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December 14, 2022

Town Supervisor of the Town of Carlisle
Highway Superintendent of the Town of Carlisle
Chair of the Planning Board of the Town of Seward
Town Supervisor of the Town of Seward
Chair of the Zoning Board of Appeals of the Town of Seward
Highway Superintendent of the Town of Seward
Schoharie County Planning Office
Schoharie County Legislature
Schoharie County Department of Public Works
Schoharie County Industrial Development Agency
NYSERDA
NYS Office of Parks, Recreation and Historic Preservation Office
NYS Department of Agriculture and Markets
NYS Department of Environmental Conservation

Re: The environmental review of a 20 megawatt-AC solar project proposed by Rock District Solar LLC (Cypress Creek Renewables) located in the Towns of Carlisle and Seward, Schoharie County, NY at 190 Brown Road (parcel ID #s 33.-2-1; 33.-5-8; 33.-2-3)

Dear Involved / Interested Agency:

On behalf of the Town of Carlisle Planning Board, enclosed please find a copy of the resolution, accompanied by the full Part 3 EAF and addendum, comprising the negative declaration of environmental significance adopted by the Town of Carlisle Planning Board, as SEQRA lead agency for this type 1 action. If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ *Terresa M. Bakner*

Terresa M. Bakner

cc: Carlisle Town and Planning Board Clerk
Chair of the Planning Board of the Town of Carlisle
Rock District Solar LLC c/o of Jeff Davis, Esq.

Town of Carlisle Planning Board

RESOLUTION NO. 24 - 2022

November 15, 2022

Moved by Sam Dunston; Seconded by Charles Rhoades;

WHEREAS, an application for a Utility Scale Solar Energy System (USSES) of 20 megawatts (the Project) was submitted by Rock District Solar, LLC (also Cypress Renewables Inc.) to the Towns of Carlisle and Seward pursuant to their respective local laws, Local Law 2 of the year 2017 of the Town of Carlisle (filed with the NYS Secretary of State on November 6, 2017) and Local Law 1 of the year 2021 of the Town of Seward (filed with the NYS Secretary of State on February 2, 2021); and

WHEREAS, the Project is proposed to be constructed on land leased from the landowner Thomas Barbarie comprising tax map parcels 33.-2-1; 33.-5-8; and 33.-2-3 with an address at 190 Brown Road in the Towns of Carlisle and Seward, comprising 316 acres of land of which 124.47 acres will be used for the ground mounted solar arrays, including access roads, fencing, landscaping and electrical equipment, including a substation and interconnection point to convey the electricity produced by the solar panels into the electrical grid; and

WHEREAS, the Town of Carlisle Planning Board (TCPB) declared its intent to be lead agency for the SEQRA review of this Type 1 action and after coordinating its lead agency status with the other involved agencies, including the Town of Seward, declared itself lead agency with no other involved agencies indicating their desire to act as lead instead of the TCPB; and

WHEREAS, the TCPB retained consultants to assist the TCPB in the review of the Project, Barton and Loguidice for engineering review and Whiteman Osterman & Hanna LLP for legal review; and

WHEREAS, the TCPB along with its consultants carefully reviewed all of the documents that comprise the application and have examined the entire Project and not just the portion in the Town of Carlisle pursuant to SEQRA; and

WHEREAS, the TCPB coordinated its review with the other involved and interested

agencies including the NYS Department of Environmental Conservation and the NYS Office of Parks, Recreation and Historic Preservation, among others; and

WHEREAS, the most up to date version of the Application is made available to the public at the Town of Carlisle Town Hall and by accessing the following weblink <https://ccrenew.com/rock-district/application/> ; and

WHEREAS, the TCPB review of the Application commenced in August of 2021 and continued through November of 2022 to ensure that the Application was complete and that all relevant Application materials are accessible to the public; and

WHEREAS, the TCPB reviewed the EAF Part 1 which was revised several times until it was finalized on September 8, 2022, along with the supporting environmental documents all of which are accessible on the weblink above; and

WHEREAS, the TCPB with the advice of its consultants prepared the EAF Part 2, identifying all of the potential environmental impacts of the Project and categorizing the impacts, some of which were moderate to large as set forth in the EAF Part 2; and

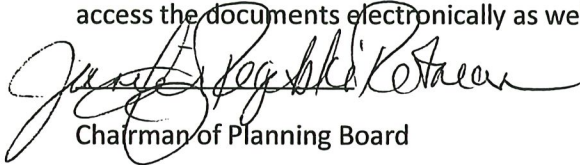
WHEREAS, the TCPB also extensively reviewed the EAF Part 3 and its accompanying addendum which is a written, reasoned elaboration of the determination of significance; and

NOW, THEREFORE BE IT RESOLVED that the TCPB approves the EAF Part 2 and the EAF Part 3 and its addendum finding that it is a written, reasoned elaboration of the determination of significance, all attached hereto, and finding that the Project will not cause a significant adverse environmental impact and the TCPB will not require the preparation of an Environmental Impact Statement on the proposed Project; and

BE IT FURTHER RESOLVED that the TCPB finds that the Application for the Project is complete and that the Project should be referred to the Schoharie County Planning Board pursuant to the NYS General Municipal Law for its comments on the Project's regional impacts; and

BE IT FURTHER RESOLVED that the TCPB hereby schedules the Public Hearing on the proposed Project for the TCPB's regular Town of Carlisle Planning Board meeting to take

place on Tuesday December 13, 2022 at the Town of Carlisle Town Hall located at 541 Crommie Road, Carlisle, NY, at 7:00 p.m. and directs that the Planning Board Clerk duly notice the public hearing as required by the Town of Carlisle solar law and site plan review law including the information on the availability of the application materials so that the public may access the documents electronically as well as in person at Town Hall if so desired.



Chairman of Planning Board

Date

Present: Jennifer Regelski; Sam Dunston, Mary Bates, Neil McConnelee, Wyatt Ward, Charles Rhoades

Absent: Linda Cross, Shaun Pangman

Planning Board Members:

Jennifer Regelski, Chairman Yea

Sam Dunston Yes

Mary Bates -Yea

Linda Cross - Excused

Neil McConnelee- Nay

Shaun Pangman -Excused

Wyatt Ward- Yea

Charles Rhoades -Yea

Project : Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

An evaluation of the magnitude and importance of project impacts was completed and details are available under separate cover in an Addendum to EAF Part 3 document.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

See Addendum to EAF Part 3 (attached).

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Carlisle Planning Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Rock District, LLC Solar Energy Facility - 190 Brown Rd

Name of Lead Agency: Town of Carlisle Planning Board

Name of Responsible Officer in Lead Agency: Jennifer Regelski

Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency:  Date: 12.13.2022

Signature of Preparer (if different from Responsible Officer) _____ Date: _____

For Further Information:

Contact Person: Jennifer Regelski, Planning Board Chair

Address: P.O. Box 119, Carlisle, NY 12031

Telephone Number: (518) 234-3221

E-mail: onion197525@gmail.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

Revised 11/2/2022 —Addendum to EAF Part 3

The Project's environmental impacts have been evaluated in accordance with the SEQRA Full Environmental Assessment Form, Part 2 - Identification of Potential Project Impacts. A majority of the potential project impacts have been identified as "no or small impact may occur". However, the following potential project impacts were deemed by the Town of Carlisle Planning Board to have "Moderate to Large" Impacts: Impact on Agricultural Resources, Impact on Aesthetic Resources, and Consistency with Community Character. These items all relate to the impact of the proposed Rock District, LLC Solar Project located at 190 Brown Rd, Carlisle, NY on vacant, non-developed land.

As described in greater detail below, the Planning Board does not believe that the identified potential impacts associated with the proposed solar facility are of such significance that the preparation of an Environmental Impact Statement (EIS) is required. The proposed solar facility will occupy approximately 124.47 acres of a +/- 316-acre tract of land that is currently used for agricultural purposes. The proposed solar facility will be developed on both sides of Brown Road and a substation will be located in the southwestern corner of the site. The subject parcels (Tax Parcel ID Nos. 33.00-2-1, 33.00-5-8, and 33.00-2-3) consist of hilly terrain that is moderately to steeply sloping, and bedrock is present at shallow depths throughout the site. Minimal tree cutting (approximately 0.65 acres) will be performed on the site to accommodate the solar arrays.

Impact on Surface Waters

There are no New York State Department of Environmental Conservation (NYSDEC) regulated freshwater wetlands on the site. The NYSDEC completed a site visit to verify and signed a validation block dated May 6, 2019. U.S. Army Corp. of Engineers (USACE) regulated wetlands and streams are located on the subject property, but will not be disturbed by the project. A Preliminary Jurisdictional Determination (PJD) was received by the Applicant from the USACE on March 11, 2020. The site is not located within the 100 year Flood Plain.

Temporary soil erosion control and stormwater quality measures will be installed and maintained during the construction and operation of the proposed solar facility in accordance with the Stormwater Pollution Prevention Plan (SWPPP) which is based on the NYSDEC Stormwater Management Design Manual and NYSDEC stormwater guidance developed specifically for solar projects.

Impact on Plants and Animals

The U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) list identifies the northern long-eared bat (NLEB) as a listed species that may occur in vicinity of the Project. The NLEB is currently listed as a federally listed and state-listed threatened species. The Project is not within 0.25 miles of a known hibernaculum, nor is it within 150 feet of a known maternity roost tree. Correspondence with the New York Natural Heritage Program (NYNHP) and NYSDEC indicates that the Project is located within 3.5 miles of a NLEB hibernaculum, and that the cutting of trees larger than 3 inches diameter at breast height can only occur during the period of November 1st through March 31st, unless out of season clearing is approved by NYSDEC and USFWS. The Applicant has indicated that it will comply with the seasonal clearing restriction.

A Winter Raptor Survey Report was submitted and approved by the NYSDEC. The NYSDEC's response dated June 2, 2022, indicated that they agree with the determination that no essential behaviors of state-listed bird species were observed at the Project site during the winter raptor survey study period, therefore, "take" is not likely and no incidental take permit is required at this time. Additionally, the Project fencing has been designed and its location adjusted to limit impacts on the common wildlife that are anticipated to use or cross the project site.

Impact on Agricultural Resources

The solar array and associated infrastructure are proposed to be constructed on active agricultural land. The project site is part of Schoharie County Agricultural District #3, therefore, approval from the NYS Department of Agriculture and Markets (NYSDAM) is required. The project will result in the conversion of approximately 124.47 acres of agricultural land to non-agricultural use. The portions of the property outside of the solar array will continue to be used by the landowner for agricultural purposes. The anticipated loss of agricultural land is not expected to constitute a significant impact, as there are approximately 114,460 additional acres of farmland in Agricultural Districts in Schoharie County, which will not be impacted by the project. There are approximately 240 farmland parcels over 14,444 acres in the Town of Carlisle and 251 farmland parcels over 14,907 acres in the Town of Seward. In addition, the site will be restored to its original condition after the solar array is decommissioned (anticipated to be 35 years after installation). The applicant submitted a Notice of Intent to the NYSDAM as part of the NYSERDA application process. Construction will not commence until NYSDAM approval is issued.

The solar array will be constructed on agricultural land, and the property will not be available for the traditional harvesting of crops while the solar array is in operation. However, the Applicant is considering utilizing approximately four (4) acres of the fenced-in area for the growing of crops (e.g. ancient grains) and to provide an area for chickens to roam. The solar panels arrays on a ten (10) acre area as shown on the site plans are designed to accommodate the ancient grain growing and the chickens. The maintenance of vegetation within the remainder of the fenced-in area will be conducted through the grazing of sheep. The solar array is expected to operate for 35 years, after which it will be decommissioned and the site will be returned to its original state. Agricultural operations could commence in the future after the solar array is decommissioned. The proposed seeding in the Decommissioning Plan shall be increased to seeding with 25 pounds of mixed grasses per acre to reestablish a hay field upon the removal of the equipment and the restoration of the property to agricultural use.

Impact on Aesthetic Resources

Construction activities and the resulting solar array will be visible from nearby properties and from roadways. The project is unlikely to be visible to citizens enjoying nearby municipal parks and aesthetic resources within the Town. The solar array and associated infrastructure will result in a permanent visual change to the local viewshed. The solar panels will be approximately 12 feet tall at maximum tilt. A small amount of tree clearing (approximately 0.65 acres) is proposed on the northern and southern sides of the project site.

TRC Companies completed a visual assessment for the project, which included photo simulations of the proposed solar array from twelve (12) nearby properties and vantage points. The solar array will be visible to nearby properties. Proposed landscaping onsite or immediately adjacent to the

site has been designed to mitigate some of these impacts, however, further mitigation could be provided by screening closer to or on some of these neighboring properties due to the existing topography. Specifically, some of the neighboring properties are situated at considerably higher elevations than the project site, and therefore the placement of a vegetative buffer in close proximity to the project site will offer minimal visual impact screening due to the difference in elevation between the residential property and the project site. The Applicant has agreed to establish an escrow fund sufficient for the purchase of 80 to 120 trees, which are available to be planted by a qualified landscaping contractor on individual private properties (with the written consent of the owners) after construction of the solar project has been completed to maximize the beneficial effect of the tree placement. This approach should help to insure that the selected location of the newly planted trees will provide the greatest amount of visual mitigation possible to the private property owners.

Impact on Historic and Archeological Resources

A letter of “No Effect” was received from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on April 22, 2022. Based upon review of the Project, it is the opinion of OPRHP that no properties, including archeological 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. The Planning Board members identified potential historic structures which were included in the information submitted to OPRHP by the Applicant.

Impact on Open Space and Recreation

The existing site has some people accessing the property for snowmobiling on an existing identified snowmobiling trail. Such trails exist only with the permission of private property owners. In this case the Applicant has worked with the landowner to identify a new (but very similar) snowmobile trail location for the property. With this new trail location no impact to snowmobile usage is likely to occur.

Consistency with Community Character

Construction activities will be visible from surrounding residential properties, but are unlikely to be visible to citizens enjoying nearby municipal parks and aesthetic resources within the Town. The solar array and associated infrastructure will result in a permanent visual change to the local viewshed as shown in the TRC visual study. The solar panels will be approximately 12 feet tall at maximum tilt (the 10 acre agrivoltaic area will have a height at maximum tilt of 14 feet tall). Proposed landscaping onsite or immediately adjacent to the site shall mitigate some of these impacts, however, further mitigation could be provided by screening closer to or on these neighboring properties. Specifically, some of the neighboring properties are situated at considerably higher elevations than the project site, and therefore the placement of a vegetative buffer in close proximity to the project site will offer minimal visual impact screening due to the difference in elevation between the residential property and the project site. The Applicant has agreed to establish an escrow fund sufficient for the purchase of 80 to 120 trees, which are to be planted by a qualified landscaping contractor on individual private properties (with the written permission of the property owners) after construction of the solar project has been completed. This approach should help to insure that the selected location of the newly planted trees will provide the greatest amount of visual mitigation possible to the private property owners. The trees planted will be slightly larger than those proposed near the site to achieve immediate screening that will

further develop over time. The trees should be a mix of at least two to three species of native conifers that provide screening even if one species suffer from blight.

All trees planted for the project screening should be replaced by the Applicant and at the Applicant's expense if they die or fail to thrive with new trees for the life of the project, i.e. until decommissioning is complete. To guarantee this obligation a combination of an escrow account and financial security to be provided by the Applicant to the Towns is required. The installation of trees on private property and the maintenance of these trees and those planted on the project site shall be guaranteed by the Applicant pursuant to an agreement or agreements with the Towns.

In conclusion, based on a review of all available information, the Planning Board has determined that the solar project will not have any significant adverse impacts on the environment and that an Environmental Impact Statement will not be required but that a Negative Declaration is made for the purposes of SEQRA as found in Article 8 of the NYS Environmental Conservation Law.