

**Supplement to the Application for a Certificate of  
Environmental Compatibility and  
Public Need Pursuant to Article 10 of the  
New York State Public Service Law**

**Trelina Solar Energy Center**

Town of Waterloo, New York

**Case No.: 19-F-0366**

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## Attachments

- Attachment A. New Figure 3-1A. Project Component Locations
- Attachment B. Updated Control House Plans
- Attachment C. Phase IB Archaeological Survey
- Attachment D. OPRHP Phase 1B Review Letter
- Attachment E. OPRHP Historical Architecture Report Receipt/Review Acknowledgement
- Attachment F. Complaint Resolution Plan (Revised October 2020)
- Attachment G. Evaluation of Vibration Amplitude by Impact Pile Drivers
- Attachment H. New Figures 22-1A and Figure 22-2A – Plant Communities Figures

## Supplement to the Application

In response to the October 13, 2020 letter received from the Chair of the New York State Board on Electric Generation Siting and the Environment (Chair) regarding the Application submitted by Trelina Solar Energy Center, LLC (Applicant) pursuant to N.Y. Public Service Law (PSL) 164 for a Certificate of Environmental Compatibility and Public Need for the Trelina Solar Energy Center Project (the Project), supplemental information is provided below and attached. The organization of this document (hereafter referred to as the “Supplement to the Application”) is consistent with the Chair’s October 13, 2020 letter and presents each comment followed by the Applicant’s response to the comment.

### **Exhibit 3: Location of Facilities**

1. Stipulation 3 requires the Application provide the most recent United States Geological Survey (USGS) maps (1:24,000 topographic edition) reproduced at original scale showing the Facility and locations of all Project components. Figure 3-1 does not specifically show the location of the collection substation, point of interconnection (POI) switchyard, and the tap line. Please revise Figure 3-1 to specify the location of these three components.

**Response:** Figure 3-1 has been updated to show the location of the collection substation, point of interconnection (POI) switchyard, and the tap line, as requested, and is included herein as a new Figure 3-1A in Attachment A.

### **Exhibit 11: Preliminary Design Drawings**

1. Stipulation 11(f) requires “Architectural drawings, as applicable, including structure arrangements and exterior elevations for all structures (including collection substation and 115 kV switchyard tap line and interconnection equipment, and site security features, such as closed-circuit television (CCTV) or other monitoring equipment support structures, as well as any O&M or other operational support buildings and structures, including retaining walls and fences) indicating the length, width, height, material of construction, color, and finish of all buildings, structures, and fixed equipment and the type(s) of site perimeter fencing (including access gate(s)) to be installed extensively around the Facility.” While the Application does include elevation views and some detail of the control house for the proposed collection substation, height and color were excluded. In addition, the elevation

views (including height and indication of color) are not provided for the proposed control house of the switchyard. Please provide an indication of height and color of paneling for both control houses, as well as elevation views for the switchyard control house (similar to what was provided in DWG 13666- 052-E1-0300 of Appendix 11—3, but with the height dimensions and color of the building).

**Response:** The Design Drawings have been updated to include the height and color of both control houses as well as the elevation view of the switchyard control house, as requested, and are included herein as Attachment B.

## **Exhibit 20: Cultural Resources**

1. 16 NYCRR §1001.20(a)(3) requires a Phase IB study, as determined in consultation with the Office of Parks, Recreation, and Historic Preservation (OPRHP). Page 7 of Exhibit 20 indicates that the Phase IB archeological study is scheduled to occur concurrently with the filing of the Application. However, the Application as filed does not include the Phase IB archeological study. Please provide the Phase IB archeological study, upon completion and proof of consultation with SHPO regarding its receipt and review of the Phase IB study.

**Response:** The Phase IB Archaeological Survey is included as Attachment C. OPRHP's acknowledgement of receipt and review of the Phase IB study is included as Attachment D.

2. 16 NYCRR §1001.20(a)(4) requires a Phase II study based on the Phase I study results, as determined in consultation with OPRHP and DPS. Should OPRHP determine that a Phase II study is warranted, please provide the Phase II report and proof of SHPO consultation regarding its receipt and review of the report.

**Response:** In response to the Phase IB survey, OPRHP concurred with the recommendation that sites TRC-TR-1 (Site 09910.000114) and TRC-TR-3 (09910.000116) be avoided and concurred with the Site Avoidance Plan provided in the Phase IB report. If impacts to the sites cannot be avoided, OPRHP recommends a Phase II investigation to assess the sites potential eligibility for listing in the S/NRHP.

OPRHP determined that anticipated ground disturbance at the remaining three identified sites (TRC-TR-2, TRC-TR-4, and TRC-TR-5), based on their understanding of proposed construction methods, does not constitute an adverse impact and no additional archaeological work is required at these three sites.

3. Stipulation 20(b)(1) requires the Applicant to consult with OPRHP and DPS concerning the Historic Architectural studies for the project's APE. While confidential Appendix 20-2 contains the Historic Architectural Resources Survey and Effects Report, it is unclear whether the OPRHP has received and reviewed the required Historic Architectural studies. Please provide proof of consultation with OPRHP regarding its receipt, review, and concurrence of the Historic Architectural Resources Survey and Effects Report.

**Response:** OPRHP provided an acknowledgement of receipt and review of the Historic Architectural Resources Survey and Effects Report on September 18, 2020 (Attachment E). They indicate in their response that formal comments will be provided once the Phase 1B Archaeological Study has been received and reviewed. This review has now taken place, as described in the preceding Response for Deficiency 2 for Exhibit 20, and the Applicant is now awaiting a Coordinated Response from SHPO.

### **Exhibit 21: Geology, Seismology, and Soils**

1. 16 NYCRR §1001.21(k) requires the Application to include "a plan for securing compensation for damages that may occur due to blasting." According to page 22 of Exhibit 21, "the Applicant will outline a plan for securing compensation for damages that may occur due to blasting, including pre- and post-blast property surveys, if applicable, as detailed in the Complaint Resolution Plan (Appendix 12-3)." Although the Application commits to providing a plan for securing compensation for damages that may occur from blasting, no such plan is provided in the Application, as required per 16 NYCRR 1001.21(k). Please provide a plan for securing compensation for damages that may occur due to blasting.

**Response:** A full Geotechnical Engineering Report, provided as Appendix 21-1 of the Application, concludes that bedrock was not encountered in test borings for the PV array and substation areas of the Project. As such, blasting is not proposed or anticipated. Nonetheless, the Applicant's Complaint Resolution Plan, provided as Appendix 12-3 of

the Application, outlines the procedure for complainants to file a complaint and for the Applicant to work with a complainant towards dispute resolution. This Plan has been revised to add provisions for compensating for damages. The revised Plan is provided as Attachment F to this Supplement.

2. 16 NYCRR §1001.21(r)(3) requires the Application to include "a plan for securing compensation for damages that may occur due to pile driving." No plan for securing compensation for damages that may occur due to pile driving was included in the Application. Although the Applicant asserts that vibrational impacts due to post or pile driving are not anticipated, the Applicant's position does not obviate the need to provide the required compensation plan. Please provide a plan for securing compensation for damages that may occur due to pile driving.

**Response:** As described in Exhibit 21 of the Application and in Attachment G to this Supplement (Evaluation of Vibration Amplitude by Impact Pile Drivers), vibrations induced by pile drivers during the installation of the driven posts used to support the PV solar panels are not anticipated to impact any subsurface conditions or existing buildings or structures. Nonetheless, the Applicant's Complaint Resolution Plan, provided as Appendix 12-3 of the Application, outlines the procedure for complainants to file a complaint and for the Applicant to work with a complainant towards dispute resolution. This Plan has been revised to add provisions for compensating for damages. The revised Plan is provided as Attachment F to this Supplement.

## **Exhibit 22: Terrestrial Ecology and Wetlands**

1. Stipulation 22(a)(2) requires "Maps of the Project Area at a scale of 1:6,000 (where one inch equals 500 feet), based on aerial photography and National Land Cover Database (NLCD) information showing approximate locations and extent of identified plant communities as classified according to Ecological Communities of New York State (Edinger et al., 2014)." In addition, Stipulation 22(a)(3) requires "Maps at a scale of 1:1,200 (where one-inch equals 100 feet) showing approximate locations and extent of identified plant communities as classified according to Ecological Communities of New York State (Edinger et al., 2014) for Project Areas within 500 feet of disturbance. Plant communities for parcels outside the Project Area on which the Applicant does not have control will be determined as identified through the NLCD, and observations made from publicly

accessible roads, as feasible.” The Application states on pages 3-4 of Exhibit 22, "Descriptions of these plant communities and their dominant plant species are provided below, with the exact location of each community type within the Project Area and in the 500 feet beyond the Project Area boundary shown in Figures 22-1 and Figure 22-2 respectively. The cover types shown on Figures 22-1 and 22-2 are delineated by community type as described in Ecological Communities of New York State (Edinger et al., 2014)". However, the plant communities maps provided as Figure 22-1 & 22-2 do not identify plant communities classified according to Ecological Communities of New York State. Please revise the labeling in Figures 21-1 & 21-2 to reflect those used in Ecological Communities of New York State.

**Response:** Figures 22-1 and 22-2 have been updated to identify plant communities classified according to Ecological Communities of New York State, as requested, and are included herein as new Figure 22-1A and Figure 22-2A in Attachment H.

2. Stipulation 22(q)(2) requires that the Invasive Species Management and Control Plan (ISMCP) include “Maps at a scale of 1”:1,200’ of identified invasive species in areas of proposed disturbance. GIS Shapefiles of these locations will be also provided and be consistent with data content maintained by the NYS Invasive Species Database.” The maps of identified invasive species in areas of proposed disturbance included as Figures 22-1 and 22-2 provide the location of invasive species, but do not identify the invasive species. Please add labels to Figures 22-1 and 22-2, indicating which invasive species are present.

**Response:** Figures 22-1 and 22-2 have been updated to identify each observed invasive species within the Project Area, as requested, and are included herein as new Figure 22-1A and Figure 22-2A in Attachment H.

## **Exhibit 24: Visual Impacts**

1. 16 NYCRR §1001.24(b)(5) requires “Photographic simulations of the facility and interconnections shall be prepared from the representative viewpoints to demonstrate the post-construction appearance of the facility. Where vegetation screening is relied on for project mitigation, leaf-off and leaf-on simulation shall be provided. Representative viewpoints shall be established in consultation with DEC, DPS, OPRHP, and APA where

appropriate.” The simulations provided in the Attachment for Appendix 24-1 include leaf-on simulations, but do not demonstrate leaf-off conditions as required. Please provide leaf-off simulations where vegetation screening is relied on for Project mitigation.

**Response:** Appendix 24-1 includes leaf-off simulations consistent with Stipulation 24 (6). This Stipulation requires the Applicant to provide photographic simulations of the Facility to demonstrate the post-construction appearance of the Project. The requirement to provide leaf-on and leaf-off simulations applies to these photographic simulations, to show mitigation that may be provided by existing vegetation in the area. The Applicant does not interpret this provision to mean leaf-off conditions would apply to the additional simulations provided by the Applicant under Stipulation 24 (7) that illustrate the appearance and location of proposed landscape screening. Interpretation of the Stipulations in this manner is consistent with previous Article 10 cases (Eight Point Wind, East Point, and High River). However, based upon consultation with DPS, they believe the wording is ambivalent, they acknowledge the precedent, and that DPS would seek this information in discovery after the Application is deemed compliant. The Applicant has commenced preparation of these additional simulations in anticipation of responding to the DPS discovery.

2. 16 NYCRR §1001.24(b)(7) requires “Each set of existing and simulated views of the facility shall be compared and rated and the results of the visual impact assessment shall be summarized. Documentation of the steps followed in the rating and assessment methodology shall be provided including results of rating impact panels and a description of the qualifications of the individuals serving on the panels. Where visual impacts from the proposed facility are identified, potential mitigation measures shall be outlined, and the extent to which they effectively minimize such impact shall be discussed.” The qualifications of the three individuals serving on the panel are not included. Please provide the qualifications of each individual serving on the panel as well as those that will complete the visual impact rating forms contained in Attachment 7, Photosimulation Contrast Rating.

**Response:** Following is additional information for each panelist to accompany that already provided on page 38 of Exhibit 24 and page 35 of Appendix 24-1 - Visual Impact Assessment.



## **Judy Bartos**

### **Education**

Master of Science, Soil Science, University of Massachusetts at Amherst, September 1994

Bachelor of Science, Plant and Soil Sciences, University of Massachusetts at Amherst, 1989

Bachelor of Fine Arts, Minor in Art History; University of Massachusetts, 1987

### **Areas of Expertise**

Ms. Bartos has 26 years of cumulative experience in the following:

- GIS 10.7 ArcInfo/Spatial Analyst/3D Analyst; ArcServer/sde Geodatabase; 3DS Max 2016; Global Mapper; Infracore, Visual Nature Studio 3; AutoCad; ArcGIS Pro 2.5
- Three-Dimensional Modeling, Photosimulation, Viewshed Analysis, Line-of-Sight, Advanced Terrain Analysis, Linear Referencing, Shadow Study, Advanced Geodatabases
- Author of Visual Impact Assessments since 2002
- Expert Testimony for Visual Impact Assessments and Photosimulations
- Wind Farm and Generating Facility siting studies
- Observation and evaluation of: Soils, Glacial Geology, Hydrology, Landform Interpretation, Ecology, Forest Community Assessment, Stream Characterization, Wildlife Habitat Assessment
- Former B.F.A. and minor in Art History professional degree in the arts focused on technical aspects of composition, color theory, and design using different media as well as observation and critical evaluation of visual compositions including contemporary and historic masters as well as modern photography.

## **Michael Ross**

### **Education**

Bachelor of Science, Landscape Architecture, The Pennsylvania State Univ., University Park, PA, 1995

### **Professional Registrations/Certifications/Training:**

- Pennsylvania Registered Landscape Architect License No. LA002697
- West Virginia Registered Landscape Architect License No. 416
- Colorado Registered Landscape Architect License No. LA1362
- North Carolina Registered Landscape Architect License No. 2096
- Maryland DNR Forest Conservation Qualified Professional

### **Memberships/Associations:**

- American Society of Landscape Architects (ASLA)
- Counsel of Landscape Architectural Registration Boards (CLARB)

### **Area of Expertise**

Mr. Ross has more than 23 years of experience in the profession of Landscape Architecture that includes:

- All aspects of the Land Development Submission process
- Civil Site Plan Development
- Site Analysis, Field Scoping Views, and Formal Survey Requests
- Due Diligence Reports and Utility Coordination
- Conceptual Design and Exhibit Presentations for Client
- Prime and/or Sub-Consultant Interaction and Consultation
- LEED Certified and Sustainable project site design
- Master planning, Estate planning, and Streetscaping
- Hardscape and Planting design/implementation
- All aspects of Permitting Approvals including: E&S/NPDES, HOP, PHMC, Zoning, Planning, and SALDO
- Design/build implementation and processes and Phased planning/design
- Project management and coordination with general and/or subcontractors throughout the construction process
- Program Manager for project site Visual Simulation Efforts

**Kirsten Barnstead (formerly Johnson)**

Ms. Barnstead was chosen as a panelist to provide visual evaluation to represent opinions independent of formal visual arts or landscape architecture training.

**Education**

Master of Science, (ABD), Biology, Indiana University of Pennsylvania, to be conferred December 2020

Bachelor of Science, Fisheries & Wildlife, Michigan State University, 2015

**Areas of Expertise**

Mrs. Barnstead has over 7 years of experience in coordinating and conducting a wide range of ecological surveys and project management with a focus on avian ecology and management. She currently serves as an Environmental Scientist where she has supported numerous Article 10 and renewable energy projects.

- Visual simulation field data collection and photography
- Avian Ecology, Habitat Management, and Survey Methods
- Wetland Delineation
- Invasive Species Monitoring and Management
- Pollinator Habitat Planning
- Environmental Impact Assessment
- Bird and Bat Conservation Strategy Development
- Endangered Species Act (ESA)
- National Environmental Policy Act (NEPA)
- Wind Energy Guidance (WEG) and Eagle Conservation Plan Guidance (ECPG)

# **Attachment A**

## **New Figure 3-1A. Project Component Locations**

# **Attachment B**

## **Updated Control House Plans**

# **Attachment C**

## **Phase IB Archaeological Survey**

# **Attachment D**

## **OPRHP Phase 1B Review Letter**

# **Attachment E**

## **OPRHP Historical Architectural Receipt/Review Acknowledgement**



# **Attachment F**

## **Complaint Resolution Plan (Revised October 2020)**

# **Attachment G**

## **Evaluation of Vibration Amplitude by Impact Pile Drivers**

# **Attachment H**

## **New Figures 22-1A and Figure 22-2A – Plant Communities Figures**