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Via Email

August 5, 2025

Devan Korn
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

**Re: Catalyze Solar
APA Project No. 2025-0015
NYS Rte 22, Town of AuSable, Clinton County
Tax Parcels 305-6-1.7 and 315-2-7**

Dear Mr. Korn:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit comments on the above-referenced application, which involves the proposed construction and operation of a 5.0 MWAC commercial solar generating facility (Project) on approximately 35 acres of land classified as Moderate Intensity Use and Low Intensity Use by the Adirondack Park Land Use and Development Plan Map (the "Project Site").

The proposed Project entails the installation of a large-scale solar array, along with associated infrastructure including an access road, fencing, utility connections, grading, and the clearing of trees. The Project Site comprises undeveloped forestland that slopes gently from south to north and includes a small wetland and stream in the northwestern section. The surrounding landscape consists of forested lands, agricultural fields, and residential areas.

PROTECT recognizes the critical importance of advancing renewable energy development, including solar energy, in New York State. We fully support the deployment of clean energy technologies in the Adirondack Park that help meet climate goals while protecting the Park's ecological integrity. However, it is imperative that such facilities be carefully sited and constructed to avoid undue harm to the Park's unique natural resources. We believe that further information is necessary before the Adirondack Park Agency (APA) can determine whether the Project Site is appropriate for this proposed large-scale development. Additionally, the information submitted indicates that an

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incidental take permit may be required from the New York State Department of Environmental Conservation (DEC) before the Project can move forward.

Incidental Take Permit/Endangered Species

Two endangered (Indiana bat (*Myotis sodalist*) and northern long-eared bat (*Myotis septentrionalis*)), one proposed endangered (tricolored bat (*Perimyotis subflavus*)) and one candidate (monarch butterfly (*Danaus Plexippus*)) species were identified as occurring within range of the Project Site through the U.S Fish and Wildlife Service (USFWS) species planning tool. A “*May Effect but not Likely to Adversely Affect*” determination was reached by USFWS for each bat species. In addition, the DEC Environmental Resource Mapper (ERM) identified the northern long-eared bat as having a known occurrence record within the vicinity of the Project Site. Suitable roosting habitat for both northern long-eared bat and Indiana bat has been identified throughout the forested areas of the site.

Under DEC regulations, an incidental take permit is required for any action likely to result in a “take” of an endangered or threatened species. 6 NYCRR § 182.8(a). A “take” includes any action that negatively affects the essential behaviors—such as roosting—of a listed species within occupied habitat. *Id.* §§ 182.2(b), (y), (p), (f).

Because the applicant proposes to clear 22 acres of forested land—areas that may provide roosting habitat—it is critical that a comprehensive, on-the-ground bat survey be conducted to determine the presence of listed species. If the site is found to be used for roosting, the applicant must obtain an incidental take permit from DEC prior to proceeding with construction.

Although the monarch butterfly is currently unlisted, it is a candidate species for future federal listing. The proposed landscaping plan indicates that the seed mix for the area inside the fence will be a pollinator friendly mix of plants that can be used by butterflies for food, habitat and breeding. APA should require the applicant to provide an assessment of the availability of the use of grazing sheep to maintain the vegetation inside the fence, rather than mowing and trimming with mechanical equipment.¹ The maintenance plan should clearly specify that the use of pesticides/herbicides is prohibited throughout the Project Site except with prior written authorization from APA for the control of invasive species.

Wetlands

A wetland delineation of the Project Site was conducted by LaBella Associates on 5/11/2023 and a wetland delineation of the utility easement corridor was conducted on 4/23/24. A 0.09 acre palustrine forested wetland was delineated on the northern portion of the Project Site and a 2.11 acre palustrine scrub-shrub wetland was delineated in the central portion of the easement. A perennial stream, spanning 80 linear feet, was also identified in the northern portion of the Project Site. Wetlands on the subject parcel were investigated by APA during the first pre-application site

¹ See Considerations for “Grazing-Ready” Solar Facilities Planning for Integration of Sheep available at <https://www.nyserda.ny.gov/PutEnergyToWork/Industry-Energy-Solutions/Agriculture/Agrioltaics>

visit and visually assessed (from off-site) along the easement parcel. PROTECT supports the applicant's proposal to provide a 100-foot buffer for the two delineated wetlands as required by statute.

However, the wetland delineations by LaBella Associates and the pre-application site visit by APA staff were conducted prior to the effective date of new amendments to the Freshwater Wetlands Act (FWA) that took effect on January 1, 2025. There is no evidence in the application materials that the Project Site was assessed for the presence of vernal pools. We recommend the applicant be required to update the wetland delineation and conduct a vernal pool survey during the appropriate seasonal timeframe.

Pitch Pine Natural Community

The DEC ERM also shows that the Project Site is within the vicinity of the Pitch Pine-Heath Barrens natural community, and APA staff has confirmed the presence of pitch pine on the Project Site. The applicant claims that APA determined on the second pre-application site visit that the site had low restoration potential for this natural community, but there is no documentation of this determination. Given the ecological importance of this community type, we urge that documentation of this APA's determination be provided or that the applicant be required to undertake further evaluation of the site's restoration potential or, alternatively, provide a plan for offsetting the loss of this natural community with restoration efforts elsewhere.

Climate Change

The applicant intends to clear all trees from a 22-acre portion of the Project Site to accommodate the solar array. Although the applicant states that the area does not constitute mature forest, and therefore does not warrant a carbon offset analysis, they defer to the APA's judgment on this matter.

Given the scale of forest removal and the cumulative impact of forest loss on carbon sequestration in the Park, we respectfully recommend that APA require the applicant to conduct a carbon offset analysis to quantify and, if necessary, mitigate the Project's impact on climate resilience.

APA should also require the applicant to maintain all vegetation on the Project Site, outside of the 22-acre portion, to ensure that the existing trees and vegetation that currently provide a visual buffer of the Project remain intact.

Conclusion

PROTECT supports the responsible development of renewable energy but urges APA to require:

- A comprehensive bat survey and, if warranted, that an application for an incidental take permit be submitted to DEC;
- An updated wetland assessment to include vernal pools;
- Documentation or reevaluation of pitch pine habitat potential and mitigation or restoration efforts; and
- A carbon offset analysis for the proposed forest clearing.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel