

PERMIT WRITING FORM – P2022-0046

Assigned EPS: ADL Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter a date.](#)

APPLICANT

Project Sponsor(s): BR Project 1, LLC
Landowner(s): Benson Mines, Inc. and St. Lawrence County
Authorized Representative: Tracy Darougar, NYSERDA

PROJECT SITE

Town/Village: Clifton County: St. Lawrence
Road and/or Water Body: State Route 3
Tax Map #(s): 214.-4-21.1, 214.-4-24, 224.-8-2, 224.-8-4
Deed Ref: Liber 951 at Page 1086, Benson Mines Inc.; Instrument R-2016-947, St. Lawrence County
Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: 1,021.45± acres
 Same as Tax Map #(s) identified above
 Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above
 Other (describe): only the 300.25±-acre portion of tax parcel 214.-4-21.1 located south of State Route 3 and classified Industrial Use (259.57± acres) and Resource Management (40.68± acres); the 711.60±-acre portion of tax parcel 214.-4-24 located on both sides of State Route 3 and classified Industrial Use (515.58± acres) and Resource Management (196.02± acres); the 4.70± acre tax parcel 224.-8-2 located south of State Route 3 and classified Industrial Use; and the 4.90±-acre tax parcel 224.-8-4 located north of State Route 3 and classified Industrial Use.
Lawfully Created? Y N Pre-existing subdivision: ---
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: ---
CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Construction of a 20 MW solar generation facility on the former Benson Mine's iron ore tailings pile located south of NY State Route 3. The solar array system will occupy approximately 111.5 acres and consist of single-axis tracker solar panels with a maximum height of 15 feet. The project will interconnect to the electric power grid via a line tap to the transmission lines north of the Star Lake Substation, which is north of NYS Route 3 and adjacent to the site. The project also includes a two-lot subdivision by lease in the Resource Management land use area.

JURISDICTION (including legal citation)

Major public utility use in Industrial Use 810(1)(f)(4) // Major public utility use in Resource Management 810(1)(e)(16) // Subdivision in Resource Management 810(1)(e)(3) // Subdivision in Resource Management and < 1/8 mile Wilderness and < 300 feet State Highway 810(1)(e)(1)(d)&(e)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: **Little River, unnamed mine reclamation ponds**

Length of Existing Shoreline (feet): **well over 200 ft**

MHWM determ: Y N

Minimum Lot Width: **200 ft in Resource Management**

Meets standard: Y N

Structure Setback (APA Act): **100 ft in Resource Management**

Meets standard: Y N

Structure Setback (River Regs): **NA**

Meets standard: Y N

Y N Cutting proposed within 6 ft of MHWM?

If Yes, < 30% vegetation? Y N

Y N Cutting proposed within 35 ft of MHWM?

If Yes, < 30% trees 6" dbh? Y N

Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction) **NA**

All navigable shoreline to remain with parent parcel; no navigable shoreline on lease parcel.

Non-Navigable Streams in proximity to development

Check if none

Permanent Stream

Intermittent Stream

Classified? Y

N

[DEC Environmental Resource Mapper](#) stream classification: **---**

Wetlands

Y N Jurisdictional wetland on property, or

Y N Wetlands are a basis of development jurisdiction If Yes, RASS biologist consulted

→ If Y, covertype: **---**

→ If Y, value rating: **---**

Y N Draining, dredging, excavation of wetland

Area of wetland loss: **---** Permanent? Y N

Y N Fill/structure in wetlands

Fill/structure area: **---**

Y N Shading of wetland

Area of shading: **---**

Y N Clearcutting >3 acres of wetland *RASS forester consulted

Clearcut area: **---**

Y N Untreated stormwater discharge into wetland

Y N Pollution discharge into wetland

Pollution type: **---**

Y N Pesticide/Herbicide application in wetland

Pollution type: **---**

Ecological / Wildlife

Y N Natural Heritage Sites/listed species or habitat present, including bat

Y N Forest management plan existing or proposed If Yes, RASS forestry analyst consulted

Y N Biological Survey required by RASS Biologist 2 or Supervisor If Yes, completed

A plant listed as Threatened by New York State was documented on the project site, as detailed in a confidential plant survey report and map included with the permit application. The Project Plans avoid disturbances to this species during construction and operation of the solar generation facility.

Special Districts

Y N Agricultural District

Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: < 8% Building area(s) if authorizing development: < 8%

Soils

Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A

If Yes, soil data information determined or approved by RASS soil analyst?

NRCS Mapped Soil Series or Other Comments: Udorthents, mine waste (i.e., former Benson Mine's iron ore tailings pile), well drained

Stormwater

Y N Greater than 1 acre disturbance, or

Y N Proposed ground disturbance < 100 feet from wetlands

If Yes, stormwater management reviewed and approved by RASS engineer

Setback to wetlands: 100 ft minimum

A "Stormwater Pollution Prevention Plan (SWPPP), BR Benson Mines Solar Project," prepared by TRC, and last revised July 2022, indicates an increase of ~3.06 acres of new impervious cover and ~0.54 acre of redeveloped existing impervious cover (i.e., ~3.60 acres total). Post-construction stormwater controls include vegetated swales, infiltration basins, dry detention basins and dry swales.

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: Five Ponds Wilderness to south, transfer station and cemetery are inholdings

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: cemetery, substation, boat wash station, and residential development are visible from State Route 3

Additional Existing Development (ex: dam on site, etc.): Star Lake substation, boat wash station

*** Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)

FINDINGS OF FACT – COORDINATED REVIEW

- | | | |
|--|--|---|
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Archeologically Sensitive Area, according to OPRHP | <input type="checkbox"/> If Yes, APA APO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Structures > 50 years old on or visible from site | <input type="checkbox"/> If Yes, APA AHPO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Within Lake George Park | <input type="checkbox"/> If Yes, LGPC consulted / application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Public water supply | <input type="checkbox"/> If Yes, DEC / DOH application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Greater than 1,000 gpd wastewater | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing bed or bank of water body | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Creating 5 or more lots less than 5 acres each | <input type="checkbox"/> If Yes, DOH application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Army Corps involvement | <input type="checkbox"/> If Yes, ACOE consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Agency-approved Local Land Use Program | <input type="checkbox"/> If Yes, Town/Village consulted |

A June 14, 2022 letter from the NYS Office of Parks, Recreation and Historic Preservation (#21PR03849) concluded 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.”

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: **NA**

Deed Covenant

Non-building lot being created? Y N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: **NA**

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: **NA**

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? Y N

→ If Y: Structure height limit and justification: **Array sections: ~ 15 ft. Fencing: 7.5 ft. As proposed and reviewed to minimize the potential for off-site visual impacts.**

Structure footprint limit and justification: **Arrays and associated components: ~111.5 acres. As proposed and reviewed to ensure effective stormwater management and erosion controls are implemented during and after construction.**

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification: **---**

Guest Cottages (if authorizing a dwelling) **NA**

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: **---**

Boathouses (if project site contains shoreline) **NA**

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: **---**

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: **---**

Docks (if project site contains shoreline) **NA**

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification: **---**

→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification: ---

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

If color condition required, justification: **Not applicable, no buildings**

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

within --- feet of limits of clearing

within --- feet of road

within --- feet of river/lake/etc

within --- feet of wetlands

Other: ---

OR on entire site **outside fenced area and South of Route 3**

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited

Cutting of trees of **Click or tap here to enter text.** diameter dbh prohibited

Other: **Cutting/removal of all trees, shrubs, and woody-stemmed vegetation**

Justification: **For visual screening, soil stabilization, and wetland protection**

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: **As depicted on Landscaping Plan and Sheet L-100 of Project Plans**

Justification: **To stabilize soils and provide benefits to pollinators and wildlife**

Density (may be different for each subdivision lot)

Located in Town with ALLUP? Y N

(If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: **No existing PBs**

Mathematically available # of new PBs (in addition to existing or replacement): **No change**

Extinguishing PBs? Y N If Y, number: ---

Wastewater (if authorizing construction of a new PB without further review)

Municipal system connection approved?

Y N

Community system connection approved by RASS?

Y N

Proposed on-site system designed by engineer and approved by RASS? Y N
 If N, has RASS field-verified location for conventional standard trench system? Y N
 If N, has RASS field-verified location for conventional shallow trench system? Y N
 Suitable 100% replacement area confirmed for existing / proposed system? Y N
 Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.
 Justification: **Protection of water quality and wetlands**

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.
 Justification: **Protection of water quality and wetlands**

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: **None**
 Justification: ---

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: **No buildings are proposed or authorized. Conditions are included regarding vegetation removal and planting.**

Additional Site / Project-Specific Concerns / Conditions Needed

Invasive species spread prevention, vegetation management (mowing), documentation of construction, and decommissioning.

Justification: **Cleaning of trucks and equipment required to prevent spread of invasive species. Vegetation management (mowing) restricted to provide maximum benefit to pollinator species. Photographic documentation of construction required to confirm compliance with other permit conditions that protect visual resources. Decommissioning Plan required to ensure site will return to pre-development conditions.**

Y N **Public comments received** If Yes, #: **NA**
Y N **Applicant submitted response (notes, if any) ---**



INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2022-0046

If a subdivision: Lot #Lease Area (165.46± acres)

Assigned EPS:ADL Reviewed by: Click or tap here to enter text.Date: Click or tap to enter a date.

Existing Development

PRINCIPAL BUILDINGS

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?
None

ACCESSORY STRUCTURES

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?
None

Proposed Development

PRINCIPAL BUILDINGS

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Structure Footprint Height # Bedrooms Slopes
None

Have necessary density? Y N

remaining potential principal buildings = No change from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Solar panels	~111.5 acres	15 ft max	<8%
Fence*	~9,480-foot perimeter of ~113 acres	7.5 ft	<8%
# Inverters	160 sq ft pad		<8%
Utility Poles (4)		< 40 ft	<8%

*Fence: 2" diamond mesh chain-link woven from #9 aluminized or galvanized steel wire with 6" gap above the ground. Fence poles will be capped to prevent birds and small mammals from being trapped.

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

Driveway is existing / proposed Length: ~1,875 ft Width: ~20 ft (gravel surface)

Sight distance evaluated? Y N Slopes: < 8%

Need Clearing/Grading? Y N Comments: The project will require a highway work permit (PERM33-COM) from New York State Department of Transportation.(Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

VISUAL / AESTHETIC

- Y N Proposed development visible from public areas (list) **Only the utility poles / POI north of State Route 3 will be visible, in the context of the existing Star Lake substation**
- Y N Existing topography / vegetation will screen, if retained **Topo / veg will screen the area with solar panels and fencing from off-site viewpoints**
- Y N Planting plan proposed *If Yes, RASS forestry analyst consulted*
Planting plan proposed for site stabilization and wildlife/pollinator benefit, not visual screening

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans NA

- Individual on-site Municipal Community
- Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y N Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY NA

- Individual on-site Municipal
- Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- Y N Does proposed development maintain existing drainage patterns?
- Y N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- Y N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

- Available on site? Y N Overhead Underground
- Available at road? Y N Overhead Underground
- Proposed for site? Y N Overhead Underground

Electric collection lines will be installed underground from the solar array to the existing Star Lake substation, using horizontal directional drilling beneath State Route 3, with the exception of utility pole installation above ground and north of State Route 3 / next to the existing substation.



INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2022-0046

If a subdivision: Lot #St. Lawrence County TM#s 224.-8-2 and 4 (9.60± acres)

Assigned EPS:ADL Reviewed by: Click or tap here to enter text.Date: Click or tap to enter a date.

Existing Development

PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Boat wash, inspection, decontamination facility		N		Y (Permit 2015-0195/A)

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Star Lake substation				

Proposed Development

PRINCIPAL BUILDINGS

Structure	Footprint	Height	# Bedrooms	Slopes
None				

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Have necessary density? Y N

remaining potential principal buildings = No change from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Utility poles (4)		<40 ft	<8%

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

Driveway is existing / proposed Length: ~300 ft Width: ~20 ft

Sight distance evaluated? Y N Slopes: < 8%

Need Clearing/Grading? Y N Comments: existing paved access drive connects State Route 3 and County Route 60 (Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

VISUAL / AESTHETIC

Y N Proposed development visible from public areas (list) State Route 3

Y N Existing topography / vegetation will screen, if retained

Y N Planting plan proposed

If Yes, RASS forestry analyst consulted

New poles in context of existing substation

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans NA

- Individual on-site Municipal Community
- Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y N Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY NA

- Individual on-site Municipal
- Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- Y N Does proposed development maintain existing drainage patterns?
- Y N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- Y N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

Less than 1 acre of disturbance from installation of 4 utility poles

UTILITIES

- Available on site? Y N Overhead Underground
- Available at road? Y N Overhead Underground
- Proposed for site? Y N Overhead Underground



INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2022-0046

If a subdivision: Lot #Benson Mines Inc. remaining lands (outside the lease area on TM# 214.-4-21.1 and 24) (846.38± acres)

Assigned EPS:ADL Reviewed by: Click or tap here to enter text.Date: Click or tap to enter a date.

**Existing Development
PRINCIPAL BUILDINGS**

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?
None

ACCESSORY STRUCTURES

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?
Small utility building located north of State Route 3 on Parcel 24

**Proposed Development
PRINCIPAL BUILDINGS**

Check if portions or all below are NJ
Check if proposed as a non-building lot:

Structure Footprint Height # Bedrooms Slopes
None

Have necessary density? Y N No development proposed
remaining potential principal buildings = No change from survey or estimate

ACCESSORY STRUCTURES

Structure Footprint Height Slopes
None

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile

Driveway is existing / proposed Length: --- Width: ---
Sight distance evaluated? Y N Slopes: ---
Need Clearing/Grading? Y N Comments: various access routes exist from State Route 3 and County Route 60 / Newton Falls Rd; nothing new is proposed (Note if HOA or shared maintenance involved)
Need hwy access permit? Y N
Need easement? Y N
Need signs? Y N

VISUAL / AESTHETIC

Y N Proposed development visible from public areas (list) NA

- Y N Existing topography / vegetation will screen, if retained
- Y N Planting plan proposed If Yes, RASS forestry analyst consulted

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans

- Individual on-site Municipal Community
- Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y N Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

- Individual on-site Municipal
- Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

- Y N Does proposed development maintain existing drainage patterns?
- Y N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
- Y N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

- | | | | | |
|--------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| Available on site? | <input type="checkbox"/> Y | <input type="checkbox"/> N | <input type="checkbox"/> Overhead | <input type="checkbox"/> Underground |
| Available at road? | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N | <input checked="" type="checkbox"/> Overhead | <input type="checkbox"/> Underground |
| Proposed for site? | <input type="checkbox"/> Y | <input type="checkbox"/> N | <input type="checkbox"/> Overhead | <input type="checkbox"/> Underground |