



EIGHT POINT WIND ENERGY CENTER

Case No. 16-F-0062

1001.4 Exhibit 4

Land Use

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Exhibit 4: Land Use

4(a) Map of Existing Land Use

Figure 4-1 has been prepared using Land Use Classification codes from the Steuben County and Allegany County Office of Real Property Services to classify land use within the Study Area (5-mile radius from all facility components). Land Use Classification Codes describe the primary use of each parcel and are consistent throughout New York State.

(1) Land Use Classification Codes

The Land Use Classification Code Categories developed by the New York State Office of Real Property Services (NYSORPS) that occur within the study area include, agricultural, residential, vacant land, commercial, recreation and entertainment, community services, industrial, public services, and wild, forested, conservation lands, and public parks. Each category that occurs within the Study Area is described below and shown on Figure 4-1.

- Agricultural Land - 100

According to the NYSORPS, agricultural land is described as property used for the production of crops or livestock. Approximately 38,722 acres within the Study Area are classified as Agricultural Land (Code 100). The New York State Department of Agriculture and Markets (NYSDAM) further classifies lands that are state certified as Agricultural Districts pursuant to the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). This law enacts counties' local authority to create, modify and approve designated Agricultural Districts to protect land for farming purposes. According to the NYSDAM Agricultural Districts Map of Steuben County (2017) of the approximately 31,984 acres of Agricultural Land (Code 100) in Steuben County, approximately 29,567 acres are also mapped Agricultural Districts, including 52 acres in the Town of Hartsville, 6,556 acres in the Town of Greenwood, 1,706 acres in the Town of Jasper, 10,806 acres in the Town of West Union, and 10,447 acres in the Town of Troupsburg. Review of the NYSDAM Agricultural Districts Map of Allegany County (2017) indicated that of the 6,737 acres of Agricultural Land (Code 100) in Allegany County, approximately 3,084 acres are also mapped Agricultural Districts, including 0 acres in the Town of Alfred, 754 acres in the Town of Andover, and 2,330 acres in the Town of Independence.

The Project Area was further reviewed to determine direct impacts to Agricultural Land, including mapped Agricultural Districts, as part of the Project. Based on this review, a total of 5,989 acres of NYSORPS-classified Agricultural Land (Code 100) is mapped within the Project Area. Of this, approximately 5,476 acres are also mapped Agricultural Districts in Steuben County (2017). There are 24 turbines proposed in mapped Agricultural Districts, as well as 16.82 acres of permanent access road and ancillary facilities.

Table 4-1. Project Facility Impacts to Agricultural Districts and Prime Farmland

County	Agricultural District	Temporary Soil Impact	Permanent Soil Impact	Percentage of Impact on Prime Farmland
Allegany	District 4	0.0	0.0	0.0
Steuben	District 1	90.9	3.7	15.8
Steuben	District 10	231.7	13.2	2.0
--	Total	322.6	16.9	17.8

Wind facilities are commonly located within Designated Agricultural Districts in New York State and can be constructed and operated in a manner which allows for continued agricultural production and minimal soil impacts. The majority of impacts to Agricultural Land as part of the Project are temporary in nature, including temporary access roads and work locations, which will be restored following construction.

- Residential Land – 200

Residential land is described as property used for human habitation. Living accommodations such as hotels, motels, and apartments are in the commercial category (400). The NYSORPS classifies approximately 38,520 acres of the Study Area as Residential Land (Code 200), including approximately 24,118 acres in Steuben County and 14,401 acres in Allegany County. Within the Project Area, approximately 3,698 acres in Steuben County are classified by the NYSORPS as residential land. The majority of residential land within the Project Area consists of rural residential properties, surrounded by predominantly agricultural and vacant land.

- Vacant Land – 300

Vacant land is described as property that is not in use, is in temporary use, or lacks permanent improvement. Parcels classified as vacant land according to the NYSORPS are shown on Figure 4-1. Vacant parcels within the Project Area were further evaluated through coordination with participating landowners to determine what type of vacant land each property contained. Phone surveys were conducted to inquire as to the usage of vacant lands that may be directly impacted by Project construction or operation activities. Forty four vacant parcels were identified and phone inquiries were made between March 18 and March 23, 2017 as to current usage such as fallow, hunting, recreation, or other. Phone interviewers inquired to the type of uses, examples provided included those mentioned above, and the opportunity was given to the landowner to provide further description of *other* if they chose. The results of the phone survey are described below.

Twenty-two of the vacant parcels were identified as having a primary use of *hunting*. Of these, 41% of the parcels had a secondary use of *fallow land*. Thirty three percent (33%) of those parcels had tertiary use of *other*, 11% had a tertiary use of *syrup production*, and 33% had a tertiary use of *recreation*. Of the 22 parcels with a primary use of *hunting*, 27% had a secondary use of *other*. No

tertiary uses were given for those parcels. The remaining secondary use (*recreation*) was identified for 18% of the parcels whose primary use was *hunting*. Of these, 50% of the tertiary uses was *fallow land* and 50% of the tertiary use was *forested*. Thirteen (13) of the vacant parcels were identified of having a primary use of *fallow land*, with 100% of those having a secondary use of *other*. Tertiary uses on the parcels included 10% *syrup production*, 10% *recreation*, and 20% *hunting*. The last group of primary uses was identified as *other* and included 18% of the parcels. Of these, 25% of the parcels had a secondary use of forested land, 25% were purchased land, 25% were marsh land. No tertiary uses were provided.

- Commercial – 400

Commercial land is described as property used for the sale of goods and/or services. There are Commercial Land Use (Code 400) properties located within the Study Area, including in the Town of Greenwood and Town of Troupsburg in Steuben County and the Town of Independence and Town of Andover in Allegany County. There are no properties with a Commercial Land Use Code within the Project Area. The nearest Commercial Land Use parcel is Land Use Code 439 – Small Parking Garage – which is part of the Canisteo-Greenwood School District and covers approximately 3.60 acres on Hollywood Boulevard in the Town of Greenwood. This parcel is approximately 1.25 miles northeast of the northeastern corner of the Project Area and approximately 1.55 miles northeast of the nearest Project Facility (Turbine 14). As Commercial Land Uses within the Study Area are primarily within the more developed portions of the towns listed above, impacts to these properties will not occur, as these areas will be avoided.

- Recreation and Entertainment – 500

Recreation and Entertainment land is described as property used by groups for recreation, amusement, or entertainment. Review of the NYSORPS Land Use Classifications indicated that there are no Recreation and Entertainment (Code 500) properties within the Project Area; however, there are four Recreation and Entertainment (Code 500) parcels mapped outside of the Project Area boundary but within the Study Area for the Project. The four parcels within the Study Area include one parcel in the Town of Greenwood and one parcel in the Town of Jasper in Steuben County, and two parcels in the Town of Andover in Allegany County.

The property in the Town of Greenwood is classified as Land Use Code 591 – Playground – and is owned by the Town of Greenwood. This property is located along State Route 248 and is approximately 3.50 acres in size. The playground is approximately 1.90 miles from the Project Area boundary.

In the Town of Jasper, the Recreation and Entertainment parcel is further classified as Land Use Code 557 – Outdoor Sport. This parcel is located on 8.17 along Highup Road and is approximately 0.25 miles from the eastern Study Area boundary.

As mentioned above, there are two Recreation and Entertainment (Code 500) parcels within the Town of Andover in Allegany County. One parcel is located in the Town of Andover on Grove Street and covers approximately 14.90 acres. This parcel is further classified as Land Use Code 592 –

Athletic Field – and is owned by the Town of Andover. The second parcel in the Town of Andover is owned by the Andover Rod & Gun Club Association. This parcel is classified as Land Use Code 534 – Social Organization – and covers approximately 5.70 acres.

The Recreation and Entertainment Land Use parcels within the Study Area range between approximately 1.85 miles and 4.75 miles away from the Project Area boundary. The closest parcel to the Project Area boundary is the Andover Rod & gun Club Association; however, this parcel is not located on a main thoroughfare and is more than 2.00 miles away from the nearest Project Facility (Turbine 4).

- Community Service - 600

Community service land is described as property used for the wellbeing of the community. The NYSORPS identified a minimal number of Community Service Land Use (Code 600) properties within the Study Area for the Project, including properties in the Town of Hartsville, Town of Greenwood, and Town of Troupsburg in Steuben County and the Town of West Union, Town of Independence, and Town of Andover in Allegany County. Community Service land within the Study Area consists of approximately 443 acres of the Study Area.

According to the NYSORPS, there are four Community Service Land Use (Code 600) properties within the Project Area. These properties include one 1.00 acre parcel in the Town of Greenwood and four parcels in the Town of West Union. The parcels in West Union include three cemeteries, two of which are 1.00 acres in size and one of which is 2.39 acres in size, as well as one religious institution which covers 2.43 acres. Based on this review, a total of 7.82 acres of land within the Project Area are classified as Community Service Land Use according to the NYSORPS.

The Community Service Land Use Parcel in the Town of Greenwood is Land Use Code 695 – Cemetery – and is approximately 1.0 acre in size. Turbine 4 is sited approximately 0.40 miles northwest of this parcel on an Agricultural Land Use Parcel.

As mentioned above, there are three cemeteries (Land Use Code 695) in the Town of West Union which are within the Project Area. These include one parcel located to the north of State Route 248. This property covers approximately 2.39 acres and is approximately 1.0 mile from the nearest turbine (Turbine 18). There is also one cemetery located on State Route 248 which is approximately 2.39 acres in size. This parcel is located near the eastern boundary of the Project Site and is approximately one mile from the nearest Project Facility (Turbine 18). The third cemetery within the Project Area in West Union is located on County Route 84 and is approximately 1.00 acres in size. This parcel is approximately 0.25 acres from the nearest turbine (Turbine 29).

There is one Community Service Land Use Parcel located on Squab Hollow-Wileyville Road which is classified as Land Use Code 620 – Religious. This property is the West Union Mennonite Church and is 2.43 acres in size. The closest Project Facility to this parcel is Turbine 28 which is sited approximately 0.50 miles southwest of the parcel.

Based on this review, impacts to Community Service Land Use as part of the Project is limited to potentially increased traffic in the vicinity of the West Union Mennonite Church to access turbine

locations. These impacts will be minor, as this property is located near the southeastern portion of the Project Area and is not located along a major thoroughfare for the construction of the Project. Impacts to cemeteries as part of the Project is also minimal, as the closest Project Facility is approximately 0.25 miles from a cemetery.

- Industrial (700)

Industrial land is described as property used for the production and fabrication of durable and nondurable man-made goods. There are no Industrial Land Use Parcels within the Project Area; however, a few Industrial Land Use Parcels were identified within the 5-mile Study Area of the Project.

There is one Industrial Land Use Parcel, approximately 16.26 acres in size, mapped off of Timmerman Road in the Town of Jasper, Steuben County. This property contains the Wyckoff Gas Storage Company, LLC and is more specifically classified as Land Use Code 744 – Petroleum Production. This property is located on the eastern boundary of the Study Area and will not be impacted as part of the Project.

There are two Industrial Land Use Parcels in the Town of Andover, Allegany County. Both parcels are located to the south of Route 417. One parcel is owned by Eastern Seaboard, Inc, and is approximately 2.40 acres in size. To the east of that parcel is a second Industrial Land Use Parcel, GI 90 Mills Transport, which is approximately 6.85 acres in size. Both parcels are more specifically classified as Land Use Code 710 – Manufacturing – and are located approximately 2.5 miles to the west of the Project Area. These parcels will not be impacted as part of the Project.

There is one Industrial Land Use Parcel in the Village of Whitesville, Town of Independence, Allegany County. This parcel is approximately 7.20 acres in size and is classified as Land Use Code 710 – Manufacturing. This parcel will not be impacted as part of the Project and is approximately 3.0 miles to the west of the Project Area.

Based on this review, there are no impacts to Industrial Land proposed as part of the Project.

- Public Services (800)

Public service land is described as property used to provide services Based on a review of the NYSORPS data for Allegany and Steuben County, there are Public Utility Land Use (Code 800) parcels located within the Study Area in the Towns of Greenwood, Jasper and Troupsburg in Steuben County and the Towns of Andover and Independence in Allegany County. These parcels include substations and other electrical facilities, as well as public utilities such as water. There are no Public Utility Land Use (Code 800) parcels located within the Project Area boundary.

The largest Public Service parcels are located in the Town of Independence (Allegany County) and the Town of Jasper (Steuben County). One of the parcels is a 141.50 acre parcel located on Main Street in Hamlet of Whitesville, Town of Independence, which is classified as Land Use Code 822 – Water Supply. This parcel is owned by the Town of Independence and provides drinking water to the municipality. In the Town of Jasper, Steuben County, there is another large Public Service Land Use

area that covers two parcels along State Route 417. These parcels are adjacent to one another and total 80.27 acres which is further classified as Land Use Code 885 – Gas Outside Plant Property – and owned by the Wyckoff Gas Storage Company, LLC.

- Wild, Forested, Conservation Lands & Public Parks - 900

Wild, Forested, Conservation Lands, and Public Park land is described as reforested lands, preserves, and private hunting and fishing clubs. The NYSORPS identified four locations classified as Forest Land (Code 900) within the Study Area. None of these parcels are located within the boundaries of the Project Area. The Forest Land (Code 900) includes three state forests in the Town of Greenwood (Greenwood, Rock Creek and Turkey Ridge State Forests) and one reforestation area owned by Steuben County in the Town of Hartsville.

There are three state forests, Greenwood State Forest (907 acres) and Rock Creek State Forest (704 acres), and Turkey Ridge State Forest (676 acres) which are managed by the New York State Department of Environmental Conservation (NYSDEC) located within the Study Area in the Town of Greenwood, Steuben County. The NYSDEC manages these State Forests in accordance with the Canisteo River Basin Unit Management Plan (UMP, 2003). This UMP covers approximately 7,715 acres of wildlife management area and state forest land. The goal of the plan is to “ensure the biological integrity, improvement and protection of the Canisteo River Basin Management Unit... by providing a broad based, biologically diverse ecosystem” (UMP, 2003). There are no NYSDEC wildlife management areas within the Study Area.

The State Forests are within the Appalachian Plateau ecological unit. This ecological unit is dominated by primarily uplands. Land use surrounding both the Greenwood and Rock Creek State Forests are consist with the majority of the Appalachian Plateau ecological unit and consist of both active and abandoned farmland with woodlands. There are natural gas pipelines located on both the Greenwood and Rock Creek State Forests.

According to the Canisteo River Basin UMP (2003), Greenwood State Forest contains two access roads which are maintained by the NYSDEC. One access road provides parking and is approximately 0.3 miles in length. The second access road is approximately 0.5 mile long and provides access to well pads and the existing gas pipeline. The UMP does not identify any NYSDEC managed access roads within Rock Creek State Forest. Both the Greenwood and Rock Creek State Forests provide recreational opportunities, including hunting, fishing, hiking, camping, mountain biking, cross country skiing, etc. The Project will not impact the opportunities for recreation at these State Forests.

In accordance with the Reforestation Law of 1929, the Canisteo River Basin UMP (2003) has designated the Greenwood State Forest as Steuben Reforestation Area #1 and the Rock Creek State Forest as Steuben Reforestation Area #12. Foresters with the NYSDEC monitor vegetation within the Canisteo River Basin UMP routinely in order to support forest regeneration and protection of timber resources.

A parcel classified as Co. Reforest (942) was identified on Call Hill Road in the Town of Hartsville. This parcel is 104.12 acres in size and is owned by Steuben County. This parcel is classified as Woodland but does not have an available management plan. A portion of this parcel crosses into the Study Area of the Project; however, this parcel will not be impacted as part of the Project.

A parcel classified as Private Hunting/Fishing (920) was identified on Kilbane Road in the Town of Andover. The parcel is 18.10 acres in size and is owned by the Andover Rod and Gun Association. This parcel is located within the Study Area approximately 2 miles from the nearest turbine. This parcel will not be impacted as part of the Project.

TRC reviewed the National Conservation Easement Database (NCED) to identify records of land trusts and conservation easements within the Study Area. The review indicated the presence of two conservation easements within the Study Area for the Project. There are no conservation easements within the Project Boundary. One easement within the Study Area is held by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and is located to the east of Frank Nye Road in the Town of Independence, Allegany County, and the Town of West Union, Steuben County. This easement is part of the Wetlands Reserve Program ([WRP] 662C3198002ZY; NCED Site 966516) and is monitored by Ducks Unlimited. The second easement is located to the south of Kilbane Road in the Town of Andover, Allegany County and consists of 39.8 acres. This easement is also part of the WRP (662C3198002ZW) which is protected by Ducks Unlimited (NCED Site 969694). Both easements were established in 1998 and are closed to the public. These easements represent land to be conserved as wetland for a term of 30 years from their establishment date and will support wetland communities within the Study Area. The Project will not impact these conservation easements.

Table 4-2. Land Use Classification Codes within the Study Area

Land Use Classification Code	Acreage within Study Area
Agricultural (100)	38,722.0
Residential (200)	38,519.9
Vacant Land (300)	31,370.0
Commercial (400)	270.5
Recreation and Entertainment (500)	30.5
Community Services (600)	443.2
Industrial (700)	27.9
Public Services (800)	416.8
Wild, Forested, Conservation Lands and Public Parks (900)	2,254.7
Unclassified	304.5

4(b) Existing Utilities Map

Utility locate surveys for existing/operating utility systems are still being conducted for both above and below ground utility systems within the Project Area. Figure 4-2 illustrates the Applicant's present status of existing utilities facilities within the Study Area. These utility facilities include existing overhead or underground lines for gas, electric, or telecommunication companies.

4(c) Tax Parcel Map

Figure 4-3 provides information on current land use, tax parcel number and owner of record for each property within the Project Site where facilities are proposed, as well as those adjacent parcels within 2,000 feet. This information is based on data obtained from the Steuben County GIS Department.

4(d) Existing and Proposed Zoning Districts

Of the eight towns encompassing the Project Study Area (Towns of Greenwood, West Union, Hartsville, Jasper, Troupsburg, Alfred, Andover and Independence), only one (the Town of Alfred) has zoning regulations and mapping. A scaled map of existing zoning districts within the Town of Alfred is included as Figure 4-4. There are no currently proposed zoning districts in the towns which encompass the Project Area. A description of the zoning districts in the Town of Alfred is presented below, including permitted and prohibited uses within each zone.

The Town of Alfred Zoning Law, adopted December 29th, 2014, established five zoning districts within the town including Single-Family Residential (R-1), Agricultural (AG), Business District (B-1), Industrial District (I-1), and Light Industrial (LI-1).

The R-1 district has been designated to conserve the rural residential character and small-town atmosphere. Permitted principal uses within the R-1 district includes single family residences (excluding mobile homes), churches or similar places of worship and parish houses, neighborhood parks, playgrounds, and related buildings, and home occupations.

The AG district has been designated to preserve the scenic rural residential character and ensure the town's natural resources are capable of producing a strong economy. Permitted principal uses within the AG district includes any permitted principal use in the R-1 district, agriculture and general farming, including any customary agricultural structures or buildings, nurseries and greenhouses provided the land area of such use is at least 10 acres and the use is intended for an agriculturally profitable use.

Permitted principal uses within the B-1 district includes any use permitted in the R-1 district, retail and personal service businesses including automotive service stations, bars and restaurants, professional and business offices, private clubs and lodges, offices of business or industrial firms, not including the manufacture or storage of goods on the premises, and temporary structures, excluding tents or canvas enclosures, shall be permitted for a period not exceeding 30 days on a permit issued by the inspector.

Permitted principal uses within the I-1 district includes manufacturing, compounding, processing, packaging, treatment and/or assembly of materials or products, laboratories: research, experimental, and testing, offices of business, manufacturing or professional enterprises, and mining activity.

The LI-1 district has been designated to provide light manufacturing and related uses to assist in providing the necessities of a secure environment for the community. Permitted principal uses within the LI-1 district includes uses intended for business and professional offices, showrooms and research, design and development laboratories, light manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products, subject to the issuance of a special permit therefore by the Town Board of Alfred.

Section 401 of the Town of Alfred Zoning Law (2014) identifies prohibited uses in the Town of Alfred. This list includes wind turbines and wind energy facilities (other than small-scale wind energy facilities permitted pursuant to the Wind Energy Facilities Law of the Town of Alfred; 401.07). The Town of Alfred Local Law No. 1 for the year 2010, A Local Law Entitled Wind Energy Facilities for the Town of Alfred includes standards for small private wind energy facilities designed for residential, agricultural, small commercial and community owned wind turbine generators. The Applicant does not have any Project components or facilities located within the Town of Alfred and thus there will be no impact to the zoning requirements as found in Section 401 of the Town of Alfred Zoning Law (2014).

4(e) Adopted Comprehensive Plans

The Project Area is proposed in the Towns of Greenwood and West Union in Steuben County. These municipalities do not have Comprehensive Plans. Additionally, Steuben County does not have a Comprehensive Plan. The Applicant has worked diligently with local municipalities to understand the communities in which the Project is proposed and work with those communities to minimize impacts, provide informed decisions regarding siting of Project Facilities, and to ensure that many factors were considered at the local level to help sustain the rural culture of the Project Site in the absence of Comprehensive Plans.

4(f) Publicly Known Proposed Land Uses Map

There are no specific proposed land use plans in place for Steuben County or Allegany County; therefore no publicly known proposed land uses map has been prepared. Interviews with Town and County officials did not indicate any proposed new land uses or plans. Interviews with local landowners indicated the potential future construction of hunting cabins or seasonal homes. As described above, in the absence of formally proposed land use data in the Project Site, the Applicant has worked with local municipalities to minimize impacts and sustain the rural character of the Project Site through the Public Involvement Program (PIP). In March 2016, the Applicant met with the Southern Tier Central Regional Planning & Development Board to introduce the Applicant and the Project. Additional meetings were held at the local municipalities, with presentations of the Project and opportunities for questions and answers. The Project was designed and Project Facilities were sited utilizing information collected through these efforts. Please refer to Exhibit 2 for additional information regarding public input on the Project.

4(g) Map of Agricultural Districts, Flood Prone Zones, and Designated Recreational and Sensitive Areas

Figure 4-5 shows special designation areas such as agricultural districts, flood prone zones, critical environmental areas, and recreational/sensitive areas which were prepared utilizing the NYSDAM Agricultural Districts Mapping for Steuben and Allegany Counties (2017), as well as data from the Flood Emergency Management Agency (FEMA) Flood Insurance Rate Maps. There are no designated inland waterways, coastal areas, local waterfront revitalization program areas, critical environmental areas, or groundwater management zones within the Study Area.

4(h) Map of Recreational and Other Sensitive Land Uses Potentially Impacted by the Project

The Applicant has reviewed recreational and other land uses within the Study Area that might be affected by the sight, sound or odor of the construction or operation of the Project, the onsite non-Article VII interconnections and related facilities, including the following:

Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic and Recreational River Corridors	NYSDEC List of Wild, Scenic and Recreational Rivers (Accessed 2017) National Wild and Scenic Rivers Mapping (Accessed 2017)	No
Open Space	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2017) NYSDEC GIS Database (Accessed 2017) Steuben and Allegany County Office of Real Property Services GIS Applications (Accessed 2017)	Yes
Known Archaeological, Geologic, Historical or Scenic Area	New York State Historic Preservation Office (SHPO) Cultural Resources Information System (CRIS); Accessed 2016 NYS Department of State, Office of Planning & Development GIS Database (Accessed 2017) USDA NRCS Web Soil Survey (Accessed 2017)	Yes
Parks	Available Mapping for the Towns of Hartsville, Greenwood, Jasper, Troupsburg, West Union, Independence, Andover and Alfred (Accessed 2017) Steuben and Allegany County Office of Real Property Services GIS Applications	Yes

Land Use	Sources Reviewed	Within Study Area?
	(Accessed 2017) New York State Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2017) NYSDEC State Lands Mapping (Accessed 2017) National Park Service Mapping (Accessed 2017)	
Designated Wilderness, Forest Preserve Lands, Designated Scenic Byways and Nature Preserves	NYSDEC GIS Database (Accessed 2017) National Wilderness Preservation System (Accessed 2017)	Yes
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2017) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2017)	Yes
Designated Scenic Byways	NYSDEC GIS Database (Accessed 2017) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2017)	No
Nature Preserves	NYSDEC GIS Database (Accessed 2017)	No
Designated Trails	New York State Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2017) NYSDEC GIS Database (Accessed 2017)	Yes
Public-Access Fishing Areas	NYSDEC GIS Database (Accessed 2017)	Yes

Impacts to each of the sensitive land uses within the Study Area have been evaluated and avoided to the extent practicable. Scaled maps that show these designated areas, recreational and other sensitive land uses are included as Figures 4-5 and 4-6. Visual impacts to sensitive land uses are evaluated in detail in Exhibit 24 and the Visual Impact Assessment. The visual assessments include impacts of the Project Facilities within five miles of the Project Facilities (the Study Area), and also within a 10-mile Visual Study Area. Local, state, and federal sensitive visual resource area were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the acquisition of GIS data, review of town, county, and agency reports, topographic data, and site visits. Visual resources within 10 miles of the Project are listed in Table 24-3 of Exhibit 24.

There are no landmark landscapes; wild, scenic or recreational rivers; forest preserve lands, conservation easement lands, or scenic byways; state designated scenic districts or scenic roads; or

scenic areas of statewide significance found within 10 miles of the Project. There are two local county designated scenic drives in Allegany County. They are the Mid-County and Sky Tour Scenic Drives.

There are no state parks managed by the Office of Parks, Recreation and Historic Preservation (OPRHP) within 10 miles of the Project. Five state forests are found within 10 miles of the Project Site; Greenwood, Rock Creek, Turkey Ridge, Vandermark, and Phillips Creek State Forests. The Wag Trail is a 9-mile multi-use recreational trail and historic transportation corridor in Allegany County, extending between the Village of Wellsville and the Pennsylvania state line. It follows the route of the former Wellsville, Addison and Galeton (WAG) Railroad. Additional recreational opportunities within 10 miles of the Study Area include State Bikeways #17 and #19, which are located in the western section of the 10-mile Visual Study Area; several NYSDEC Public Fishing Rights easements located along Marsh and Cryder Creeks; numerous snowmobile trails; and the Tall Pines ATC local recreational area, in the Towns of Alfred and Andover. The Project will have no direct impact on these sensitive resources. For more information regarding visual assessments performed in relation to these resources, see Exhibit 24.

Exhibit 20 includes details of known archaeological and historic resources in the Study Area, as well as the results of the studies performed to evaluate the location and extent of known resources within the Study Area. These resources will not be directly impacted as part of the Project. According to CRIS, there are several listed and eligible National or State Registers of Historic Places within 10 miles. Please refer to Table 24-3 of Exhibit 24. There are no known scenic districts or overlooks in the 10-mile VSA. All previously listed and eligible historic sites were determined through CRIS. The Applicant also conducted a survey of newly identified architectural resources 50 years of age or older located within the cultural resources designated 5-mile APE. Refer to Exhibit 20 for more discussion.

The Project Facilities will have no direct impact on recreational resources and other sensitive land uses as identified in Table 24-3 of Exhibit 24 and shown in Figure 4-5 and 4-6. Also, the Applicant does not expect any significant impacts on major communications and utility uses as discussed in Exhibit 26 and shown in Figure 4-2.

4(i) Qualitative Assessment of Facility Compatibility with Existing, Proposed, and Allowed Land Uses and Local and Regional Land Use Plans

A qualitative assessment of the Project's compatibility with existing, proposed and allowed land uses was performed as part of the Application. The assessment evaluates the short- and long-term effects of Project-generated noise, odor, traffic and visual impacts on the use and enjoyment of areas within one mile of Project facilities. This assessment includes evaluation of the compatibility of the Project's above-ground structures, as well as any underground interconnections, with surrounding land uses. The assessment specifically addresses impacts to nearby land uses that may be of particular concern to the community, such as residential areas, schools, civic facilities, recreational facilities and commercial areas.

As described above, there are no zoning codes and no comprehensive plans for the Towns of Greenwood and West Union or Steuben County. Existing land uses have been described in the sections above in accordance with the NYSORPS land use classification codes. Project Facilities are proposed to

be located on the following land use types, according to the NYSORPS: Agricultural, Residential, and Vacant Land.

Table 4-4. Impacts to Land Use Types

Land Use Type	No. of Turbines	Access Roads (acres)	Collection Circuits (miles)	O&M Building/Substation (acres)
Agricultural Land	18	13.3	16.6	0.0
Vacant Land	13	11.6	13.0	1.49
Residential Land	4	3.3	4.2	0.0
Total	35	28.2	33.8	1.49

As shown in Table 4-4 above, the majority of the Project Facilities are located on land categorized as Agricultural Land. Agricultural Land is “property used for the production of crops or livestock.” Project Facilities on Agricultural Land include 51.4% of the proposed turbines, 47.2% of the access roads, and 49.1% of the collection circuits. All of the collection circuit in Agricultural Land will be located underground. The second most abundant land use type on which Project Facilities are proposed is Vacant Land, which is “property that is not in use, is in temporary use, or lacks permanent improvement.” Project Facilities on Vacant Land include 37.2% of the turbines, 41.1% of the access roads, and 38.5% of the collection circuits (of which, 4% (2,999 linear feet) will be aboveground). The O&M building and substation are also proposed on Vacant Land and will cover approximately 1.49 acres. The third land use type on which Project Facilities are proposed is Residential Land. Residential Land is “property used for human habitation.” Project Facilities on Residential Land, according to the NYSORPS, include 11.4% of the turbines, 11.7% of the access roads, and 12.4% of the collection line (of which < 0.01% (489 linear feet) will be aboveground).

As previously described, Agricultural Land is “property used for the production of crops or livestock.” This includes both active and inactive agricultural land. These were treated the same in this evaluation, as future land uses could require agricultural practices and contribute to the rural character of the Project Site. A total of 18 turbines are proposed on Agricultural Land. This accounts for approximately 51.4% of the total turbines proposed for the Project. As Agricultural Land is one of the prime land use types in the region, the placement of Project turbines on this land use type is expected; however, as described below, the Project is compatible with continued agricultural use of these properties.

The technology selected for the Project results in fewer, higher power turbines being required. This limits the amount of impact to Agricultural Land in the Project Site by having to site less turbines. This limited number of turbines also leads to decreased ground disturbance (impact to agricultural soils) and loss of active or potentially active farmland by reducing the overall footprint of the Project. Farming activities can continue in areas designated as Agricultural Land right up to the base of the turbine. The

Applicant has also allowed sufficient spacing between the turbines, which limits direct impacts to any one agricultural operation. This spacing allows for the majority of agricultural operations to continue with limited interruption. More specifically, turbines on Agricultural Land have been located along the edges of the agricultural fields to the extent practicable to avoid fragmentation of the operations and a loss in production.

In addition, lease payments to landowners, which includes farmers, are estimated to be more than \$25 million over the 30-year expected life of the Project. Wind project payments help stabilize revenues for local participating farmers (as crop and dairy prices often fluctuate from year to year) and revenues paid to landowners are typically reinvested in the community, helping to create jobs and improve the local economy. This diversified income helps support the agricultural community base in the area.

A total of 13.3 acres of access roads are proposed on land designated by the NYSORPS as Agricultural Land. Many of these access roads involve improvements to existing access or farming roads currently utilized by the farmers. These roads will be improved and maintained by the Applicant during the operational lifetime of the Project; thereby allowing for a more stable and efficient means for farmers to access their land. These designated access roads will reduce runoff and potential sedimentation from farming equipment that otherwise will be operating over often bare soil. They also allow more consistent access for farmers and safe ingress/egress.

According to the NYSORPS, Residential Land is “property used for human habitation.” Only four turbines, approximately 11.4% of the Project turbines, are proposed on land classified as Residential Land. However, each of these turbines has been sited away from occupied residences in accordance with setback requirements and are located at least 1,400 feet from a residence. Numerous studies and countless hours went into the design of the Project to maximize the effectiveness of the turbines as well as to ensure that they are located at sites that are safe and that pose no harmful health effects to landowners in the area.

A total of 3.3 acres of access roads are proposed on land designated as Residential Land and 4.2 miles of collection circuit. Similarly to the other land use types impacted by access roads, the roads have been sited along the edges of properties or in locations as discussed with the landowners to limit impacts to land use.

The compatibility of Project Facilities within existing land uses was evaluated based on the NYSORPS and through review of the Steuben County Agricultural & Farmland Protection Plan (June 22, 2015) and Steuben County Economic Development Plan (2014-2015). Of the 35 turbines, 18 turbines are located on land classified as Agriculture, 13 turbines are located on land classified as Vacant Land, and four turbines are located on land classified as Residential according to the NYSORPS data. Collection circuits for the Project Facilities cross 16.6 miles of Agricultural Land, 4.2 miles of Residential Land, and 13.0 miles of Vacant Land. Access roads cover 13.33 acres of Agricultural Land, 11.6 acres of Vacant Land, and 3.3 acres of Residential Land. The substation and O&M building is proposed to be located on a parcel classified as Vacant Land.

Project Facilities are not proposed on land classified as Commercial, Recreation and Entertainment, Community Service, Industrial, Public Service, or Wild, Forested, Conservation Lands and Public Parks

according to the NYSORPS. These land use types generally have higher levels of human presence and a larger opportunity for direct effects and potential impacts to land use types. Avoidance of these areas increases the compatibility of the Project with the Project Site and decreases direct effects to specific land uses. Although there are no planned proposed land uses, the Applicant has reviewed development plans for Steuben County outlining several proposed key areas of growth and expansion, including agricultural, infrastructure, and the economy. The Steuben County Agricultural and Farmland Protection Plan developed a Land Use Policy Designation as part of providing “a general measure of a given parcel’s potential to remain in agriculture by identifying each parcel’s general zoning designation (parcels located in agricultural zoning districts are more likely to remain in agriculture).” Based on the assessment performed as part of the Plan, 6% of agricultural parcels in Steuben County have high quality farmland with a low potential to be converted to non-agricultural uses. Another key finding indicated that 22% of the agricultural parcels in the County are within the lowest quality farmland with the highest conversion potential to non-agricultural uses. The scores are based on current and past land uses, soil quality, proximity to other resources, and other factors. Geographically, the highest concentration of high quality agricultural parcels was identified in the northern portion of the County in the Town of Cohocton and the Town of Pulteney. These results were utilized to come up with goals to support the preservation of high quality farmland while also supporting the local economy in positive ways. One of these goals is the development of wind laws and ordinances, as previously described. In general, there are no specific “Planned Uses” within Steuben County; however, the Project is in line with the goals and objectives of maintaining higher quality agricultural land while utilizing lower quality farmland in an environmentally responsible manner to support local economic growth for the area.

Proposal land uses within Steuben County are not specifically addressed in the CEDS; however, as described above, the region contains commercially viable wind resources. The small economic centers within the County are located within the rolling hill and river valley terrain of the area, which can limit economic growth. As such physical constraints exist, focusing on economic expansion and growth in this region can be difficult. The CEDS specifically notes that “environmental and terrain limitations are important reasons that land reuse in the region should be a top priority for local governments” (Southern Tier Central, 2016). The Project provides a renewable, clean and economically stimulating opportunity for land reuse through its 30 year lifetime, and is compatible with the goals and objectives presented in CEDS.

As there are no zoning regulations in place for land use in the Project Site, the Project is an allowed use and will be addressed in accordance with the local laws and regulations as further described in Exhibit 31.

There are not expected to be any unusual odors generated by Project facilities. The construction phase of the Project will generate noise related impacts mostly in relation to the operation of heavy equipment and machinery in the Project Area. Heavy machinery must be used in relation to right-of-way clearing, access road construction, material and component delivery, installation of electrical interconnect components, turbine foundation construction, turbine erection, and site restoration. The impacts from construction noise will be mitigated by operating only during daylight hours. The Applicant is abiding by industry accepted standards to minimize the effects of long term facility-generated noise in the Project Area. With health and safety at the forefront of consideration, the Applicant has established

setbacks to abide by the industry related standards. Detailed analyses of the noise impacts of the Project and the industry related standards can be found in Exhibits 15 and 19 respectively.

4(j) Qualitative Assessment of Facility Compatibility with Existing, Potential, and Proposed Land Uses of Aboveground Interconnections and Related Facilities

The minimal aboveground collection lines are the only aboveground interconnection facilities subject to the Application. The remaining aboveground components include the Article VII transmission facility which will be permitted separately.

The collection lines will be placed underground for the majority of their length, aside from an approximately 0.67 acre (3,560 linear foot portion) located on land with two classifications, Vacant Land and Residential Land, according to the NYSORPS. The majority of the collection circuit in land classified as Residential Land will be underground; however, approximately 489 feet of overhead collection circuit is required in Residential Land and 2,999 linear feet in Vacant Land. This overhead component is required due to the steep terrain in the area. The collection substation will be located on land classified as Agricultural Land according to the NYSORPS and will result in a 0.49 acre permanent impact and loss of agricultural land in that area.

As there are no proposed land uses in the vicinity of the Project Facilities, proposed land uses are not applicable to this section; however, the portion of the collection line that will be aboveground, and the collection substation, are not located in proximity to any known sensitive or aesthetic resources. These interconnection facilities have been sited so as not to interfere with existing land uses and potential related future uses for the applicable land use classifications.

4(k) Qualitative Assessment of Facility Compatibility with Existing, Potential, and Proposed Land Uses of Underground Interconnections and Related Facilities

The collection lines will be placed underground for the majority of their length. Approximately 16.6 miles of collection circuit are sited within land designated as Agricultural Land, 13.0 miles within Vacant Land, and 4.2 miles within Residential Land. Aside from the one portion described above in Section 4(j), all of the collection circuit will be underground and will only require temporary impacts to land uses as part of installation. To further limit impacts, collection circuits have been sited adjacent to access roads to the extent practicable to reduce the need for separate construction impacts. Farming activities will be allowed to occur over collection circuits upon completion of construction with no impact.

As there are no proposed land uses in the vicinity of the Project Facilities, proposed land uses are not applicable to this section; however, as previously described, the Project is compatible with continued agricultural land use, vacant land use and the residential land use parcels which contain collection facilities, as the majority of the facilities will be underground.

4(l) Conformance with the Coastal Zone Management Act

This section is not applicable as the Project is not located within a designated coastal area or in direct proximity of a designated inland waterway. Therefore, conformance with the Coastal Zone Management Act is not required as part of the Project.

4(m) Aerial Photographs of All Properties

Figure 4-7 includes aerial photographs of all properties within the Study Area.

4(n) Aerial Photograph Overlays

Figure 4-7 represents aerial photography overlaid with proposed Project facilities, and access roads in order to show the relationship with existing structures and vegetation cover types. Appendix 11-4 also overlays the proposed Project facilities, access roads and limits of clearing at a larger scale with additional detail.

4(o) Aerial Photograph Information

Aerial photographs reflect current situation, indicate photographer and date photo was taken.

4(p) Community Character of the Study Area

As shown on figures included with this Exhibit, the Study Area for the Project is in a rural area of Steuben County in the Southern Tier Region of New York State. As described in the sections above, the Project Site itself is located in communities which do not have zoning or comprehensive plans, however, several regional plans were reviewed in determining the community character. The Applicant has designed this Project to best take advantage of the available wind resource and bulk power transmission system in Steuben County, New York, and sited the Project in towns that are supportive of wind projects. Steuben County currently has four operating wind facilities, all of which have been constructed in the last 15 years, as this area of the State has elevated plateaus with a suitable wind resource for commercial scale wind energy projects in addition to sufficient and reliable transmission grid capacity. Additionally, the Project has been sited away from higher population portions of Steuben County and areas with more dense residential presence. This all contributes to the community character in the County, which is consistent with the Project as proposed.

The Applicant has been working diligently with the local municipalities, landowners, and stakeholders to identify specific characteristics of the community which are of particular importance to the region. Land in Greenwood and West Union is primarily used for agriculture and hunting. While the Project Area is over fifteen thousand acres, the amount of topical land used for the turbines and access roads is minimal, thus the Project will have little impact on existing land uses in the area. The primary interference will be during construction, which is temporary, then thereafter, current recreational, cultural and other concurrent uses, such as farming and hunting, can go on as usual.

According to the Steuben County Agricultural and Farmland Protection Plan (2015), agricultural productivity in the County is an important aspect of the local economy in the region and is currently expanding and diversifying. The Agricultural and Farmland Protection Plan (2015), as described above, was developed to create a vision to grow the agricultural economy in the region. As described in the Agricultural and Farmland Protection Plan (2015), approximately 4% of Steuben County is classified as commercial, recreation and entertainment, community, public services and industrial land uses. Within the Study Area, these land uses are present on approximately 1.3% of the land. At the County level, agricultural land uses cover 28% of Steuben County (over 253,000 acres). Approximately 33.5% of the Study Area is classified as agricultural land use. Most of the farms in Steuben County are small farms; however, the presence of larger farms in the area is increasing.

The Project will not impede the ability for agricultural operations to expand throughout the Study Area. As described above, approximately 13.3 acres of active agricultural land will be lost as part of the construction and operation of the Project due to turbine footprints and access roads. Facilities were sited with the rural community character in mind, and the importance of agriculture to both local farmers and the overall economic health of the region were taken into account.

The primary consideration in land use change or community character is the visual impact of the facility on surrounding land uses and the visual character of the area. As described above in Section 4(i), the Applicant considered the rural character of the Project Site in project planning and siting and configured the turbines in a non-linear layout which is more compatible with the topography and character of the area than a linear configuration. Additionally, the Applicant has ensured that open zones are left in place between turbines to reduce visual clutter and the presence of many turbines in one view. This configuration allows the rolling topography, farmland operations, and rural residential character of the Project Site to remain and for any one view to not be dominated by multiple turbines or the Project. The Project, therefore, is not likely to interfere with the rural character of the area.

In addition to the NYSORPS classifications described in Section 4(a), above, the visual character and quality of the landscape were defined as Landscape Similarity Zones (LSZs) as required per 16 NYCRR § 1000.24(b)(1). As described in Exhibit 24, LSZs are areas of similar landscape/aesthetic character based on patterns of landform, vegetation, water resources, land use, and user activity. These zones provide additional context for evaluating viewer circumstances and visual experiences. The Applicant utilized land cover classification datasets from the 2011 USGS National Land Cover Dataset (NLCD) (Homer *et al.*, 2015) for an initial establishment of LSZs as they provide distinct and usable landscape categories. These NLCD land cover groupings were then refined based on aerial photo interpretation and general field review of the 10-mile Visual Study Area. This effort resulted in the definition of five final LSZs within the full 10-mile Visual Study Area, and include Agricultural/Open Field, Forested, Developed, Ridge/Plateau, and Open Water. These LSZs are described further in Exhibit 24, the Visual Impact Assessment (VIA) and below.

- **Zone 1 - Agricultural/Open Field** - Agricultural and open fields predominantly consist of large farm complexes with cultivated crops, hay, or pasture. This LSZ contributes significantly to the rural community character of the area. Views from this zone are from expansive open areas occurring at various elevations. Frequently there are hedgerows or small tree groups that provide intermittent screening. When located in higher elevation areas, there are often long distance vistas affording long-range views.

- **Zone 2 – Forested** - Views from inside the Forest Zone are highly limited since it is assumed that tree canopy precludes outward views unless there are intermittent gaps in trees. Forested areas may include roadway segments where there are permanent residents.
- **Zone 3 - Developed** - This zone includes small village and towns with low to moderate-density residential (and limited commercial) development, generally oriented along a primary road that is typically a county road. Often adjacent buildings are visual impediments for views as well as street side trees. However there may be open yards or road corridors with less screening that could afford longer distant views. Most of the developed denser residential areas are in the lower valley regions. The Developed Zone also includes the major roadways where residential development is intermittently established along the existing road network as well as where the transient segment of the population is found.
- **Zone 4 - Ridge/Plateau (areas at or above 2200 feet mean sea level)** - Those areas that are 2,200 feet mean sea level (msl) or higher are delineated out as high point ridges or plateaus within rolling terrain marked out as Zone 4 areas. A cutoff elevation of 2,200 feet msl was chosen based on GIS terrain analysis and the geomorphological characteristics in the landscape; it is a general elevation where typically, steeper valley walls begin a descent from a plateau and ridge-type landform. It is in Zone 4 where the turbines are located. Although this plateau area comprises a smaller portion of the overall 10-mile Visual Study Area, it is also a LSZ that could offer an additional understanding of visual character due to proximity to turbines or landscape position. Agricultural, forest, developed, and open water zones are found above and below 2,200 feet msl.
- **Zone 5 - Open Water** - There are few open water bodies in the area. They typically exist as small isolated ponds within larger forest tracts ranging from six to eighteen acres in size. Foster Lake in Alfred is approximately 25 acres.

Additional information regarding the LSZs and potential visual impacts of the Project are included in Exhibit 24 (Visual Impacts) and Appendix 24-1 (Visual Impact Assessment).

As discussed in Exhibit 9 (Alternatives), the Project location, design, technology, scale and timing all take into consideration and promote public health and welfare. While the Project will invariably have some impact to the land and will have some detractors, the Applicant has done its best to balance the goals of the State and the Project with the goals of the community and the local landowners. Careful consideration was given to all impacts including, but not limited to, environmental, aesthetic, agricultural and sound, and time and attention was dedicated to working with stakeholders to minimize negative impacts and maximize positive benefits, ultimately to arrive at a Project that is best suited for this area, for this community and for the State of New York.

Several of the avoidance and minimization measures utilized in Project siting are directly correlated with the community character in the area. The selected technology (fewer, larger turbines) decreases the amount of land required for the Project and the potential for community character impacts. The layout of the selected turbines is also important to community character, as the layout has Project Facilities (turbines, access roads) on the edges of agricultural fields and allows open space (on the ground and in the viewshed) within the area. Additionally, collection lines have been placed underground to the extent practicable to decrease additional aboveground impacts. This configuration allows continued use of the

land within the Project Site and will not impede the land uses that have created the rural character of the Study Area.

The Project has been sited away from the population centers in the Study Area in order to minimize impacts. Additionally, shadow flicker and visual impacts to the rural residential landscape were considered in the siting of the turbines (see Exhibit 24). Turbines were either eliminated, relocated or adjusted, in order to adhere to industry standard noise and shadow flicker standards. In order to minimize impacts to normal community transportation operations during the construction of the Project, the Applicant has coordinated, and will continue to coordinate, with local emergency service providers and schools to reduce travel related restrictions during construction. During operation, the Project is not anticipated to impede on the existing travel regimes in the Project Area.

The natural environment is also an important part of the character of the Project Site and larger Study Area. In order to avoid and minimize impacts to the natural environment, the Applicant is proposing to utilize existing access roads where available, avoiding sensitive habitats (wetlands, waterbodies, high quality habitat) to the extent practicable, and avoiding off-limit sensitive areas.

The studies and evaluations that have been prepared as part of this Application are described in further detail in the specific exhibits and associated appendices to the Application. Specific exhibits to reference include Exhibit 24 (Visual Impacts), Exhibit 19 (Noise Impacts), Cultural Resources (Exhibit 20) and Exhibit 22 (Terrestrial Ecology and Wetlands). Each exhibit provides additional information related to how the studies and evaluations were performed and provide details that pertain to the community character of the Study Area, as well as how unavoidable impacts will be mitigated.

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