NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

PROJECT GUIDELINE: SOLAR POWER PROJECTS

Objective: To avoid, minimize, and mitigate adverse impacts to the Park's natural, scenic, aesthetic, ecological, wildlife, open space, and other resources.

Background:

Before issuing a permit for a proposed solar power project, the Agency must find that the proposal will not have an undue adverse impact on the natural, scenic, aesthetic, ecological, wildlife, open space, or other resources of the Park.[1] When making this finding, the Agency takes into account 37 "development considerations" listed in §805(4) of the Adirondack Park Agency Act; these considerations include factors that relate to the ecological and biological resources of a project site, and include:

- Forest resources
- Open space resources
- Vegetative cover
- Rare plant communities
- Habitats of rare species
- Key wildlife habitats
- Alpine and sub-alpine life zones
- Wetlands
- Fish and wildlife
- Rare, threatened or endangered species

Alternatives Analysis

It is recommended that an alternatives analysis be conducted during the site selection phase of a utility-scale solar project to determine which project site will provide for the intended goals of the project while also avoiding resource impacts. The alternatives analysis should be provided as part of a request for pre-application review and any permit application.

[1] Executive Law §809 (the Adirondack Park Agency Act); Environmental Conservation Law §24-0801(2) (the New York State Freshwater Wetlands Act); 9 NYCRR §577.8(b)(3) (Agency regulations implementing the New York State Wild, Scenic, and Recreational Rivers System Act).

Pre-Application Phase

It is highly recommended that all solar project applicants submit a pre-application request to the Agency prior to final site selection and detailed site design to discuss the proposed project, potential resource concerns, and alternatives analysis. During the pre-application process, review of alternative project sites and/or alternative site designs, in consultation with Agency staff, will enable the Agency to provide applicants with valuable input on avoiding potentially sensitive resources prior to detailed site design of a preferred alternative. The pre-application process will also help determine what information needs to be submitted for Agency review of an application.

The pre-application request form can be found at https://www.apa.ny.gov/Forms/PreApplicationRequest.pdf, and when completed should be submitted to APAsubmissions@apa.ny.gov. Agency staff will then work with applicants to set up a pre-application meeting and, if necessary, a site visit, to discuss the prospective project.

Guidelines for Resource Impact Avoidance for Solar Projects

In addition to any other potential resource impacts, all solar project proposals should avoid impacts to the following resources:

- *Delineated APA-Jurisdictional Wetlands and their 100-foot adjacent area* – While state and federal wetlands mapping can be consulted when attempting to discern the potential presence of a wetland on a project site, a formal wetland delineation should be conducted in the field by a qualified person to determine whether wetlands (mapped or unmapped) may be present. Preliminary wetland mapping can be found at:
    - APA Wetlands Mapping - https://www.arcgis.com/home/webmap/viewer.html?webmap=80eb2e7ac00640eba0bd5ac53821e9c4&extent=-75.0255,43.6019,-73.5876,44.3402
    - Federal Wetlands Mapping - https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

- *Forest Blocks* – The Northeast Conservation Planning Atlas can be used to determine whether a project site is located within a mapped intact forest block. The planning atlas map is found at: https://nalcc.databasin.org/maps/522735111d19494a83b0a3badc710319/active/.

  Clearing of forest for the siting of solar projects should be avoided regardless of whether a forested area is mapped or not.

- *Prime Agricultural Soils and Soils of Statewide Importance Within Active Agricultural Fields (Mineral Soils Group (MSG) 1-4 soils)* - A statewide map of MSG 1-4 soils can be found at https://nyserda.maps.arcgis.com/apps/webappviewer/index.html?id=86307666eff54c829c57b6f2d30cb7e0.

- *Rare, Threatened and/or Endangered (RTE) Species and Significant Natural Communities* - Applicants are encouraged to consult with the New York Natural Heritage Program, the New York State Department of Environmental Conservation (NYSDEC) and/or the U.S. Fish & Wildlife Service (USFWS) to determine if a potential project may adversely impact RTE species or significant natural communities. The following resources provide additional information on the potential presence of state and/or federally-listed RTE species:

    - NYSDEC Environmental Resource Mapper - https://gisservices.dec.ny.gov/gis/erm/
    - USFWS Information for Planning & Consultation (IPaC) - https://ipac.ecosphere.fws.gov/

- *Archeological, Cultural and Historic Resources* - Applicants will need to consult with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to determine if a project may adversely impact archeological, cultural, and/or historic resources. Mapped resources can be viewed within OPRHP's online Cultural Resource Information System (CRIS) located at https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f. Consultations with OPRHP can also be initiated through the CRIS platform.

- *Aesthetics* – Potential impacts to the Park's scenic character should be considered during the site selection process, with a focus on off-site public viewpoints such as scenic vistas, natural and man-made travel corridors, recreation areas, historic sites, and natural and man-made attractions.

- *Water Quality* - Site soils, existing slopes and geology should all be explored during the site selection process in order to protect water quality as part of a stormwater pollution prevention plan as required by NYSDEC. NYSDEC permitting and stormwater design requirements are located at https://www.dec.ny.gov/chemical/43133.html.

- Other – NYSDEC Guidance for Photovoltaic Solar Projects at Closed Solid Waste Landfills located at https://www.dec.ny.gov/regulations/124499.html.