	Date	08/10/22

Approved By

The contractor on this shall verify all dimensions and existing conditions. The contractor is required to perform all work in compliance with applicable codes and regulations of governing authorities having jurisdiction.
 All drawings, specifications, plans, ideas, arrangements and designs represented or intended to be used in the project for which they are made is executed or not. None of the above may be disclosed or given to or used by any person, firm or corporation for any use or purpose whatsoever including any other project, except upon written permission and direction of RER ENERGY GROUP.

Project Description
 Two grid tie PV array sections, ground mounted at the site
 PV array section 1 utilizes (1,161) 360W photovoltaic modules connected in series strings of (27) generating units in (43) parallel strings to (3) 125kW inverters.
 PV array section 2 utilizes (4,056) 545W photovoltaic modules connected in series strings of (26) generating units in (156) parallel strings to (13) 125kW inverters.

REVISIONS	REMARKS
1-04/21/22	PRELIMINARY SINGLE-AXIS
2-06/01/22	UPDATED TO REMOVE ACCESS LANE
3-08/02/22	UPDATED FOR SSM USE
4-05/19/23	ACREAGE MODIFICATION ADDED

Page Title

SITE PLAN VIEW

Drawing	A-100
Sheet	1 of 1



**Landowners:
 Patricia T Hamilton
 Neil E Hamilton**
**Tax ID#:
 268.-1-46.2**
**Land Use:
 Former Apple
 Orchard**

**Landowners:
 Patricia T Hamilton
 Neil E Hamilton**
**Tax ID#:
 268.-1-46.2**
**Land Use:
 Former Apple
 Orchard**

PERIMETER
 FENCING
 ENCLOSING
 12.5 ACRES

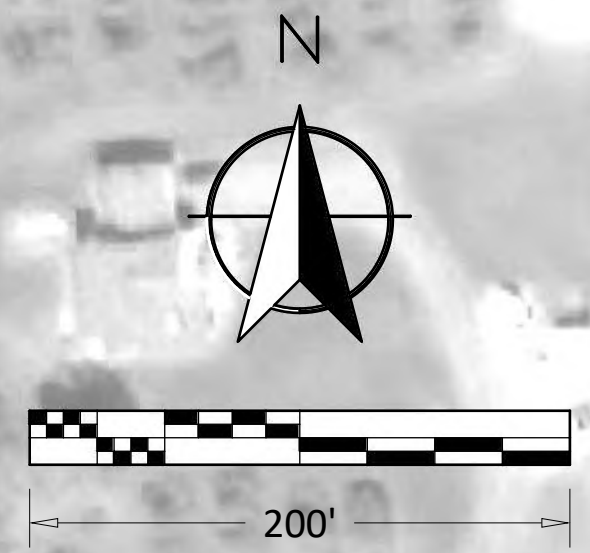
INVERTER RACK 1

INVERTER RACK 3

GATE FOR
 PERIMETER FENCE
 ONTO ACCESS ROAD

CUSTOMER OWNED
 SWITCHGEAR AND
 TRANSFORMER ON
 CONCRETE PAD

INVERTER RACK 2



UNDERGROUND
 CONDUCTORS AT
 MEDIUM VOLTAGE

C-3: CUSTOMER
 OWNED RISER POLE
 w/CUSTOMER METERING

C-2: CUSTOMER-OWNED
 POLE WITH UTILITY METER

C-1: UTILITY POLE
 GOAB and FUSED CUT
 OUT SWITCHES

NEW NYSEG
 CORNER POLE
 WITH PCC RECLOSER

EXISTING
 NYSEG POLE

MANNIX ROAD

MANNIX ROAD

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location


Clinton County, New York



Local office

New York Ecological Services Field Office

☎ (607) 753-9334

 (607) 753-9699

 fw5es_nyfo@fws.gov

3817 Luker Road

Cortland, NY 13045-9385

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an

office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/5949</p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/9045</p>	Endangered

Insects

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/9743</p>	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p>Bald Eagle <i>Haliaeetus leucocephalus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds Dec 1 to Aug 31

<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9399</p>	Breeds May 15 to Oct 10
<p>Bobolink <i>Dolichonyx oryzivorus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 20 to Jul 31
<p>Cape May Warbler <i>Setophaga tigrina</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds Jun 1 to Jul 31
<p>Chimney Swift <i>Chaetura pelagica</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Mar 15 to Aug 25
<p>Eastern Whip-poor-will <i>Antrostomus vociferus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 20
<p>Evening Grosbeak <i>Coccothraustes vespertinus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 15 to Aug 10
<p>Wood Thrush <i>Hylocichla mustelina</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The

survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

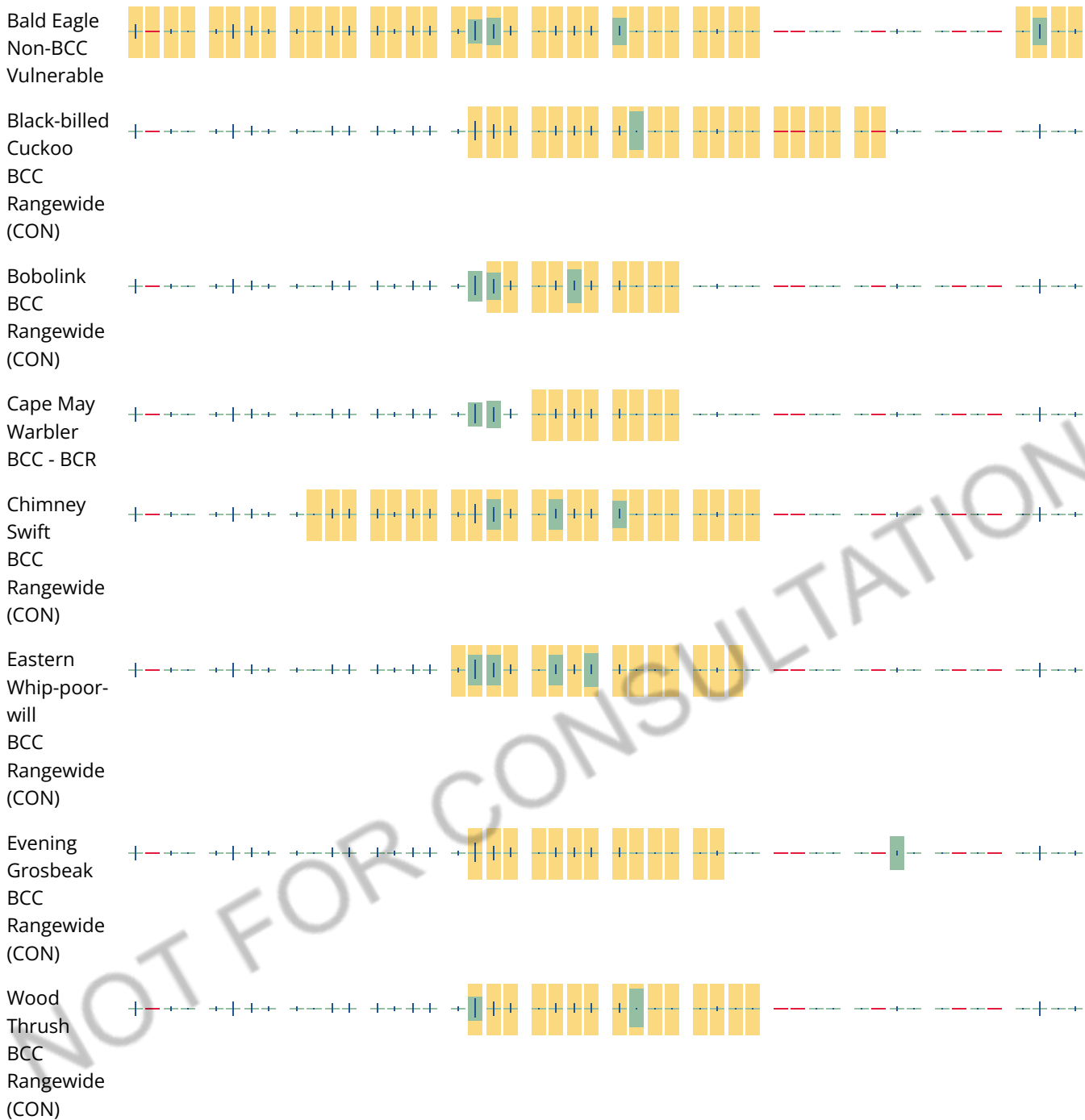
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or

longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any

particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

National Wetlands Inventory

surface waters and wetlands

ABOUT

GET DATA

PRINT

FIND LOCATION

Map navigation controls: zoom in (+), zoom out (-), refresh, and home.

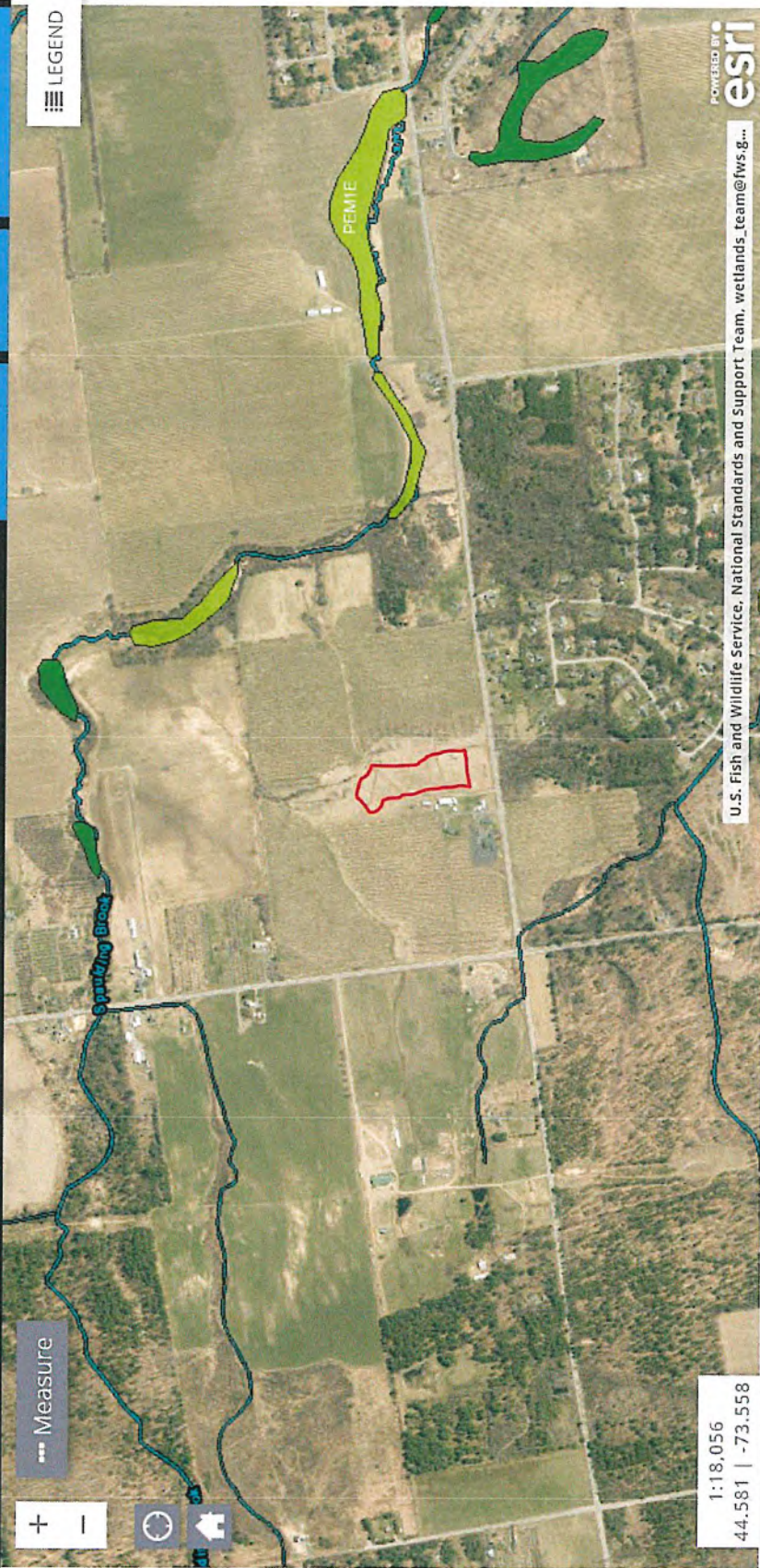
Measure

LEGEND

BASEMAPS >

MAP LAYERS >

- Wetlands
- Riparian
- Riparian Mapping Areas
- Data Source
 - Source Type
 - Image Scale
 - Image Year
- Areas of Interest
- FWS Managed Lands
- Historic Wetland Data



1:18,056
44.581 | -73.558

POWERED BY
esri

U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.g...

1778 Rt 22 Main St.
Keeseville, NY 12944

Thomas J. LaBombard, PE

Phone: (518) 834-7729
email toml@tjlpe.com
www.tjlpe.com

**Darren Bonaparte, Acting Tribal Historic Preservation Office
St. Regis Mohawk Tribe
71 Margaret Terrace Memorial Way
Akwesasne NY 13655**

June 8, 2023

Subject: USDA Rural Development (RD), RER Energy Group, THPO Recommended Finding of No Significant Impact

**Hanilsun Community Solar
286 Mannis Rd, Peru NY 12972**

Dear Mr. Bonaparte:

RER Energy Group is seeking financial assistance from the USA Rural Development Rural Utilities Service (RUS) for the Hamilsun Community Solar Project.

The project calls for constructing a Community Solar facility of approximately 2.6 MWDC at 286 Mannix Rd, Peru NY in conjunction with the Hamilton family. The site will utilize approximately twelve acres of farmland that is no longer used for any agricultural purpose. The facility will operate as a community solar host site that will generate renewable energy and will benefit local homeowners, small businesses, small commercial, and industrial users in the Town of Peru and surrounding New York State Electric and Gas Company service area. As the site had recently been farmed for hay, clearing will not be required for this project, however farming activities have been terminated due to market decisions on the part of the owner. During the planning process, it was anticipated that there will be some temporary disruption during installation after which any disturbed areas will be restored except for the locations of the foundations, however this is no longer a factor. Construction activities consist primarily of installation of the panel foundations, installation of the panels, transformer pads, and installation of underground wiring to connect the solar panels to the transformers and to the grid.

This project is scheduled for construction beginning in the third quarter of 2023. It is designed to produce over 4 million KWH of clean energy in the first year, enough to provide solar energy to approximately 300 - 320 homes and businesses. The project is anticipated to begin operations in calendar year 2023.

The immediate project area is fallow, with the panels to be installed in a former hay field. The surrounding properties are a mix of agricultural and rural, with a funeral business in the vicinity of the project site. The region has long been in food production, with the primary farm products in the region being dairy and apple production, with market conditions having recently taken the land out of production. It should be noted that the presence of solar panels does not preclude agricultural activities

on the land should the owner determine in the future that the activity is once again viable. The project does allow for multiple use of the land.

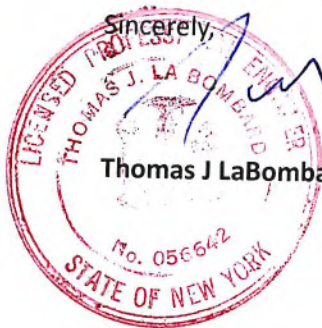
RUS defines the area of potential effect (APE) as an area that includes all project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right of way or easement areas necessary for construction, operation, and maintenance of the project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpile areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g. whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, RER Energy Group notified by letter from subconsultant Thomas J LaBombard PE the Akwasasne Mohawk Nation with a copy to the Ganienkeh Territory by letter on May 11, 2023 about the Hamilsun Community Solar Project. This more formal letter serves as a more formal notification, dated June 8, 2023.

The enclosed Environmental Assessment describes the results of the environmental investigation of the APE. Based on the findings of the EA, a finding of no significant impact is appropriate for the referenced project.

Please provide your concurrence or objection, electronically within 30 days of your receipt of this recommended finding. In accordance with 36 CFR 800.3©(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct questions you may have to Gary Pereira – RD, NY, email gary.pereira@usda.gov

Sincerely,



Thomas J LaBombard, PE



Andrew Biederman <abiederman@rerenergygroup.com>

Hamilsun Solar Farm, Peru NY, Clinton County NY

-----Original Message-----

From: Darren Bonaparte <darren.bonaparte@srmt-nsn.gov>
Sent: Monday, June 26, 2023 10:40 AM
To: Helgren, John - RD, NY <john.helgren@usda.gov>
Subject: RE: Hamilsun Solar Farm, Peru NY, Clinton County NY

Hi John,

Yes, everything looks fine. I concur with the findings of NO EFFECT.

If this email reply does not suffice, please let me know and I will zap you a letter.

Darren Bonaparte
Director

Onkwehón:we Tsinikiawen:'en Tsiionteweien'tohkhwa | Tribal Historic Preservation Office Saint Regis Mohawk Tribe
Ionkwakiohkwaró:ron | Tribal Administration Building
71 Margaret Terrance Memorial Way, Akwesasne NY 13655
(518) 358-2272 ext. 2163
darren.bonaparte@srmt-nsn.gov

Ska'tne ionkwaio'te ón:wa wenhniserá:te ne sén:ha aioianerénhake ne enióhrhen'ne
Working Together Today to Build a Better Tomorrow

-----Original Message-----

From: Helgren, John - RD, NY <john.helgren@usda.gov>
Sent: Monday, June 26, 2023 8:06 AM
To: Darren Bonaparte <darren.bonaparte@srmt-nsn.gov>
Subject: Hamilsun Solar Farm, Peru NY, Clinton County NY

Hi Darren, USDA RD proposes a determination of "No Historic Properties Affected" in agreement with SHPO's recommendation. You ok with this? Let me know if you have questions/comments.

Thanks, John

Please note that my office phone and mailing address have changed: Please ensure all correspondence is sent to USDA-Rural Development, 1 N. Main Street, Cortland, NY 13045 going forward.

John T. Helgren, P.E.
State Engineer |State Environmental Coordinator NY State Office - Rural Development U.S. Department of Agriculture
1 North Main Street
Cortland, NY 13045
315.412.3758 (cell)
607.218.3523 (office)
"Together, America Prospers"
USDA is an equal opportunity provider, employer, and lender.



June 21, 2023

Michael Roach
RER Energy Group
4700 Pottsville Pike
Reading, PA 1905

Re: Hamilsun Community Solar - Town of Peru, Clinton County, NY

Mr. Roach,

The Natural Resources Conservation Service (NRCS) under Part 523 of the Farmland Protection Policy Act has reviewed the proposed project described above. This review was conducted with respect to the effect(s) that the proposal may have on prime and/or unique farmland. Since there are prime and/or unique farmed lands in the proposed project extent the enclosed Farmland Conversion Impact Rating Form (AD-1006) needs to be completed to rate the land being converted. If the Total Site Assessment Points in part VII is greater than or equal to 160, please propose an alternative site and fill out the AD-1006 again until the proposed site yields less than 160 points. If no alternative for the project is practical, please state this in the **Reason for Selection** block at the bottom of the form. Please complete Parts VI and VII and submit a copy to the address below or e-mail to daniel.ufnar@usda.gov.

USDA/NRCS
Daniel Ufnar
441 S. Salina St
Suite 354
Syracuse, NY 13202

Thank you for this opportunity to review and comment on this proposal.

Respectfully,

Daniel Ufnar
State Soil Scientist

Enc.

NRCS Farmland Conversion Impact Rating - Information Form/ Checklist

Parties requesting a Farmland Conversion Impact Rating from NRCS must include the following information. Submission of the complete materials will avoid processing delays.

A Project Contact Information:

Project Contact Name..... Michael Roach

Project Contact Email Address..... mroach@rerenergygroup.com

Project Contact Address..... 4700 Pottsville Pike

..... Reading, PA 1905

Project Contact Telephone..... 315-247-8494

Project Contact FAX.....

Preferred Method of Contact:..... Email Phone Mail

B Project Information:

Project Name..... Hamilsun Community Solar

Requesting Agency or Business Name.. RER Energy Group

Federal Agency Providing Funding USDA

Soil Survey Name..... Ma, So, Ha

Town and County Name..... Town of Peru, Clinton County

Date of Request..... 06/06/2023

Is there a location map supplied on a topographic, aerial photography base or soil map with the project extent outlined? (soil map preferred)

Yes No

MORE SOILS HELP: The Web Soil Survey (<http://soils.usda.gov/>) provides a web based application for delineation of an area (project location) and display of soil lines on a photography base with an associated report that includes acreage totals. The Soil Data Mart (<http://soildatamart.nrcs.usda.gov/>) provides a listing of counties that are digitized and a download of GIS format files.

What is the current or planned zoning for the site?..... Rural Residential

Corridor width (if applicable)..... N/A

Parts I and III of the AD-1006 form need to be completed by the requesting party. Access to a digital form is located at the FPPA site: <http://www.nrcs.usda.gov/programs/fppa/>. If access is not available answer the following questions.

- a. Total Acres to be Converted Directly? 13
-
- b. Total Acres to be Converted Indirectly?
("Converted Indirectly" is defined as land that the specific project does not alter but creates a situation where the land can no longer be used for potential farming due to the project.) 0
-
- c. Total Project Acres affected by FPPA (Acres should total the sum of a and b.)? 13
-

Any questions can be directed to Daniel Ufnar: (315) 477-6538 or daniel.ufnar@usda.gov

Please send completed materials to:

Daniel Ufnar, NRCS State Soil Scientist
Natural Resources Conservation Service
441 S. Salina Street, Suite 354 Syracuse,
NY 13202-2450



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Clinton County, New York**



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

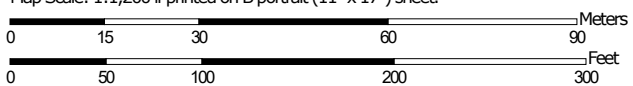
The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

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Soil Map (HamilSun Solar Area)



Soil Map may not be valid at this scale.


Map Scale: 1:1,200 if printed on B portrait (11" x 17") sheet.



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

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

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: Clinton County, New York
 Survey Area Data: Version 23, Sep 10, 2022

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

Date(s) aerial images were photographed: Jun 18, 2020—Jun 20, 2020

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 (HamilSun Solar Area)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BvB	Bombay loam, 3 to 8 percent slopes	0.1	0.6%
CtsB	Covertfalls loamy fine sand, 3 to 8 percent slopes	0.6	5.0%
Ha	Hailesboro silt loam	5.7	48.2%
OcB	Occur loamy sand, 3 to 8 percent slopes	0.0	0.2%
So	Shaker loam	5.5	46.0%
Totals for Area of Interest		11.9	100.0%

Map Unit Descriptions (HamilSun Solar Area)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

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was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Clinton County, New York

BvB—Bombay loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9qwp
Elevation: 100 to 610 feet
Mean annual precipitation: 31 to 34 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 130 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Bombay and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bombay

Setting

Landform: Till plains, hills, drumlinoid ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Loamy till derived mainly from sandstone and limestone

Typical profile

H1 - 0 to 9 inches: loam
H2 - 9 to 23 inches: fine sandy loam
H3 - 23 to 56 inches: gravelly loam
H4 - 56 to 72 inches: gravelly fine sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 18 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Available water supply, 0 to 60 inches: Moderate (about 8.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: B/D
Ecological site: F142XB013NY - Moist Till Upland
Hydric soil rating: No

Minor Components

Madrid

Percent of map unit: 5 percent

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Hydric soil rating: No

Appleton

Percent of map unit: 5 percent

Hydric soil rating: No

Unnamed soils

Percent of map unit: 3 percent

Runeberg

Percent of map unit: 1 percent

Hydric soil rating: Yes

Rhinebeck

Percent of map unit: 1 percent

Hydric soil rating: No

CtsB—Covertfalls loamy fine sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9qxc

Elevation: 100 to 500 feet

Mean annual precipitation: 31 to 34 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 130 to 170 days

Farmland classification: All areas are prime farmland

Map Unit Composition

Covertfalls and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Covertfalls

Setting

Landform: Terraces, outwash plains, deltas

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Crest, tread

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Sandy glaciofluvial deposits over loamy till

Typical profile

H1 - 0 to 8 inches: loamy fine sand

H2 - 8 to 20 inches: loamy fine sand

BC - 20 to 26 inches: loamy fine sand

2C - 26 to 72 inches: cobbly loam

Properties and qualities

Slope: 3 to 8 percent

Depth to restrictive feature: 18 to 40 inches to strongly contrasting textural stratification

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Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 1.98 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Available water supply, 0 to 60 inches: Very low (about 2.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: B/D
Ecological site: F142XB003VT - Moist Outwash
Hydric soil rating: No

Minor Components

Unnamed soils

Percent of map unit: 5 percent
Hydric soil rating: No

Grattan

Percent of map unit: 3 percent
Hydric soil rating: No

Northway

Percent of map unit: 3 percent
Hydric soil rating: No

Pipestone

Percent of map unit: 2 percent
Hydric soil rating: No

Covert

Percent of map unit: 2 percent
Hydric soil rating: No

Ha—Hailesboro silt loam

Map Unit Setting

National map unit symbol: 9qy5
Elevation: 250 to 500 feet
Mean annual precipitation: 31 to 42 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 105 to 165 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Hailesboro and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hailesboro

Setting

Landform: Lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 9 inches: silt loam
H2 - 9 to 30 inches: silty clay loam
H3 - 30 to 72 inches: silty clay loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 12 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: F142XA012NY - Rich Lacustrine Terraces Frigid
Hydric soil rating: No

Minor Components

Adjidaumo

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Unnamed soils

Percent of map unit: 4 percent

Mino

Percent of map unit: 3 percent
Hydric soil rating: No

Muskellunge

Percent of map unit: 3 percent
Hydric soil rating: No

Roundabout

Percent of map unit: 3 percent
Hydric soil rating: No

Swanton

Percent of map unit: 2 percent

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Hydric soil rating: No

OcB—Occur loamy sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9qzl
Elevation: 200 to 1,000 feet
Mean annual precipitation: 31 to 42 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 105 to 165 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Occur and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Occur

Setting

Landform: Terraces, outwash plains, deltas
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest, tread
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Sandy glaciofluvial or beach ridge deposits over loamy till

Typical profile

H1 - 0 to 6 inches: loamy sand
H2 - 6 to 29 inches: loamy sand
H3 - 29 to 72 inches: loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 18 to 40 inches to strongly contrasting textural stratification
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Available water supply, 0 to 60 inches: Very low (about 2.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: B/D
Ecological site: F142XA006NY - Acidic Moist Outwash Frigid
Hydric soil rating: No

Minor Components

Coveytown

Percent of map unit: 4 percent
Hydric soil rating: No

Croghan

Percent of map unit: 3 percent
Hydric soil rating: No

Adams

Percent of map unit: 2 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 2 percent

Wainola

Percent of map unit: 1 percent
Hydric soil rating: No

Flackville

Percent of map unit: 1 percent
Hydric soil rating: No

Schroon

Percent of map unit: 1 percent
Hydric soil rating: No

Kalurah

Percent of map unit: 1 percent
Hydric soil rating: No

So—Shaker loam

Map Unit Setting

National map unit symbol: 9r0b
Elevation: 100 to 480 feet
Mean annual precipitation: 31 to 34 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 130 to 170 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Shaker and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shaker

Setting

Landform: Lake plains

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Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Linear

Parent material: Loamy over clayey glaciolacustrine or glaciomarine deposits

Typical profile

H1 - 0 to 9 inches: loam

H2 - 9 to 25 inches: very fine sandy loam

H3 - 25 to 72 inches: clay

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: 18 to 40 inches to strongly contrasting textural stratification

Drainage class: Somewhat poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)

Depth to water table: About 12 to 18 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 3 percent

Available water supply, 0 to 60 inches: Low (about 4.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3w

Hydrologic Soil Group: C/D

Ecological site: F144AY018NY - Moist Lake Plain

Hydric soil rating: No

Minor Components

Flackville

Percent of map unit: 5 percent

Hydric soil rating: No

Rhinebeck

Percent of map unit: 5 percent

Hydric soil rating: No

Pinconning

Percent of map unit: 2 percent

Landform: Depressions

Hydric soil rating: Yes

Northway

Percent of map unit: 2 percent

Hydric soil rating: No

Runeberg

Percent of map unit: 1 percent

Hydric soil rating: Yes

Unnamed soils

Percent of map unit: 1 percent

Mino

Percent of map unit: 1 percent

Custom Soil Resource Report

Hydric soil rating: No

Pipestone

Percent of map unit: 1 percent

Hydric soil rating: No

Massena

Percent of map unit: 1 percent

Hydric soil rating: No

Gougeville

Percent of map unit: 1 percent

Landform: Depressions

Hydric soil rating: Yes

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Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

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FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved			
Proposed Land Use		County and State			
PART II (To be completed by NRCS)		Date Request Received By NRCS		Person Completing Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

(See Instructions on reverse side)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.