

EXHIBIT C

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Landau I, Solar, LLC (Tax Parcel 56.14-1-24); Landau II Solar, LLC (Tax Parcel 56.14-2-18); Landau III Solar, LLC (Tax Parcel 56.14-2-36.1)		
Project Location (describe, and attach a general location map): 2986 - 3040 Route 32, Ulster, NY 12401		
Brief Description of Proposed Action (include purpose or need): Cypress Creek Renewables, LLC is proposing to construct three approximately 2,000 kW AC solar photovoltaic array systems on a portion of the site described above and illustrated on the attached map. The project will consist of ground-mounted, solar photovoltaic panels in a fixed-tilt tracking configuration. The construction of the system will involve driving posts approximately 6-10' into the ground, or at depths appropriate for frost conditions, every 12-16' and mounting panels racks to the posts. The solar farm will operate as a Community Distributed Generation (CDG) facility as prescribed by the New York State Public Service Commission under the electric tariffs of Central Hudson Gas & Electric. As a CDG facility, the project will provide clean energy to the existing electric grid operated by Central Hudson Gas & Electric and offer local customers the opportunity to contract for this energy at or below current market rates.		
Name of Applicant/Sponsor: Landau Solar, LLC		Telephone: 213-246-2092 E-Mail: aaron.mann@ccrenew.com
Address: 3250 Ocean Park Blvd, Suite 355		
City/PO: Santa Monica	State: CA	Zip Code: 90405
Project Contact (if not same as sponsor; give name and title/role): Aaron Mann, Zoning Manager		Telephone: 213-246-2092 E-Mail: aaron.mann@ccrenew.com
Address: 3250 Ocean Park Blvd, Suite 355		
City/PO: Santa Monica	State: CA	Zip Code: 90405
Property Owner (if not same as sponsor): Eddyville Corporation c/o Chaskel Landau		Telephone: 845-263-7066 E-Mail: chaskelllandau@gmail.com
Address: 113 N. Cole Avenue		
City/PO: Spring Valley	State: NY	Zip Code: 10977

B. Government Approvals**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Ulster Planning Board- Special Use Permit and Site Plan Review	April 2018
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PILOT/ IDA Negotiation (TBD)	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC- SPDES General Permit; NYSERDA-Funding	June 2018; March 2017 (Landau I), August 2017 (Landau II,III)
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE- Approved Jurisdictional Determination	May 2018
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Hudson River Valley Natural Heritage Area, Town of Ulster Stormwater Management Plan, Tidal Rondout Watershed Management Plan

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☒ Yes ☐ No

If Yes, identify the plan(s):

Ulster County Open Space Plan, Ulster County Agricultural and Farmland Protection Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 R-60

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Kingston City School District

b. What police or other public protection forces serve the project site?

Town of Ulster Police Department, Ulster County Sheriff, New York State Police

c. Which fire protection and emergency medical services serve the project site?

Ulster Fire District

d. What parks serve the project site?

Charles Rider Park, Orlando Street Ball Park, Robert Post Park, Town of Ulster Mini Parks

D. Project Details**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Solar electric generation (commercial)

b. a. Total acreage of the site of the proposed action? 156.24 acres

b. Total acreage to be physically disturbed? 61.38 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 156.24 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

Commercial

ii. Is a cluster/conservation layout proposed? ☒ Yes ☐ No

iii. Number of lots proposed? 3

iv. Minimum and maximum proposed lot sizes? Minimum 47.78 Maximum 55.50

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 12-16 weeks

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses?

☐ Yes ☒ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)?

☒ Yes ☐ No

If Yes,

- i. Total number of structures N/A
- ii. Dimensions (in feet) of largest proposed structure: N/A height; N/A width; and N/A length
- iii. Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

☒ Yes ☐ No

If Yes,

- i. Purpose of the impoundment: Provide needed water quality volumes for temporary storage of stormwater runoff from impervious surfaces.
- ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify: Stormwater
- iii. If other than water, identify the type of impounded/contained liquids and their source. N/A

- iv. Approximate size of the proposed impoundment. Volume: 1.78, 2.27 million gallons; surface area: 2.38, 1.17 acres
- v. Dimensions of the proposed dam or impounding structure: 9, 13 height; 125, 160 length Note- Calculations reported for Landau II, Landau III
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Earth fill, rock, concrete

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

☒ Yes ☐ No

If Yes:

- i. What is the purpose of the excavation or dredging? Site development
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): 900 cubic yards
 - Over what duration of time? 12-16 weeks
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Excavation of natural clean fill, to be disposed of as such.

iv. Will there be onsite dewatering or processing of excavated materials?

☒ Yes ☐ NoIf yes, describe. Rock grinding may be required.v. What is the total area to be dredged or excavated? 0.8 acresvi. What is the maximum area to be worked at any one time? 5 acresvii. What would be the maximum depth of excavation or dredging? 16 feet

viii. Will the excavation require blasting?

☐ Yes ☒ Noix. Summarize site reclamation goals and plan: Developed of the CDG plant.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?

☒ Yes ☐ No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Delineated Streams 1, 2, 3, and 4

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Solar panels will be placed over parts of four delineated streams that are assumed to be non-jurisdictional. An approval of non-jurisdiction will be sought from the U.S. Army Corps of Engineers.

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

Stormwater controls will be implemented to improve natural flow regime.

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☒ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 1.68 acres (impervious surface)_____ Square feet or 156.2 acres (parcel size)ii. Describe types of new point sources. No new point source discharges; sheet flow only

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater will flow off panels to ground and drain as normal to surface water on and around the site. Appropriate stormwater management controls will be implemented during construction.

- If to surface waters, identify receiving water bodies or wetlands: _____

Six (6) wetlands, two (2) ponds, and eighteen (18) streams delineated on site. See attached Wetland Delineation Report for reference.

- Will stormwater runoff flow to adjacent properties? Off-site drainage patterns will remain the same. ☒ Yes ☐ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☒ Yes ☐ Nof. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment during construction only

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

N/A

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

- i. Estimate methane generation in tons/year (metric): _____
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

- i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.
- ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____
- iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
- iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No
- v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
- vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No
- vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No
- viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

- i. Estimate annual electricity demand during operation of the proposed action: _____
- ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
- iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 7 am - 7 pm
- Saturday: _____ N/A
- Sunday: _____ N/A
- Holidays: _____ N/A

ii. During Operations:

- Monday - Friday: _____ 24/7
- Saturday: _____ 24/7
- Sunday: _____ 24/7
- Holidays: _____ 24/7

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Noise levels will only exceed ambient levels during construction (12-16 weeks) from use of heavy equipment, including hydraulic pile drivers, excavators, telescopic forklifts, and skid steer loaders. During operation, inverters produce low level noise that will not exceed ambient levels outside the fence line.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☒ Yes ☐ No

Describe: Approximately 53.09 acres of tree removal will occur within the array location to prevent shading; however, the majority of forested barriers on the Project Site will remain.

n.. Will the proposed action have outdoor lighting? ☐ Yes ☒ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) per unit time (e.g., month, year)

iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☒ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

The use of herbicide may be utilized for vegetation management. Under circumstances where herbicides are deemed necessary, an effort is made to minimize use and to only apply highly bio-degradable, EPA registered and approved, organic solutions that are nontoxic to pets and wildlife.

ii. Will the proposed action use Integrated Pest Management Practices? ☒ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: tons per (unit of time)
- Operation : tons per (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
- ☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The site and surrounding areas consist primarily of undeveloped, wooded land with limited residential properties. A mechanic shop was observed directly across the street from the property boundary. The Project is located on and adjacent to a former quarry.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.12	1.68	- 0.44
• Forested	139.09	86.00	- 53.09
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	59.3	+ 59.30
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	1.45	1.38	- 0.07
• Wetlands (freshwater or tidal)	4.62	4.62	0
• Non-vegetated (bare rock, earth or fill)	8.95	1.64	- 7.31
• Other Describe: <u>Pervious Haul Road</u>	0	1.64	+ 1.64

c. Is the project site presently used by members of the community for public recreation?

☐ Yes ☒ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?

☐ Yes ☒ No

If Yes,

i. Identify Facilities: _____

e. Does the project site contain an existing dam?

☐ Yes ☒ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?

☐ Yes ☒ No

If Yes:

i. Has the facility been formally closed?

☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?

☐ Yes ☒ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?

☒ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:

☒ Yes ☐ No☒ Yes – Spills Incidents database

Provide DEC ID number(s): 1311165

☐ Yes – Environmental Site Remediation database

Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

The Spill Incidents Database Search does not list any control measures. The spill was closed on June 2, 2014.

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?

☐ Yes ☒ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ Approx. 2.12 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Farmington-Rock outcrop complex	29.4 %
Stockbridge-Farmington-Rock outcrop complex	26.7 %
Quarry	23.8 %

d. What is the average depth to the water table on the project site? Average: Approx. 5.9 feet

e. Drainage status of project site soils: ☒ Well Drained: 74.8 % of site
☐ Moderately Well Drained: _____ % of site
☒ Poorly Drained 1.3 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 25.1 % of site
☒ 10-15%: 5.1 % of site
☒ 15% or greater: 69.8 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

Streams:	Name	18 delineated streams (see attached Wetland Delin. Report)	Classification	_____
Lakes or Ponds:	Name	Pond 1, Pond 2 (Non-jurisdictional)	Classification	_____
Wetlands:	Name	Wetland 1, 3, 4 (Non-jurisdictional); Wetland 2, 5, 6 (USACE)	Approximate Size	5.74 acres
Wetland No. (if regulated by DEC)	_____			

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☒ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:

White-tailed deer (*Odocoileus virginianus*)American Black Bear (*Ursus americana*)Red fox (*Vulpes vulpes*)Raccoon (*Procyon lotor*)Striped Skunk (*Memphitis mephitis*)Gray squirrel (*Sciurus carolinensis*)Eastern coyote (*Canis latrans*)American robin (*Turdus migratorius*)Red-tailed hawk (*Buteo jamaicensis*)

n. Does the project site contain a designated significant natural community?

☐ Yes ☒ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?

☒ Yes ☐ No

See attached Section F Letter.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?

☐ Yes ☒ No

See attached Section F Letter.

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?

☒ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use: _____

Hunting and trapping will not be allowed within the fenced area of the projects due to safety and operation concerns.

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

☐ Yes ☒ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present?

☒ Yes ☐ No

i. If Yes: acreage(s) on project site? 2.1 acres

ii. Source(s) of soil rating(s): USDA NRCS Web Soil Survey- Farmland Classification

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?

☐ Yes ☒ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?

☐ Yes ☒ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☒ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

See attached Section F Letter below for more information.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Landau Solar, LLC

Date 11/9/2017

DocuSigned by:
Signature Mike Stanton
7EBD4A466B1C4BF...

Title Authorized Person

Landau Solar, LLC
Section F
Full Environmental Assessment

Section F.1

Notes and changes made to FEAF based on errors with the EAF mapper

- There is a small discrepancy between the wetland acreages reported in Section E.1.b (4.62 acres) and Section E.2.h (5.74 acres). This difference can be attributed to different equipment used for site survey and wetland GPS services, respectively.
- Section E.2.h has been updated with data from the Wetland Delineation.

Section F.2

Status of agency consultations

Federally Listed Threatened and Endangered Species

- A U.S. Fish and Wildlife Service (USFWS) IPaC Official Species List was obtained on September 20, 2017, and identified the Indiana Bat, Northern Long-eared Bat, and Bog Turtle in the vicinity of the Project Site. There are no critical habitats within the Project Area. USFWS consultation will be initiated in pursuit of a "no effect" concurrence for federally protected species.

State-Listed Threatened and Endangered Species

- New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper obtained on November 9, 2017 shows the presence of state-listed rare species in the vicinity of the project site. New York Natural Heritage Program (NYNHP) correspondence dated September 8, 2017 indicates the presence of Indiana Bat and Northern Long-eared Bat within the vicinity of the Project Site. Additionally, an Anadromous Fish Concentration Area and Waterfowl Winter Concentration Area, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by NYNHP. These occurrences are associated with Rondout Creek, which is within a short radius but a significant distance from the Project Site due to topography. Due to setbacks, these occurrences should not be impacted by the Project. NYSDEC SEQR Review of the Project dated August 17, 2017 states that tree removal should occur between November 1 through March 31 to avoid impacts to Northern Long-eared Bat and Indiana Bat and requests a review of impacts to habitat and indirect impacts. This review will be completed, and consultation with NYSDEC will be initiated in pursuit of a "no effect" concurrence for impacts to state-listed threatened and endangered species.

Cultural Resources

- New York State Office of Parks, Recreation, and Historic Preservation correspondence will be initiated in pursuit of a "no effect" concurrence for impact to archaeological and/ or historic structures.

Wetland and Water Resources

- ERM performed a wetland and waterbody delineation October 25, 27, 29, 2016 at the Project Site. Based on the current Project design, impacts to jurisdictional features are avoided, and no permits will be required. An Approved Jurisdictional Determination will be obtained from the U.S. Army Corps of Engineers prior to construction.

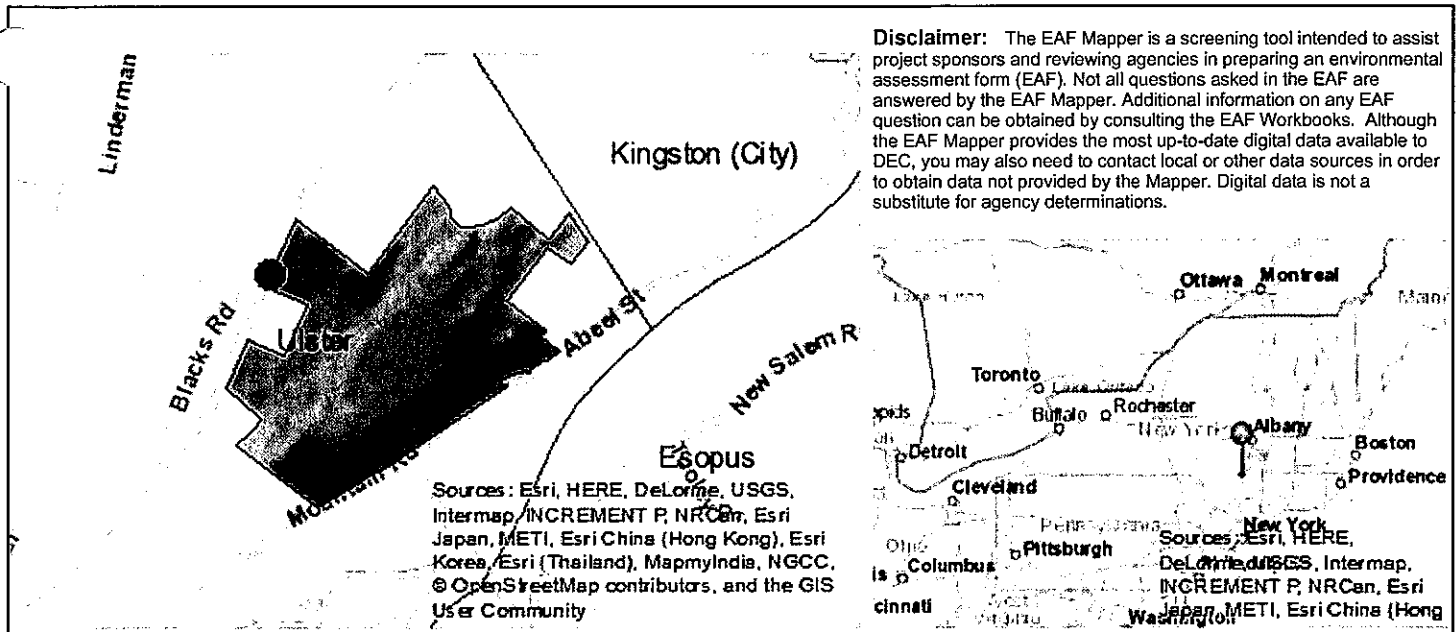
Section F.3

Attachments and supporting documents included with this application.

- Full Environmental Assessment Form
- NYSDEC Environmental Resource Mapper Review
- NYNHP Correspondence
- NYSDEC Correspondence
- USFWS Correspondence
- Wetlands Delineation Report

EAF Mapper Summary Report

Wednesday, November 08, 2017 12:08 PM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	855.4-5
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes

E.2.i. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

ENVIRONMENTAL RESOURCE MAPPER



Environmental Resource Mapper

Base Map: Topographical

Search

Tools

Layers and Legend

All Layers

★ Unique Geological Features

Waterbody Classifications for Rivers/Streams

Waterbody Classifications for Lakes

State Regulated Freshwater Wetlands

State Regulated Wetland Checkzone

Significant Natural Communities

Natural Communities Near This Location

Rare Plants or Animals

Other Wetland Layers

Reference Layers

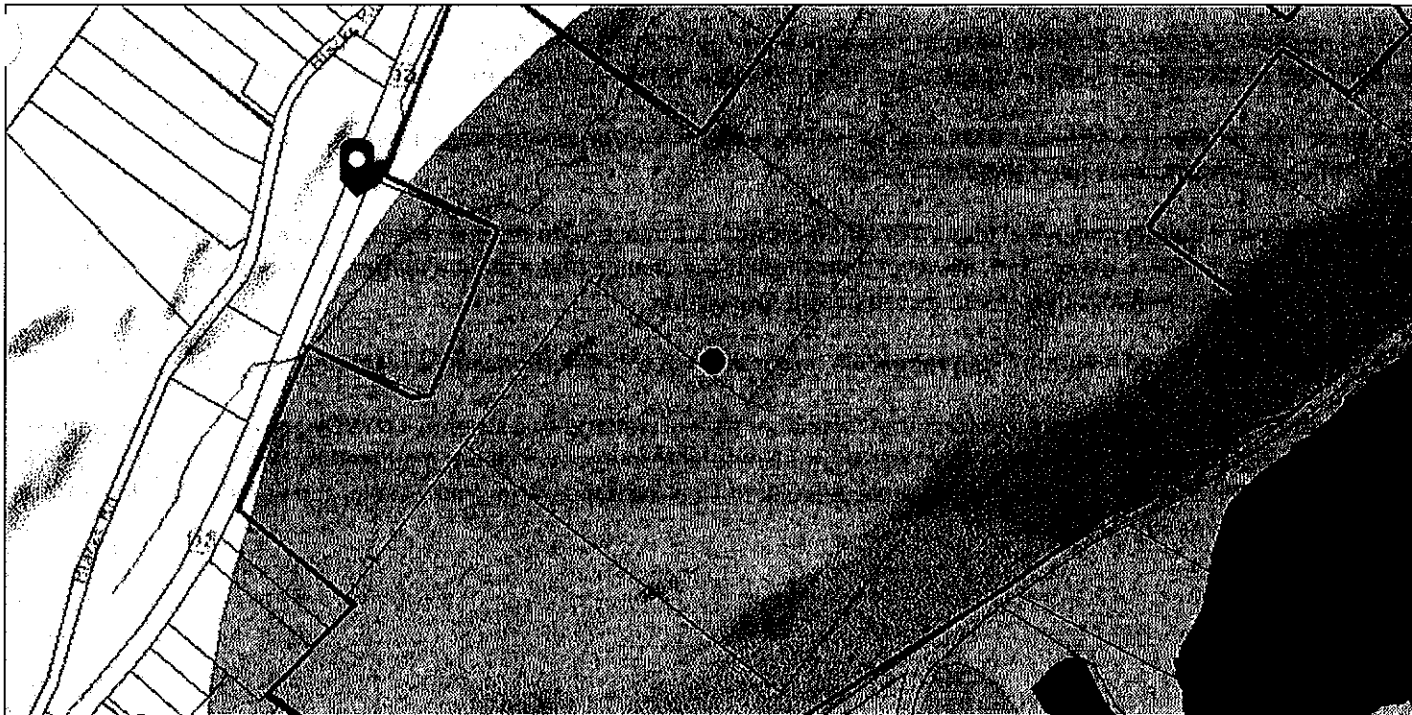
Tell Me More...

Need A Permit?

Contacts



Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 581004.743

Northing: 4639311.220

Longitude/Latitude

Longitude: -74.023

Latitude: 41.902

The approximate address of the point you clicked on is:

Ulster, Town of, New York

County: Ulster

Town: Ulster

USGS Quad: KINGSTON WEST

DEC Region

Region 3:

(Lower Hudson Valley) Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties. For more information visit <http://www.dec.ny.gov/about/607.html>.

Natural Communities in the Vicinity

Natural Community Name: Tidal river

Location: Hudson River Estuary

Ecological System: Tidal Wetlands (Estuary)

Rare Plants and Rare Animals

This location is in the vicinity of Rare Animals and/or Rare Plants

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

NYNHP CORRESPONDENCE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

September 8, 2017

Schuyler Cornell
Cypress Creek Renewables
5310 S Alston Avenue, Building 300
Durham, NC 27713

Re: Landau Solar, LLC
County: Ulster Town/City: Ulster

Dear Schuyler Cornell:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

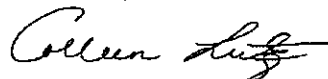
Enclosed is a report of rare or state-listed animals that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 3 Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,



Colleen Lutz
Assistant Biologist
New York Natural Heritage Program





**The following state-listed animals have been documented
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for the project, please contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of the project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

The following species has been documented within 1.4 miles of the project site. There are additional documented locations within a 2.5 mile radius of the project site. Individual animals may travel 2.5 miles from documented locations. The main impact of concern is the removal of potential roost trees.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING	
Indiana Bat <i>Summer roost</i> <i>Hibernaculum</i>	<i>Myotis sodalis</i>	Endangered	Endangered	11650

The following species have been documented within 1.4 miles of the project site. There are additional documented locations within a five mile radius of the project site. Individual animals may travel 5 miles from documented locations. The main impact of concern is the removal of potential roost trees.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING	
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened	Threatened	14228

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.

**The following rare animals have been documented at the project site.**

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animal assemblages, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Anadromous Fish Concentration Area			
Rondout Creek Mouth, along the eastern border of parcel ID 56.14.-2-18, 1987: 4 mi section of freshwater tributary, with extensive marsh and mudflat area.			
Waterfowl Winter Concentration Area			
Rondout Creek Mouth, along the eastern border of parcel ID 56.14.-2-18, 1987: A four mile segment of freshwater tributary of the Hudson River estuary. There is also an extensive marsh and mudflat area (Sleightsburg Marsh).			

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

NYSDEC CORRESPONDENCE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

August 17, 2017

Town of Ulster
Attn: James Quigley III
1 Town Hall Drive
Lake Katrine, NY 12449

**RE: Cypress Creek Renewables – Landau Solar
SEQR Review
Town of Ulster, Ulster County
CH#: 7185**

Dear Mr. Quigley:

The New York State Department of Environmental Conservation (DEC or Department) has received the submitted Notice of Intent to Serve as SEQR Lead Agency from the Town of Ulster for the above referenced project. Cypress Creek Renewables in proposing to construct a ground mounted photovoltaic solar array on Route 32 in the Town of Ulster, Ulster County. The provided EAF indicates an area of approximately 190.2 acres, but the proposed solar array will result in a disturbance of approximately 21.69 acre area adjacent to Route 32.

Based upon review of the notice received July 21, 2017, we offer the following comments:

PROTECTION OF WATERS

The following stream is located within or near the site indicated: Subtributary of Rondout River, DEC Water Index ID No. H-139-3-1, Class C, and considered "non-protected."

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams. Since this Subtributary of Rondout River is considered "non-protected," a Protection of Waters Permit is not required.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.



Department of
Environmental
Conservation

-OVER PLEASE -

FRESHWATER WETLANDS

The project site is near to Freshwater Wetland KW-13, Class 2. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area.

According to the provided project plans, there are 21.69 acres of proposed disturbance (out of the 190.2 acre area indicated within the EAF). As proposed, no work is to be completed within a Freshwater Wetland or Adjacent Area, and a Freshwater Wetlands Permit is not required. However, if project plans change, or the project area is expanded, further review by the Department will be required.

In addition, please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8511 (Westchester/Rockland Counties), or (917) 790-8411 (other counties), for any permitting they might require.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near known occurrences of the following state-listed species: Northern long-eared bat, *Myotis septentrionalis* (threatened), and Indiana bat. *Myotis sodalis* (endangered).

According to the provided information, there are approximately 21.69 acres of tree removal and disturbances proposed. In order to avoid direct adverse impacts to both the Northern long-eared bat and the Indiana bat, at a minimum, tree removal should occur within the appropriate time of year, from **November 1 through March 31**, while the bats are expected to be within the hibernacula. Since there is to be greater than 10 acres of tree removal, the Department requests a review of impacts to habitat as well as indirect impacts be submitted for further review. This includes a percent forest cover analysis and review of indirect impacts to the species relating to noise, lighting, chemical issues, etc. as specified in the enclosed Indiana Bat Project Review Fact Sheet.

For technical questions regarding these species and their associated avoidance, minimization and mitigation measures, please contact Elaina Burns of Wildlife at (845) 256-3827.

The absence of data does not necessarily mean that rare or other state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

WATER QUALITY CERTIFICATION

Please be aware that the ACOE may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from the Department. Please contact the ACOE for a determination.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

FEMA FLOODPLAINS/FLOODWAYS

The project site indicated is located within a Federal Emergency Management Agency (FEMA) Floodplain/Floodway. The project sponsor should contact the local municipality to determine if any additional jurisdictions are applicable to the proposal.

OTHER

Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species, and Freshwater Wetlands. Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

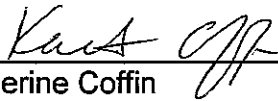
In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to The Town of Ulster assuming lead agency status for this project.

By copy of this letter we are advising Cypress Creek Renewables and Eddyville Corp of the above referenced resources, concerns and potential DEC permits. It is possible that the DEC permit requirements may change based upon additional information received or as project modifications occur.

Date: August 17, 2017

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,


Katherine Coffin
Division of Environmental Permits
Region 3, Telephone No. (845) 256-3158

Cc: Elaina Burns, R3 DEC
Josh Fisher, R3 DEC

Cypress Creek Renewables
Attn: Aaron Mann
3250 Ocean Park Boulevard, Suite 355
Santa Monica, CA 90405
aaron.mann@ccrenew.com

Eddyville Corp
Attn: Isidore Landau
113 Cole Avenue
Spring Valley, NY 10977

Enc: Indiana Bat Project Review Fact Sheet

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a State Pollutant Discharge Elimination System (SPDES) Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.

Indiana Bat Project Review Fact Sheet

New York Field Office

The following fact sheet is intended to provide information to assist project sponsors, as well as any involved federal and state agencies, with the review of activities that occur within the likely range of the Indiana bat (*Myotis sodalis*) within the State of New York. This fact sheet can be used to assist with compliance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). **PLEASE NOTE - this fact sheet does not apply to wind development projects as they involve many unique considerations.** Contact the U.S. Fish and Wildlife Service (Service) directly for technical assistance for wind projects. In addition, information on evaluating impacts from wind projects on Indiana bats can be found at <http://www.fws.gov/midwest/endangered/mammals/inba/WindEnergyGuidance.html>.

Background

The Indiana bat is federally- and New York State-listed as an endangered species with a range that extends from the Midwest to northeastern and southeastern parts of the United States. Additional information on Indiana bat occurrences can be found at <http://ecos.fws.gov> and <http://www.fws.gov/northeast/nyfo/es/section7.htm>.

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum size roost tree observed to date is 2.5 inches diameter breast height (d.b.h.) for males and 4.3 inches d.b.h. for females. However, maternity colonies generally use trees greater than or equal to 9 inches d.b.h. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees. Additional information on potentially suitable summer habitat can be found in the Draft Indiana Bat Recovery Plan (Service 2007) at <http://www.fws.gov/northeast/nyfo/es/IndianaBatapr07.pdf> and at <http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found, provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (*e.g.*, old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures (Service 2007). While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Threats include disease (white-nose syndrome), habitat loss or degradation, human disturbance, contaminants, and collision with wind turbines.

Indiana Bat Project Review Fact Sheet

New York Field Office

Evaluation of Presence or Probable Absence

To determine whether the proposed project site may be occupied by the Indiana bat, the Service recommends the following analytical approach¹:

Step 1. Is the proposed project within an area² identified by the Service as known or likely to contain Indiana bats?

- No: No further coordination regarding the Indiana bat is necessary at this time.
- Yes: Proceed to Step 2.

Step 2. Is there existing information regarding presence/absence of Indiana bats (*e.g.*, proximity to hibernacula, prior summer netting)?³

- No: Proceed to Step 3.
- Yes: Document existing information and coordinate with the Service.

Step 3. Is there any suitable Indiana bat habitat⁴ present within the proposed project action area?

- No: No further coordination regarding the Indiana bat is necessary at this time.
- Yes: Determine whether the proposed project involves any direct or indirect effects to Indiana bats.

Determination of Direct or Indirect Effects

Each project will need an individual assessment of whether direct effects (those that would result from activities while Indiana bats are present) or indirect effects (those effects that are caused by or will result from the proposed action and are later in time, but are still reasonably likely to occur [50 CFR 402.02]) to Indiana bats are expected.

For example, consider whether a project may result in temporary or permanent increases in noise, vibration, dust, chemical use, lighting, vehicle use, and general levels of human activity. Also, consider whether a project may result in temporary or permanent loss, degradation, and/or fragmentation of roosting, foraging, swarming, commuting, or wintering habitat.

Surveys for Indiana Bats

Should suitable Indiana bat habitat be present and should the proposed project have the potential for impacting Indiana bats, coordinate with the Service to determine whether 1) assuming presence or 2) conducting surveys⁵ is the best approach. Due to the limited time frame when bat surveys can be completed and in order to avoid project delays, it is strongly recommended that the project sponsor (or involved federal agency) contact the Service as early as possible during project planning to determine if surveys or additional avoidance and/or minimization measures are appropriate. Should Indiana bat presence be detected, the Service should be contacted immediately for further assistance in determining whether your action may adversely affect Indiana bats. If no bats are detected after protocol surveys, submit the results as soon as possible

¹ This reflects our current understanding, but future studies may require a revision to this guidance.

² <https://ecos.fws.gov/ipac/>

³ <http://www.fws.gov/northeast/nyfo/es/NYSpecies.htm> and <http://www.dec.ny.gov/animals/38801.html>

⁴ <http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

⁵ <http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

Indiana Bat Project Review Fact Sheet

New York Field Office

for our review in accordance with the timeframes agreed upon during the review of the survey scope of work.

Conservation Measures

Conservation measures are designed to minimize the likelihood of adverse impacts or result in beneficial effects to Indiana bats from projects. The following guidance represents general recommendations that may be incorporated into the proposed project design as appropriate.

Project Siting

- Avoid removing or damaging known roosts or trees surrounding roosts.
- Avoid impacts to forest patches with known roosts/foraging use (*e.g.*, forest within 0.25 mile of known roosts).
- Minimize impacts to all forest patches.
- Maintain forest patches and forested connections (*e.g.*, hedgerows, riparian corridors) between patches.
- Maintain natural vegetation between forest patches/connections and developed areas.
- Maintain at least 35%⁶ of forest habitat within maternity colony home range⁷.
- Restore and/or protect on- and off-site habitat.
- Avoid impacting potential roost trees to the greatest extent practicable
 - Retain standing live trees that have exfoliating (separated from cambium) bark.
 - Retain black locust, shellbark, shagbark, and bitternut hickories as possible, regardless of size or condition (live, dead, or dying).
 - Retain standing snags as much as possible regardless of species.

Project Construction

- When >10 miles from a P3 or P4 hibernaculum or >20 miles from a P1 or P2 hibernaculum⁸, but within the summer range of the Indiana bat, the clearing of potential roost trees, generally ≥ 4 inches should occur from October 1 through March 31⁹.
- When <10 miles from a P3 or P4 hibernaculum or <20 miles from a P1 or P2 hibernaculum, clearing should be conducted from October 31 to March 31.
- Use bright flagging/fencing to demarcate trees to be cleared.

Project Operations/Maintenance

- Minimize lighting impacts (*e.g.*, limit number of lights, direct lights downward, fully shield lights, use motion sensors or timers).
- Avoid use of chemicals (*e.g.*, colorants, copper sulfate) in stormwater detention basins.

⁶ Minimum % forest cover within Indiana bat maternity colony home range (NYSDEC unpublished data)

⁷ For explanation of how to delineate Indiana bat maternity colony home range, please see the Indiana Bat Section 7 and Section 10 Guidance for Wind Energy Projects document located at <http://www.fws.gov/midwest/Endangered/mammals/inba/index.html>

⁸ See Service 2007 for definitions of Priority 1-4 hibernacula. Contact the New York Field Office for information regarding the closest hibernaculum to your project

⁹ Site specific information may allow for deviations from the listed dates. Also, there may be cases (*e.g.*, very small number of trees) when we believe the likelihood of impacts is low regardless of when tree removal occurs

Indiana Bat Project Review Fact Sheet
New York Field Office

As we better understand a given proposed project, including any proposed conservation measures for Indiana bats, we may have additional recommendations. Project sponsors should seek assistance from the Service to develop these measures.

Information to Provide to the Service

The project's environmental documents should identify project activities that might result in adverse impacts to the Indiana bat or their habitat. Information on any potential impacts and the results of any recommended habitat analyses or surveys for the Indiana bat should be provided to the New York Field Office and will be used to evaluate potential impacts to the Indiana bat or their habitat, and to determine the need for further coordination or consultation pursuant to the ESA. We encourage the project sponsor to submit these materials as early in the planning process as possible to all appropriate parties (*e.g.*, involved federal/State agencies, New York State Department of Environmental Conservation, Service).

Specifically, the following information should be provided:

- whether a federal agency is involved or not;
- a detailed project description;
- a map of the proposed project area with coarse vegetation cover types (*e.g.*, emergent wetland, open field) in acres;
- a summary table of current vs. proposed future acreage of each cover type;
- provide number or acreage of trees proposed for removal and timing of removal;
- an overlay of the project on the vegetation map;
- a description of the forested area onsite, including the type of forest (*e.g.*, oak-hickory), approximate stand age, and presence of dead or live trees with split branches or trunks or exfoliating bark;
- photographs representative of all cover types on the site and encompassing views of the entire site;
- a topographic map with the project area identified; and
- a summary of proposed conservation measures.

References:

U.S. Fish and Wildlife Service. 2007. Indiana Bat (*Myotis sodalis*) Draft Recovery Plan: First Revision. U.S. Fish and Wildlife Service, Fort Snelling, MN. 258 pp.

USFWS IPaC OFFICIAL SPECIES LIST



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9349

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:

September 20, 2017

Consultation Code: 05E1NY00-2017-SLI-3449

Event Code: 05E1NY00-2017-E-09866

Project Name: Landau Solar, LLC

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (

http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9349
(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2017-SLI-3449

Event Code: 05E1NY00-2017-E-09866

Project Name: Landau Solar, LLC

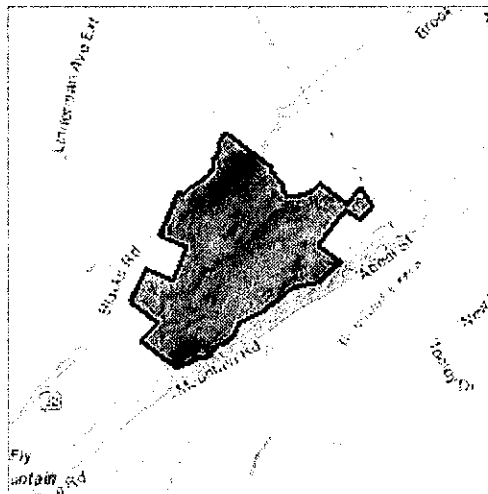
Project Type: POWER GENERATION

Project Description: The installation of a ground-mounted solar system on a portion of the Landau Solar, LLC site.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/41.90263276752076N74.02191841052739W>



Counties: Ulster, NY

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final designated critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/182/office/52410.pdf Habitat assessment guidelines: https://ecos.fws.gov/ipac/guideline/assessment/population/182/office/52410.pdf	Threatened

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

WETLAND DELINEATION REPORT