



Mill Point
SOLAR I PROJECT

ConnectGen Montgomery County LLC

Mill Point Solar I Project

Matter No. 23-00034

§ 900-2.16 Exhibit 15

Agricultural Resources

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Glossary Terms

- Applicant:** ConnectGen Montgomery County LLC (ConnectGen), a direct subsidiary of ConnectGen LLC, is the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State (NYS) Executive Law.
- Facility:** The proposed components to be constructed for the generation, collection and distribution of energy for the Project will include: photovoltaic (PV) solar modules and their rack/support systems; direct current (DC) and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; buried alternate current (AC) medium voltage collector circuits; fencing and gates around each array of modules; access roads; temporary laydown/construction support areas; a medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a new 3-breaker ring bus point of interconnection switchyard (POI switchyard); two adjacent approximately 305 foot-long 345 kV transmission line segments to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; and an operations and maintenance (O&M) building with parking/storage areas as well as any other improvements subject to ORES jurisdiction.
- Facility Site:** The tax parcels proposed to host the Facility, which collectively totals 2,665.59 acres.
- Point of Interconnection (POI) or POI Switchyard:** A new 3-breaker ring bus point of interconnection switchyard will be constructed adjacent to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; the substation will tie into the new POI switchyard via an overhead span and deliver power produced from the Facility onto the electric grid through two overhead spans tapping the National Grid-owned Marcy – New Scotland 345-kV transmission line. The POI switchyard is located off Ingersoll Road in the northeastern portion of the Facility Site.

Limits of Disturbance (LOD):	The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped as the LOD. The LOD encompasses the outer bounds of where construction may occur for the Facility, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of all major Facility components, defined work corridors, security fencing, and proposed planting modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility.
Project or Mill Point Solar I	Collectively refers to permitting, construction, and operation of the Facility, as well as proposed environmental protection measures and other efforts proposed by the Applicant.
Study Area:	In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 96,784.84 acres, inclusive of the 2,665.59-acre Facility Site.

Acronym List

AC	Alternating Current
BMPs	Best Management Practices
C	Commercial
CDL	Cropland Data Layer
DC	Direct current
EM	Environmental Monitor
HDD	horizontal directional drilling
IBP	Industrial Business Park
kV	Kilovolt
LOD	Limits of Disturbance
MSG	Mineral Soil Groups
MW	Megawatt
NASS	National Agricultural Statistics Service
NLCD	National Land Cover Database
NRCS	Natural Resource Conservation Service
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSAGM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
NYSORPS	New York State Office of Real Property Services
POI	Point of Interconnection
PV	Photovoltaic
O&M	Operations and Maintenance
ORES	Office of Renewable Energy Siting
RR	Rural-residential
USDA	United States Department of Agriculture
USGS	United States Geological Survey

EXHIBIT 15 AGRICULTURAL RESOURCES

15(a) Assessment of Agricultural Resources

This section includes an assessment of agricultural resources located within the 5-mile Study Area including but not limited to New York State (NYS) Certified Agriculture Districts, Real Property Agricultural Value Assessment, Zoning Districts, Agricultural Land Use Compared to Non-agricultural Land Uses, Existing Energy Infrastructure and Completed Renewable Energy Facilities, and Active Agricultural Businesses, Facilities, and/or Infrastructure.

(1) NYS Certified Agricultural Districts

There are three NYS Certified Agricultural Districts within Montgomery County. The majority of the Facility Site is located within Montgomery County Agricultural District 3. Within the 5-mile Study Area, 59,437.68 acres (61.2 percent) are enrolled in three agricultural districts: Fulton County Agricultural District 1, Montgomery County Agricultural Districts 2, and Montgomery County Agricultural District 3 (New York State Department of Agricultural and Markets [NYSAGM] 2022). Fulton County Agricultural District 1 consists of 27,414 acres, of which 19,380 acres are farmed. Fulton County Agricultural District 1 was created on August 7, 1977, and is up for an 8-year review on August 7, 2025. Montgomery County Agricultural District 2 consists of 48,340 acres, of which 23,779 acres are farmed. Montgomery County Agricultural District 2 was created on May 27, 1995, and is up for an 8-year review on May 22, 2025. Montgomery County Agricultural District 3 consists of 78,676 acres, of which 46,919 acres are farmed. Montgomery County Agricultural District 3 was created on July 22, 1975, and is up for an 8-year review on July 22, 2027 (NYSAGM 2022). Figure 3-6 in Exhibit 3 depicts agricultural district land within the Facility Site and 5-mile Study Area.

Of the 37 parcels within the Facility Site, 34 of the parcels are located within Montgomery County Agricultural District 3. The land area of these 34 parcels accounts for 3.20 percent of Agricultural District 3 land within Montgomery County, or 1.43 percent of all agricultural district land within Montgomery County. Tax parcels within certified agricultural districts within the Facility Site are inventoried below in Table 15-1 and can be viewed on Figure 3-4 in Exhibit 3.

Table 15-1. Facility Site Parcels within an Agricultural District

51.-1-10	51.-1-4.4*	68.-1-22	68.-3-1
51.-1-11	51.-1-4.5*	68.-1-23.2	68.-3-2*
51.-1-36.1	51.-1-45	68.-1-25.11	68.-3-3
51.-1-4.1*	52.-2-17.111	68.-1-26.1	68.-3-5
51.-1-4.2*	67.-1-11	68.-1-26.2	68.-4-1*
51.-1-4.24	67.-1-12.113	68.-1-29.12	68.-4-2*
51.-1-4.3*	67.-1-13.2	68.-1-34	69.-1-1.112
51.-1-4.34	67.-1-7	68.-1-9.111	
51.-1-4.35*	67.-3-1	68.-2-1	
*Indicate tax parcels that are not field-verified active agricultural land.			

Within the Facility Site, the Applicant identified 2,509.84 acres (94 percent of the Facility Area) of land as active agricultural land (i.e., defined in 19 New York Codes, Rules and Regulations (NYCRR) Section 900-2.16(b)(1) as lands involved in the production of crops, livestock and livestock products for three (3) of the last five (5) years) through Google Earth remote reconnaissance, onsite observations, and results of the Agricultural Landowner Survey conducted by the Applicant, and further explained in Section 15(b) below.

In October 2022, the Town adopted the Solar Energy Facilities Law of the Town of Glen Solar Law (2022) (herein referred to as ‘Glen Solar Law 2022’) Section 5(4) requires for solar projects proposed “on an active farm located within the NYS Certified Agricultural District in Glen, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres.” See Appendix 24-3 for the Solar Energy Facilities Law of the Town of Glen (Town of Glen 2022).

Within the Facility Site the Applicant identified 25 parcels (2,232.43 acres or 84 percent of the Facility Site) that are classified as both within the Agricultural District and are active agricultural land and therefore are required to comply with Section 5(4) of the Glen Solar Law (2022). Table 15-2 details acreage of active agricultural land within the Agricultural

District within the Facility Site. The active agricultural land within the Facility Site represents 0.89 percent of active agricultural land in Montgomery County, and no more than 0.58 percent of agricultural land in any of the three NYS Agricultural Districts. Therefore, the 2,232.43 acres of the Facility Site that is composed of active agricultural land within an Agricultural District represents a small fraction of the overall Agricultural District land in the Town of Glen and within the 5-mile Study Area.

Table 15-2. Facility Site Active Agricultural Land within an Agricultural District

Parcel ID	Parcel Acreage	Acreage of Active Agricultural Land within the Facility ^{1,2}	Percent of Parcel	Acreage of Allowable Use According to the Local Law ³	Percentage of Parcel Allowable for Use According to the Local Law ³
51.-1-10	205.01	87.87	42.86	10.00	5%
51.-1-11	112.41	56.55	50.31	10.00	9%
51.-1-36.1	91.72	37.96	41.39	10.00	11%
51.-1-4.24*	36.39	20.20	55.51	7.28	20%
51.-1-4.34*	8.64	1.21	14.00	1.73	20%
52.-2-17.111*	192.67	37.44	19.43	10.00	5%
67.-1-11	34.41	21.53	62.57	6.88	20%
67.-1-13.2	148.42	41.87	28.21	10.00	7%
67.-3-1	97.77	31.64	32.36	10.00	10%
68.-1-22	100.37	68.89	68.64	10.00	10%
68.-1-23.2*	117.12	71.97	61.45	10.00	9%
68.-1-25.11*	102.25	45.03	44.04	10.00	10%
68.-1-26.1	118.26	63.95	54.08	10.00	8%
68.-1-26.2	2.00	1.65	82.50	0.40	20%
68.-1-29.12	158.24	53.27	33.66	10.00	6%
68.-1-34	388.02	222.54	57.35	10.00	3%
68.-2-1	82.98	45.3	54.59	10.00	12%
68.-3-1*	7.05	0.62	8.79	1.41	20%
68.-3-3*	70.00	21.71	31.01	10.00	14%
68.-3-5	105.41	66.65	63.23	10.00	9%
68.-4-2	53.29	20.37	33.22	10.00	19%
Totals	2,232.43	1,018.22	45.61	177.70	7.96

¹This is representative of the land within the fenced area. An additional 11.34 acres of active agricultural land will be temporarily impacted from construction of underground collection lines but will be able to be farmed throughout the life of the Project.

²Approximately 3.81 acres of active agricultural land will be permanently utilized for access roads outside of the fence line and are not included in the above calculations.

³Local Law refers to the Glen Solar Law (2022), Section 5(4)

*Indicates that active agricultural land was determined via the Landowner Survey conducted by the Applicant.

(2) Real Property Agricultural Value Assessment

NYSAGM and the New York State Department of Taxation and Finance administer the agricultural assessment program (NYSAGM 2021). This program allows landowners to receive a reduction in property tax bills for land in agricultural production based on the agricultural assessment values determine through the New York State Land Classification System (NYSAGM 2021). In order to gather this information, the Applicant consulted with the Montgomery and Fulton County Tax Assessors to request agricultural assessment parcels within the 5-mile Study Area including the Town of Glen, Town of Amsterdam, Town of Mohawk, Town of Florida, Town of Perth, Town of Johnstown, Town of Palatine, Town of Root, Town of Charleston, Village of Fort Johnson, Village of Fonda, Village of Fultonville, and City of Johnstown. The Applicant requested records of parcels within each municipality that receive a Real Property Agricultural Assessment. Based on the records provided, there are 86 parcels within the Town of Glen, 84 parcels in the Town of Amsterdam, 201 parcels in the Town of Mohawk, 274 parcels in the Town of Palatine, 211 in the Town of Root, 60 in the Town of Charleston, 250 in the Town of Florida, 110 in the City of Johnstown, 2 in the Village of Fonda, 1 in Village of Fultonville, and 33 in the Village of Fort Johnson, NY, receiving Real Property Agricultural Assessments. No landowners in the Town of Perth receive Real Property Agricultural Assessment. The records have been included as Appendix 15-1 of this Exhibit. Within the Facility Site there are 18 parcels that receive Real Property Agriculture Assessments, all of which are highlighted in Appendix 15-1. All proposed project components and Facility Site parcels are located within the Town of Glen.

(3) Zoning Districts or Overlay Zones

The proposed Facility is located solely within the Town of Glen in Montgomery County, New York. The Code of the Town of Glen was adopted in 2004, which was enacted to detail the Town's administrative legislation establishing and regulating the various municipal departments and to regulate all other Town legislations. The Town Code includes Chapter 87, Land Use Management, that was subsequently revised in 2006. This chapter regulates and restricts the development of buildings and land in the Town.

In October 2022, the Town adopted the Glen Solar Law (2022), which amended the Land Use Management Law. The Glen Solar Law (2022) "allows certain solar energy systems in the Town of Glen, while balancing the potential impacts on neighbors, preserving community character, and encouraging the installation of carefully sited solar energy systems" (Town of

Glen 2022). See Exhibit 24, Appendix 24-1 for a copy of the Town Code, Appendix 24-2 for the Land Use Management Ordinance, and Appendix 24-3 for the Solar Energy Facilities Law of the Town of Glen (Town of Glen 2022).

According to the Town of Glen Zoning Map (2000), the entirety of the Facility Site is located in Town of Glen's Rural-Residential zoning district, which according to the Glen Solar Law 2022, utility-scale solar systems are permitted within this district. There are three Facility Site parcels that are zoned both Hamlet and Rural-Residential, but Facility components are only located on the section of the parcels zoned Rural-Residential. Facility components on these three parcels are sited entirely outside of the Hamlet District (see Exhibit 3, Section 3(c)).

The Project's 5-mile Study Area consists of the Town of Glen, Town of Amsterdam, Town of Mohawk, Town of Florida, Town of Perth, Town of Johnstown, Town of Palatine, Town of Root, Town of Charleston, Village of Fort Johnson, Village of Fonda, Village of Fultonville, and City of Johnstown. Existing and proposed zoning districts within the Study Area and the associated permitted and prohibited uses have previously been discussed in Exhibit 3, Section 3(g), Existing and Proposed Zoning Districts. Zoning within the Study Area can be viewed on Figure 3-3.

As mentioned above, according to Section 5(4) of the Glen Solar Law (2022) "For projects located on agricultural lands and in accordance with the Comprehensive Plan, the Town of Glen does not support conversion of productive farmland to support grid-supply facilities. When proposed on an active farm located within the NYS Certified Agricultural District in Glen, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres. Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the United States Department of Agriculture (USDA), NYS, or the Natural Resources Conservation Service (NRCS)" (Town of Glen 2022).

The Applicant is requesting a waiver of this local law's requirement that limits farmed parcels to 20 percent or not more than 10 acres from the Office of Renewable Energy Siting (ORES) as it is unreasonably burdensome (Exhibit 24, Appendix 24-5). Nineteen of the 20 parcels included in the Facility Site exceed the 20% threshold. For the Applicant to comply with the Glen Solar Law (2022) provision, 840.52 acres (Acreage of Active Agricultural Land Impacted minus Allowable Acreage, see Table 15-2 above.) of land would be removed from the Facility,

making it infeasible for the Project to meet capacity and design goals and would prevent the development of this Facility. Therefore, this provision is unreasonably burdensome and impractical for the Facility to comply with. As outlined in this Exhibit, the Facility Site includes over 2,500 acres of active Agricultural District lands and over 1,000 acres will be used for Facility construction, accounting for approximately 40% of the collective parcels that make up the Facility Site. It's impractical to maintain compatibility with the Town's 20 percent or 10-acre requirement on a parcel-by-parcel basis due to the non-standard size of each parcel. However, as a general matter, the proposed Project would require twice the amount of Facility Site land area to potentially comply with the 20 percent threshold, which would inherently result in increased land use fragmentation in comparison to the proposed Facility design.

With respect to the Town's requirement that "arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the United States Department of Agriculture (USDA), NYS, or the Natural Resources Conservation Service (NRCS)", the Applicant has sited the Facility to avoid and minimize arrays located on soils classified as prime farmland by the USDA NRCS, to the maximum extent practicable. Within the Facility Site, there are 329.07 acres of USDA NRCS classified prime farmland soils, or 12.35 percent of the Facility Site). In efforts to comply with elements of this local requirement, the Applicant avoided or minimized siting solar arrays on USDA NRCS classified prime farmland soils to the extent practicable, resulting in only 51.81 acres (or 15.74 percent) of prime farmland soils under solar arrays – thereby, avoiding arrays on 277.26 acres or 84.26 percent of prime farmland soils within the Facility Site.

In addition to avoiding or minimizing impacts to USDA NRCS prime farmland soils, the Applicant has further avoided to the maximum extent practicable impacts to Mineral Soil Groups (MSG) 1-4. Within the Facility Site, approximately 329.52 acres (12.36 percent) of soils are classified as NYS Agriculture Land Classification's MSG 1-4. Of the 329.52 acres of MSG 1-4 within the Facility Site, approximately 157.17 acres are within the Facility fenced area and will be limited for agricultural production for the life of the Facility. This is less than half (47.8 percent) of the MSG 1-4 within the Facility Site. See Section 15(b)(6) and 15(c) below for further information regarding the Applicant's efforts to avoid and minimize arrays located on MSG 1-4 soils.

(4) Agricultural Land Use Compared to Non-agricultural Land Uses

According to the most recent (2023) USDA National Agricultural Statistics Service (NASS) Cropland Data Layer (CDL) there are 44,111.73 acres of agriculture land within the Study Area (i.e., corn, soybeans, sunflowers, sweet corn, barley, winter wheat, rye, oats, alfalfa, onions, clover/wildflower, grass/pasture, fallow/idle cropland, apples, Christmas trees, strawberries, pumpkin and other crops) covering 45.58 percent of the total land cover within the Study Area. Non-agricultural land uses cover 52,672.64 acres, or 54.42 percent of the Study Area, consists of non-agriculture land cover (i.e., developed, woodland/forested area, shrubland, wetlands, barren, and open water) (USDA 2022).

According to the CDL, there are 2,014.61 acres of agricultural land within the Facility Site, accounting for roughly 75.58 percent of the total Facility Site (USDA 2023). The remaining approximately 650.96 acres of land, or 24.42 percent of the Facility Site consist of non-agricultural uses.

Table 15-3 summarizes, and Figure 15-1 illustrates the land cover within the Facility Site and the Study Area according to the 2022 USDA NASS CDL.

Table 15-3. Comparison of Agricultural Land Uses and Non-Agricultural Land Uses within the Facility Site and Study Area

Category	Acreage within the Facility Site	Percentage of the Facility Site	Acreage within the Study Area	Percentage of the Study Area
Agricultural Land Uses				
Alfalfa	344.61	12.93	4,035.25	4.17
Corn	786.79	29.52	9,348.96	9.66
Other Hay/ Non-Alfalfa	559.67	21.00	14,868.00	15.36
Soybeans	10.44	0.39	1,696.25	1.75
Oats	0.67	0.03	78.53	0.08
Pumpkins	-	-	32.02	0.03
Fallow/Idle Cropland	0.47	0.02	26.38	0.03
Winter Wheat	-	-	21.57	0.02
Apples	-	-	8.67	0.01
Barley	-	-	6.89	0.01

Category	Acreage within the Facility Site	Percentage of the Facility Site	Acreage within the Study Area	Percentage of the Study Area
Agricultural Land Uses				
Clover/Wildflowers	-	-	3.78	0.00
Rye	-	-	2.45	0.00
Dry Beans	-	-	1.78	0.00
Sweet Corn	-	-	1.56	0.00
Sunflower	-	-	1.33	0.00
Onions	-	-	1.33	0.00
Blueberries	-	-	0.44	0.00
Strawberries	-	-	1.33	0.00
Misc Veggies & Fruits	-	-	0.22	0.00
Christmas Trees	-	-	0.89	0.00
Spring Wheat	-	-	0.22	0.00
Grapes	-	-	0.67	0.00
Non-Agricultural Land Uses				
Developed/Open Space	36.79	1.38	4,538.77	4.69
Developed/Low Intensity	24.59	0.92	2,955.50	3.05
Developed/Med Intensity	16.21	0.61	1,659.27	1.71
Open Water	3.56	0.13	1,566.15	1.62
Developed/High Intensity	7.66	0.29	670.45	0.69
Herbaceous Wetlands	1.24	0.05	125.93	0.13
Barren	4.45	0.17	67.82	0.07
Shrubland	-	-	34.81	0.04
Woody Wetlands	80.05	3.00	5,388.29	5.57
Deciduous Forest	276.68	10.38	17,915.40	18.51
Grassland/Pasture	311.98	11.70	13,973.20	14.44
Mixed Forest	166.21	6.24	12,026.70	12.43
Evergreen Forest	33.52	1.26	5,723.56	5.91
Source: USDA NASS CDL 2022				

(5) Existing Energy Infrastructure and Completed Renewable Energy Facilities

Existing utility and energy infrastructure including existing overhead and underground lines for gas and electric have previously been discussed in Exhibit 3 and are included on Figure 3-3.

There are eight existing renewable energy facilities within the Study Area, including a single wind turbine and seven solar sites. There is one wind turbine located on a residential property, approximately 4.9 miles southwest of the Facility Site. The wind turbine went online in 2015 and does not have a specific project name or megawatt (MW) capacity (United States Geological Survey [USGS] 2023). The seven solar sites within the Study Area are the Johnstown (2 MW), Mohawk View (5 MW), Van Epps Solar (5 MW), NY-8 Regan Solar (20 MW), NY-8 Grissom Solar (20 MW), GE 19th Hole (7.7 MW), and Finney Solar (5 MW). According to Google Earth, these existing renewable energy projects were constructed between 2018 and 2022.

(6) Active Agricultural Businesses, Facilities, and/or Infrastructure

The Agricultural and Farmland Protection Plan for Montgomery County was adopted in 1999 and revised in October 2017 to update information about the state of agriculture in Montgomery County as well as actions that can be taken to address current issues and opportunities and provide guidance for decisions that could potentially affect farming and agriculture. This plan is available in Exhibit 3, Appendix 3-2 of this Application. As discussed in the Montgomery County Agricultural and Farmland Protection Plan, the 2012 Census for Agriculture for Montgomery County indicated there are 131,386 acres of farmland and 659 farming and agri-business operations within Montgomery County. In 2017, the USDA released the 2017 Census of Agriculture County Profile for Montgomery County which indicated there was a decrease in both acres of farmland and farming and agri-business operations from the 2012 Census to the 2017 Census. The 2017 Census for Agriculture for Montgomery County indicated there are 114,990 acres of farmland (14 percent decrease from 2012) and 564 farming and agri-business operations (12 percent decrease) within Montgomery County (USDA 2017).

Based on the results of the Agricultural Use Landowner Survey, which is discussed in further detail below in Section 15(b), and onsite observations, there are 25 parcels within the Facility

Site that are actively farming crops such as hay, corn, winter rye, and pumpkin. An example survey is included in Appendix 15-2.

Additionally, according to publicly available data, the Applicant identified there are 23 known operating farms within the Study Area. Of the 23 known operating farms identified, one is located within the Facility Site. No direct impacts to the 22 known operating farms located outside the Facility Site but within the Study Area are anticipated due to construction or operation of the Facility, as there are no proposed impacts outside the Facility Site. Agriculture lands and known operating farms within the Study Area can be viewed on Figure 15-1.

Project interaction with known operating farms in the Study Area was minimized based on direct interaction with landowners and farm operators during early community discussions and land acquisition efforts. In particular, landowners and farm operators were consulted to identify parcels for consideration of solar development, while also identifying parcels or portions of parcels in which known operating farms should be avoided. This coordination effort resulted in limited inclusion of known operating farm operations within the proposed Facility Site.

(7) Potential Construction Impacts and Farming During Construction

The Applicant has worked with participating landowners to site Facility components to allow continued agricultural use on land adjacent to the Facility Site. The Facility will not impede adjacent agricultural land uses. During the construction of the Facility, 11.34 acres of active agricultural land will be impacted from the installation of collection lines, which is 0.45 percent of active agricultural land within the Facility Site. In addition, 3.81 acres of active agricultural land will be utilized for access roads outside of the fence line. After construction, areas impacted by collection line installation and areas alongside access roads will be available for continued agricultural production. Post construction, in total 1,487.35 acres (59 percent) of active agricultural land in the Facility Site will be available for continued agricultural production, as it is outside of the fence line. See Section 15(a)(8) below for more information. The Facility Site will allow for continued agricultural use on parcels and in areas outside of the limits of disturbance (LOD) during construction.

Construction will be performed in accordance with the Agricultural Plan, included as Appendix 15-3, and the NYAGM *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* (Revision 10/18/2019) (NYSAGM Guidelines). These two documents outline the construction practices that need to be complied with to minimize impacts to

agricultural lands during construction. While this guidance provides effective construction best management practices to preserve or restore arability of agricultural lands, correct implementation is critical. The Project will employ an Environmental Monitor (EM) to be onsite during construction to conduct daily inspections to ensure compliance with agricultural guidelines and best management practices. Following the Agricultural Plan will ensure the Facility avoids, minimizes or mitigates impacts to active agricultural lands within the Facility Site, including those classified as MSGs 1-4.

Underground collection lines will be installed at a depth of 48 inches below ground in active agricultural fields to further minimize impacts to active agricultural land. Once installed and the Facility is operational, farmers will be able to continue regular agricultural operations within buried collection line rights-of-way located outside of the solar array fence. Internal access roads have been sited in areas that are not actively used by farmers to the maximum extent practicable. Additionally, the Applicant will make improvements to and maintain the conditions of existing access roads intended for use during the operational life of the Facility.

The solar panels for the Facility will be selected primarily for efficiency and effectiveness to harness the maximum amount of solar power at any given time (with consideration to limiting factors including shading, cloud cover, etc.), which concurrently minimizes the amount of land, including agricultural lands, required for generation. While the solar panel arrays are sited on agricultural lands within the Facility Site, the proposed solar panels will be mounted on racking systems supported by driven posts and result in minimal ground disturbance since no excavation will be required for their installation. Some solar panel array areas will require minor subsurface grading. In these areas, topsoil will be stripped, temporarily stockpiled, and then redistributed following recontouring. The practice of segregating and redistributing topsoil supports the revegetation of disturbed ground, and inherently the long-term preservation of soil arability during the operation phase of the Project. Via these construction best management practices, the Project will avoid or minimize the permanent impacts to agricultural land use, in particular following the decommissioning of the Project. Further information regarding topsoil construction and post-construction methodology within the Facility Site is discussed in the Agricultural Plan, Appendix 15-3, Section 3.1.

(8) Temporary and Permanent Impacts to Agricultural Production

While in operation, the Facility will utilize agricultural land for solar energy production. The Project's site control consents and obligations ensure that parcels will remain intact during the

Facility's life, rather than being sold, subdivided, or used for other purposes that may not allow the land to be reverted to agricultural use. With the exception of access roads and vegetation screening, the Project does not prevent continued agricultural use on parcels outside of the Facility fence line during operation.

The Applicant has designed the Facility to minimize impacts to environmental resources including active agricultural lands to the maximum extent practicable. To minimize and mitigate impacts to active agricultural production the Facility will comply with the Agricultural Plan and NYSAGM Guidelines as discussed further below in Section 15(c). Mitigation measures include the full restoration of temporarily disturbed land in accordance with the Agricultural Plan and NYSAGM Guidelines. In addition, the Applicant worked with landowners to identify areas of continued agricultural production on Facility parcels and four parcels will continue some level of agricultural production on their lands during Facility construction and operations. See Section 15(b)(3) below for more information on these parcels.

Nevertheless, the Facility will result in temporary and permanent disturbance or conversion impacts to lands with agricultural production. Approximately 1,061.11 acres of disturbance to agricultural land are anticipated to occur within the Facility's proposed LOD. The temporary disturbance impacts are associated with collection line installation, grading, laydown areas, and horizontal directional drilling (HDD) bore pits and account for 688.96 acres. Permanent disturbance impacts include access roads, inverters, Point of Interconnection (POI) switchyard, substation, poles, riprap, and fence line, and account for only 33.63 acres. Conversion impacts include land under the array panels, clearing, clearing and grubbing, landscaping, and demolition and account for 339.52 acres. The breakdown of temporary and permanent impacts to agricultural lands due to the Facility is included in Table 15-4 below.

Table 15-4. Temporary and Permanent Impacts to Agricultural Land

Agricultural Land	Temporary Impact¹ (acres)	Conversion Impact² (acres)	Permanent Impact³ (acres)
Row Crop	567.47	294.42	26.19
Hay/Pasture	121.49	45.10	7.46
Totals	688.96	339.52	33.63

¹Impacts that will occur only during construction. Temporarily impacted areas will be restored following construction and will be allowed to revegetate naturally (i.e., will not be further disturbed during Facility operation).

²Areas that will be cleared during Facility construction and maintained as early successional communities within the Limits of Vegetation Management for the life of the Facility. Conversion of active agricultural land to perennial early successional communities, such as those that will be maintained under PV arrays, is expected to result in a net benefit to wildlife and soil resources.

³Areas with impact in agricultural areas for the life of the Facility, which upon decommissioning, will be restored to its original condition and can be converted back to agricultural use.

In an effort to further reduce agricultural impacts, the Applicant has minimized impacts to soils classified as NYS Agriculture Land Classification's MSG 1-4. Within the Facility Site, approximately 329.52 acres (12.36 percent) of soils are classified as NYS Agriculture Land Classification's MSG 1-4. Of the 329.52 acres of MSG 1-4 within the Facility Site, approximately 157.17 acres are within the Facility fenced area and will be limited for agricultural production for the life of the Facility. This is less than half (47.8 percent) of the MSG soils 1-4 within the Facility Site. More information on MSG soils is provided in Section 15(b)(6) below.

Within Montgomery County, approximately 39,762.80 acres (15.14 percent) of soils are classified by the USDA NRCS as 'prime farmland soils.' Within the Facility Site, approximately 329.07 acres (12.35 percent) are classified as prime farmland which accounts for only 0.83 percent of Montgomery County's prime farmland. Of these prime farmland soils in the Facility Site, approximately 51.18 acres will be covered by panel arrays during the life of the Facility (0.13 percent of prime farmland within Montgomery County). The substation and POI switchyard are not sited on 'prime farmland soils. Given that the Facility Site impacts less than 1 percent of prime farmland within Montgomery County., the siting and design of the Project is in accordance with Section 5(4) of the Glen Solar Law 2022 which states that "arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the USDA, NYS, or the NRCS" (Town of Glen 2022).

The useful economic life of the Facility is estimated to be 35 years and as detailed in the Decommissioning Plan (Appendix 23-1). Restored agricultural areas will be seeded as specified by the landowner to maintain consistency with the surrounding areas. Before, during, and after construction soils will be managed with Best Management Practices (BMPs) (silt fence, watered, groundcover, etc.) to minimize erosion. Exhibit 13 describes the BMPs that will be utilized to minimize erosion are depicted on the design drawings in Appendix 5-1.

15(b) Agricultural Resource Maps

Mapping within this section provides analysis within the 5-mile Study Area on agricultural land use, production acreage retained for agricultural use, landowner-imposed development restrictions, agricultural drainage systems, USDA soils map, and NYS agricultural land classification MSG map. The analysis was only conducted for the Facility Site and not for the

Study Area due to the large amount of land covered by the 5-mile Study Area and the absence of impact the Facility will have on the land within the Study Area.

(1) Agricultural Land Use

According to historical imagery dating back to the mid-1980s, agricultural land uses (i.e., corn and hay fields) dominated the land use within the Study Area. The Study Area was classified through review of the most recent National Land Cover Database (NLCD) (NLCD 2019) and USDA NASS CDL data (2022), aerial photography, and onsite observations during field visits conducted between 2020-2023. Active agriculture within the Study Area can be viewed on Figure 15-1.

Within the Facility Site there are 2,552.39 acres (95.75 percent) of land categorized by New York State Office of Real Property Services (NYSORPS) as agricultural land (Classification Code 100), which can be seen on Figure 3-3. In order to further analyze this land use, a portion of the Agricultural Use Landowner Survey asked landowners to discuss the current uses of their land and any agricultural uses currently in place and how these agricultural uses serve the community. They were also asked to describe the history of the land over the last three to five years, specifically in relation to agricultural uses. Active agricultural land use based on results of the Agricultural Use Landowner Survey can be seen on Figure 15-1. An example survey is included in Appendix 15-2.

(2) Production Acreage Retained for Agricultural Use

The Agricultural Use Landowner Survey also asked landowners to further discuss if and how they intend to continue agricultural use on land not being utilized by the Facility. The survey specifically asked landowners to indicate if they would purchase or rent additional land to offset land being limited for agricultural production for the construction of the Facility; based on the results from the survey, no landowners indicated plans to purchase or rent additional land.

As previously discussed in Section 15(1)(a) above, of the 2,509.84 acres of field verified active agricultural land within the Facility Site, 1,491.62 acres (59.43 percent) of land will be available for continued or new agricultural use outside of the fence line. The other 1,018.22 acres will be within the Facility fenced area for the life of the Facility, and therefore will not be utilized for agricultural production during that time. Section 15(3)(b), below, discusses specific parcels that have confirmed continued agricultural use planned during Facility operation. Additionally,

upon decommissioning, land previously utilized for the Facility will be restored to its original condition and can be converted back to agricultural use (see Exhibit 23).

(3) *Landowner Imposed Development Restrictions*

The Applicant has consulted with participating landowners to identify areas of landowner-imposed development restrictions within the Facility Site, i.e., locations within the Facility Site that are not leased for project development. Four of the 12 parcels that include landowner-imposed development restrictions have portions of land that will continue to be used for agricultural purposes during the Facility’s operation (see Figure 15-4 “Continued Agricultural Land”). This includes three parcels that will be used for dairy production and dairy cow grazing (Parcels: 68.-1-34 (62.02 acres); 68.-1-25.11 (41.30 acres); 68.-1-23.2 (30.47 acres)) and one parcel that will continue crop production (Parcel: 51.-1-36.1 (34.65 acres)). The total acreage of agricultural land that will remain in production due to the landowner-imposed development restrictions is 168.44 acres.

(4) *Agricultural Drainage Systems*

As part of the Agricultural Use Landowner Survey, landowners were asked to identify any drainage tile, active irrigation lines, and surface drainage or other unique agricultural facilities on their property. Of the 12 responses received, three landowners identified infrastructure related to drainage or irrigation on their property. Drainage tile, active irrigation lines, and surface drainage or other unique agricultural facilities identified by the Agricultural Use Landowner Survey are described on Figure 15-2. Additionally, a dataset from the National Center for Atmospheric Research was utilized which used multiple USDA US Geological Survey datasets to show a 30-meter resolution layer of suspected drain tile areas (Valayamkunnath et. al. 2020). Based on this data set there are approximately 384.63 acres of land within the Facility Site where drain tile may exist. Further discussion of potential drainage impacts and drainage remediation can be found in Section 15(d) below.

(5) *USDA Soil Map*

The USDA web soil survey identified 38 USDA soil map units within the Facility Site (USDA 2023). A list of all soils present within the Facility Site is provided in Exhibit 10 (Geology, Seismology, and Soils) Table 10-2 in Section 10(a)(12). Figure 10-5 of Exhibit 10 illustrates the soil map units within the Facility Site.

(6) NYS Agricultural Land Classification Mineral Soil Group Map

The NYS Agricultural Land Classification System has identified ten MSGs based on productivity and capability. MSG 1-4 are considered to represent the most productive farmland within the State and are primarily used for the production of food and fiber, whereas MSG 5-10 are considered to be less productive (New York State Department of Environmental Conservation [NYSDEC] n.d.).

Within the Facility Site, 329.52 acres (12.34 percent) of soil are classified as being within MSG 1-4, 2,337.11 acres (87.50 percent) of soil are classified as being within MSG 5-10, and 4.20 acres (0.16 percent) of soils are not classified as MSG soils (Table 15-5 below). The substation and POI switchyard, which represent areas of permanent disturbance, are proposed to be sited on soils classified as MSG 5. Of the 329.52 acres of soil within the Facility Site that are classified in MSG 1-4, 156.61 acres (47.53 percent) will be temporarily disturbed, and 17.52 acres (5.32 percent) will be permanently impacted. Notably, these permanent impacts account for only 5.32 percent of the soils within the Facility Site classified as MSG 1-4. The soils within the Facility fenced area that will be limited for agricultural production for the life of the Facility account for 157.17 acres of MSG soils 1-4, which is less than half (47.8 percent) of the MSG soils 1-4 within the Facility Site. Temporarily disturbed soils will be restored in accordance with the NYSAGM Guidelines.

The acreage within the Facility Site that contains MSGs is included in Table 15-5 below and can also be viewed on Figure 15-3.

Table 15-5. Acreage within the Facility Site that Contains Mineral Soil Groups

MSG	Acreage within the Study Area	Percentage of the Study Area	Acreage within the Facility Site	Percentage of the Facility Site	Acreage within Fenced Area	Acreage within the LOD
1	1,287.54	1.33	21.94	0.82	-	2.68
2	9,460.31	9.77	175.68	6.59	65.35	76.07
3	3,599.72	3.72	72.65	2.73	56.76	59.10
4	1,511.15	1.56	58.79	2.21	35.06	38.00
5	34,270.80	35.41	1,697.01	63.66	783.60	892.01
6	13,449.20	13.90	154.40	5.79	56.01	62.18
7	13,220.70	13.66	240.40	9.02	67.84	77.39

MSG	Acreage within the Study Area	Percentage of the Study Area	Acreage within the Facility Site	Percentage of the Facility Site	Acreage within Fenced Area	Acreage within the LOD
8	5,339.93	5.52	-	-	-	-
9	10,351.60	10.70	240.03	9.00	9.86	17.22
10	179.62	0.19	-	-	-	-
¹ Approximately 4.20 acres within the Facility Site and 4,114.27 acres within the Study Area are not classified as MSG 1-10.						

Within the Study Area, 15,858.72 acres (16.36 percent) comprise of MSG 1-4 soils. The soils within the Facility fenced area will be limited for agricultural production for the life of the Facility account for 157.17 acres of MSG soils 1-4, which is less than one percent (0.99 percent) of the MSG soils 1-4 within the Study Area.

15(c) Agricultural Plan

The Applicant prepared an Agricultural Plan, consistent with the NYSAGM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (Revision 10/18/2019), which is included as Appendix 15-3 to this Application. The Agricultural Plan was prepared to avoid, minimize, and mitigate impacts to active agricultural lands to the maximum extent practicable during all phases of the Project, including through Facility construction, post-construction restoration, monitoring and remediation, and decommissioning. The Agricultural Plan embraces a recognition of impact identification during project ground disturbance activities and adopts the use of a third-party EM that is qualified as an Agricultural Monitor in accordance with Section 900-6.4(b)(4), 6.4(s) of the 94-c regulations.

In addition, as outlined throughout this Exhibit, when siting the Facility the Applicant endeavored to avoid and minimize impacts to active agricultural production lands, and MSG Soils 1-4 in particular, to the maximum extent practicable, by working with landowners to retain portions of land that will continue to be used for agricultural purposes during the Facility’s operation (see Figure 15-4 “Continued Agricultural Land”); siting the substation and POI switchyard outside of MSG Soils 1-4; and minimizing permanent impacts to MSG 1-4 soils to only 17.52 acres (5.32 percent) and ensuring less than half of the fenced area contains MSG soils 1-4. Overall, the Facility will impact less than 1% of the USDA NRCS defined prime farmland within Montgomery County.

15(d) Drainage Remediation Plan

A Drainage Remediation Plan has been developed to address inadvertent damages to surface and sub-surface drainage as a result of Facility construction. The Drainage Remediation Plan discusses the likelihood of impacts, as well as anticipated repair methods, and is available in Appendix 15-4.

(1) Likelihood of Drainage Impacts Within and Adjacent to the Facility

As previously discussed, the Applicant has and will continue to work with landowners within and adjacent to the Facility Site to identify drainage infrastructure prior to construction. Drainage features have already been identified through the Agricultural Use Landowner Survey and shown on Figure 15-2, as discussed. The Applicant does not anticipate any permanent impacts to surface or subsurface drainage from construction.

Prior to construction the Applicant will hire an independent, third-party EM to oversee all construction and restoration activities and monitor compliance with environmental commitments and siting permit requirements. Prior to the commencement of construction, an overall site survey will be performed to effectively locate and demarcate the exact planned locations of Facility components and routes. Additionally, the EM, with the support of construction management personnel, will conduct specific site reviews at locations to be impacted, or potentially impacted, by construction activities. Pre-construction site review will direct attention to previously identified sensitive resources for avoidance (e.g., select wetlands and waterbodies, archaeological, or agricultural resources), as well as the limits of clearing, location of drainage features (e.g., culverts, ditches), location of existing underground pipelines and utilities, known locations of agricultural tile lines, and layout of erosion and sediment control measures. Work area limits will be defined prior to construction using flagging, staking, and/or fencing. Additionally, any agreed upon landowner-imposed development restrictions and the placement of erosion and sediment control features will be defined during the pre-construction walk over.

The Applicant is committed to working with landowners/farm operators to minimize impacts to agricultural operations and address unanticipated impacts. As previously discussed, the Applicant will work with landowners/farmers to identify drainage infrastructure and areas of landowner-imposed development restrictions to avoid damage to the maximum extent practicable. Additionally, the Applicant will utilize BMPs including installation of trench

breakers in areas of moderate to steep slopes on active agricultural land where drainage issues have been identified. Such erosion control efforts, where appropriate, will minimize the deposition of impacted or stockpiled soils onto active agricultural lands.

(2) *Anticipated Repair Methods*

Existing drain tiles will be identified and located prior to commencement of construction as much as is reasonably possible. Identification will be based on the Agricultural Use Landowner Survey, and through direct coordination between the Applicant and landowners. During and after construction, existing drain tiles within the area of disturbance will be checked for damage. Drain tiles damaged by the construction will be replaced or repaired consistent with the NYSAGM's details for "Repair of Severed Tile Line" to the maximum extent practicable. The Applicant will coordinate with the landowner to monitor drain tiles post-construction to ensure that repairs are properly functioning.

15(e) Feasibility of Agricultural Co-utilization

While currently there are no co-utilization agricultural activities planned within the Facility's fence line, agricultural activities outside the fence line and on adjacent parcels are anticipated to continue under existing agricultural operations. The Applicant worked with participating landowners to identify development restrictions and specific properties that should be preserved to allow for continued agricultural use, as discussed further above. Land outside the Facility fence line remains available to landowners for agricultural use.

The Facility has also been sited and designed to prioritize the placement of Facility components on parcels with contiguous proximity to one another. This reduces the need for additional project land for placement of components, such as collection lines and access roads. Designing the Facility in this way helps condense and reduce permanent impacts to land and reduce interference with existing adjacent land uses, such as agricultural production.

As previously stated, agricultural land within the fence line will be restored to its original condition and made available for agricultural use following the Facility's economic life. Additional information regarding site restoration and decommissioning can be found in Exhibit 23.

15(f) References

- Town of Glen. 2022. Solar Energy Facilities Law of the Town of Glen. Available at: https://www.co.montgomery.ny.us/web/municipal/glen/documents/FinalAdoptedSolarLaw-5_2022.pdf. Accessed August 2023.
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