



EAST POINT ENERGY CENTER

Case No. 17-F-0599

1001.2 Exhibit 2

Overview and Public Involvement

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Exhibit 2: Overview and Public Involvement

This Exhibit will track the requirements of proposed Stipulation 2, dated August 20, 2019, and therefore, the requirements of 16 NYCRR § 1001.2.

2(a) Brief Description of the Proposed Facility

The East Point Energy Center (the Project) will have a generating capacity of 50 megawatt (MW) and will be located on land leased and/or purchased from owners of private property in the Town of Sharon, Schoharie County, New York. Proposed Project Components include commercial-scale solar arrays, access roads, inverters, fencing, buried electric collection lines, and electrical interconnection facilities. The Project Area totals 1,313 acres. The total area of the Limit of Disturbance (LOD) for the Project is 408.34 acres, and the area inside all fences for the Project totals 351.92 acres.

The Applicant intends to construct, own, operate, and maintain all Components of the Project. In 2018, the Applicant signed a long-term agreement to sell the Renewable Energy Certificates (RECs) generated by the Project to the New York State Energy Research and Development Authority (NYSERDA). The solar module specifications as well as the locations of the solar arrays and related infrastructure are identified in this Application. The Project also includes a proposed collection substation and interconnection facilities to be located on land within the Project Area, in relative proximity to National Grid's existing Sharon – Marshville 69 kV transmission line, which is adjacent to the existing National Grid substation (see Figure 2-1). The proposed interconnection facilities will include a 69-kilovolt (kV) switchyard that will be transferred to National Grid to own and operate. The distance from the proposed 69 kV switchyard to the interconnection with the existing National Grid Sharon – Marshville 69 kV transmission line is approximately 165 feet (50.29 meters)

Solar Arrays: As solar technology is rapidly advancing, it is not possible to determine the exact module type that will be utilized for a project with a commercial operation date of 2021. However, the Applicant intends to utilize a module similar to the Jinko Solar Eagle 72HM G2 380-400 Watt Mono Perc Diamond Cell. A specification sheet for this module has been included in Appendix 2-1. The Project will utilize a tracking array system similar to the Gamechange Solar Genius Tracker™, a specification sheet of which has been included in Appendix 2-2. One of the alternatives the Applicant is considering the use of a fixed array system; refer to Exhibit 9 for this

alternative array. A specification sheet of this fixed array system, the Gamechange Maxspan™ Pile Driven System, has been included in Appendix 2-3.

Inverters: Inverters will be located throughout the solar arrays. Their purpose is to convert direct current (DC) electricity generated by the solar modules into alternating current (AC) electricity. Cables from the solar modules are run to the inverters using a CAB® cabling system or underground lines. From the inverters, underground collection lines then convey electricity to the Project collection substation and ultimately to the existing electric transmission system. The Applicant intends to use a Power Electronics HEM inverter, or a similar inverter. A specification sheet has been included in Appendix 2-4.

Access Roads: Roads used to access solar arrays will follow existing farm roads and trails, where practicable, to minimize the need for new roads. The same access roads used during construction will be used during operation of the Facility and will be gravel surfaced and approximately 16 feet (4.88 meters) wide. The total length of access roads within the Project Area boundaries is approximately 4.4 miles.

Collection Lines: The 34.5 kV collection lines will connect the inverters with the Project collection substation. The total length of collection line being included as part of the Application for the Project is approximately 32,650 feet (9951.72 meters). Collection lines will be installed underground via direct burial (approximately 31,405 feet [9,572.24 meters]) and horizontal directional drilling (HDD) (approximately 1,245 feet [379.47 meters]).

Fencing: Fencing will be placed around the perimeter of the arrays and associated structures (see sheet C-105 of Appendix 11-1). Fencing will be chain-link and 8.5 feet in height per local regulations.

Project Collection Substation: The 34.5 kV collection lines within the Project Area will gather power from the inverters and transport it underground to a new collection substation that will step up the voltage to 69 kV. The collection substation will be located north of Route 20 (see sheet C-044 of Appendix 11-1). The construction of the collection substation is anticipated to occupy approximately 0.91 acres (3,682.639 square meters) of land.

Project Interconnection Facilities: Power from the collection substation will be transported to an immediately adjacent switchyard and then interconnect to the existing National Grid Sharon –

Marshville #16 transmission line approximately 150 feet away. The switchyard will be transferred to National Grid to own and operate.

2(b) Brief Summary of the Application Contents

The Article 10 Application includes a total of 41 exhibits, 9 of which were deemed not applicable to the Project. Supporting information for each exhibit is provided in the table below. For purposes of this Application, the following definitions will be used to describe various areas or boundaries of the Project:

- **Applicant:** East Point Energy Center, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra).
- **Project:** the proposed East Point Energy Center solar energy facility.
- **Project Area:** the 1,313-acre area encompassing all Project parcels located within the Town of Sharon as shown in Figure 2-1.
- **Study Area:** typically, the 19,919-acre area within a 2-mile buffer of the Project Area boundaries. Many of the resource area impact studies for this Application were conducted within this area. Some studies utilized resource-specific study areas, the extents of which are defined in the applicable exhibit.
- **Component or Facility:** an individual piece, or collection of equipment or improvement of the Project, including a solar array, access road, fencing, inverters, buried electric collection lines, electrical interconnection facilities, and laydown areas.

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
1	General Requirements	Certificate of Formation
2	Overview and Public Involvement: Brief overview of the Project, public communications, and rationale for why the Project should be granted a certificate.	Jinko Eagle 72HM G2 380-400 Watt Mono Perc Half Cell Module Technical Data Sheet Gamechange Solar Genius Tracker™ Data Sheet Gamechange Maxspan™ Pile Driven System Data Sheet

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
		Power Electronics HEM Inverter Spec Sheet PIP Meeting Log Stakeholder List
3	<i>Location of Facilities:</i> Maps and information on the location of the proposed Project.	Proposed Project Component Locations
4	<i>Land Use:</i> Description of existing and proposed land use based on local, state, and federal classifications. Include anticipated facility impacts and conformance with publicly known land uses and use regulations.	Tax Parcels Town of Sharon Zoning Map Existing and Proposed Land Use Maps Specially Designated Areas Map Recreational and Other Sensitive Land Uses Existing Utility Locations Aerial Photograph Overlays
5	<i>Electric Systems Effects:</i> Description of Project transmission impacts of operation and maintenance. Include applicable codes, standards, and protocols for generation and ancillary features design, construction, commissioning, and operation.	System Reliability Impact Study (SRIS) Collection Line Design Criteria Collection Substation Design Criteria Vegetation Management Operations Manual
6	<i>Wind Power Facilities</i>	Not Applicable
7	<i>Natural Gas Power Facilities</i>	Not Applicable
8	<i>Electric System Production Modeling:</i> Input data utilized to calculate facility emissions and generating capacity. Input data determinations confirmed through the New York State Department of Public Service (DPS) and NYSDEC coordination.	Production Modeling Analyses

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Exhibit	Exhibit Title/General Description	Supporting Documentation
9	<i>Alternatives:</i> Analysis of applicable alternative Project and Component locations and suitability of existing environmental setting.	None
10	<i>Consistency with Energy Planning Objectives</i>	None
11	<i>Preliminary Design Drawings:</i> Project Component drawings prepared by a professional engineer, or architect licensed and registered in New York State (NYS). Comparison of preliminary design drawings to applicable engineering codes, standards, and guidelines.	Preliminary Design Drawings Landscaping Plan Lighting Plan
12	<i>Construction:</i> Project installation and monitoring procedures in conformance with applicable design, engineering and installation standards and criteria.	Quality Assurance and Quality Control Plan NextEra Energy Major Duties & Accountability Matrix Complaint Resolution Plan
13	<i>Real Property:</i> Project Area property rights accessed via lease or easement agreements and description of tax property information.	Surveys of Properties Leased by Applicant Demonstration that the Applicant Has Obtained Rights in the Project Area
14	<i>Cost of Facilities:</i> Description of the Project's capital costs.	Estimated Cost of Facilities
15	<i>Public Health and Safety:</i> Discussion of potential adverse impacts posed by construction or operation of the Project.	Noise Analysis Study Area Maps Stormwater Pollution Prevention Plan (SWPPP)

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
16	<i>Pollution Control Facilities</i>	Not Applicable
17	<i>Air Emissions:</i> Evaluation of the Project's pollution control technologies.	None
18	<i>Safety and Security:</i> Measures to ensure safe practices during construction and operation of the Project, including complaint resolution procedures.	Site Security Plan Preliminary Emergency Response Plan
19	<i>Noise and Vibration:</i> Comprehensive analysis of acoustic solar array effects.	Noise Impact Study Noise Level Estimates Construction Operations Plan Preliminary Blasting Plan
20	<i>Cultural Resources:</i> Research to determine if any cultural resources are impacted by the Project.	Phase I Archaeological Resources Study
21	<i>Geology, Seismology, and Soils:</i> Analysis of the geology and soils in the Project Area to ensure the area can support solar arrays and to address potential impacts.	Existing Slopes Map Soil Types Map Depth to Bedrock Maps Preliminary Geotechnical Investigation Plan
22	<i>Terrestrial Ecology and Wetlands:</i> Comprehensive study of plant and wildlife in the Project Area, potential impacts from the Project and mitigation measures.	Plant and Wildlife Inventory List Breeding Bird Surveys Winter Raptor Surveys Maps and Shapefiles depicting wetlands and streams Wetland and Stream Delineation Report Wetland Functions and Values Assessment Invasive Species Management and Control Plan Cumulative Breeding Bird Survey Analysis

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Exhibit	Exhibit Title/General Description	Supporting Documentation
23	<i>Water Resources and Aquatic Ecology:</i> Review of Project impacts to water resources in the area and plans to mitigate impacts.	Freedom of Information Law (FOIL) Requests and the New York State Department of Health (NYSDOH) letters Private well survey responses Shapefiles of surface water data Preliminary SWPPP
24	<i>Visual Impacts:</i> Visual impact assessment of the Project, including photo simulations.	Visual Impact Assessment (VIA) Glare Analysis Viewshed Analysis Photographic Simulations Viewshed Maps
25	<i>Effect on Transportation:</i> Impact of the Project on transportation including during construction and operations.	Conceptual Site Plans Accident Data & Applicable Transportation Analyses Construction Worker Routing Map Sight Distance Diagrams New York State Department of Transportation (NYSDOT) Annual Average Daily Traffic (AADT) Volumes Accident Summary Data NYSDOT Bridge Load Rating Highway Capacity Software (HCS) Level of Service Output
26	<i>Effect on Communications:</i> Analysis of Project impact on all types of communications in the Project Area.	None
27	<i>Socioeconomic Effects:</i> Analysis of the Project and its impact to the economy and jobs.	National Renewables Energy Laboratory Jobs and Economic Development Impact Model

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
28	<i>Environmental Justice:</i> Air quality and health impacts on certain communities.	Environmental Justice Area Map
29	<i>Site Restoration and Decommissioning:</i> Plans for site restoration upon Project decommissioning.	Decommissioning & Restoration Plan
30	<i>Nuclear Facilities</i>	Not Applicable
31	<i>Local Laws and Ordinances:</i> Local laws pertinent to the Project.	Applicable Local Laws and Regulations
32	<i>State Laws and Regulations:</i> State laws pertinent to the Project.	None
33	<i>Other Applications and Filings:</i> Other state and federal applications and filings that are relevant to the Project.	None
34	<i>Electric Interconnection:</i> Description of Project electric systems	None
35	<i>Electric and Magnetic Fields (EMF):</i> EMF analysis for certain Project and Project-related electric systems.	Electromagnetic Field (EMF) Study
36	<i>Gas Interconnection</i>	Not Applicable
37	<i>Back-Up Fuel</i>	Not Applicable
38	<i>Water Interconnection</i>	Not Applicable
39	<i>Wastewater Interconnection</i>	Not Applicable
40	<i>Telecommunications Interconnection:</i> Description of communications network required for the Project.	None
41	<i>Applications to Modify or Build Adjacent</i>	Not Applicable

2(c) Brief Description of the Public Involvement Program prior to Submission of the Application

The draft Public Involvement Program (PIP) Plan was submitted to the Department of Public Service staff on September 25, 2017. Following the receipt of comments on the PIP Plan, the PIP Plan was updated, completed, and filed by the Applicant on November 24, 2017. Materials to encourage public involvement throughout the Article 10 process such as fact sheets, presentations from town board meetings and open house events, and educational materials have been prepared and made available on the Project website (www.eastpointenergycenter.com) beginning on January 31, 2018. The Applicant's efforts relating to language access, identification of any environmental justice areas, and the use of document repositories are outlined in the PIP Plan, which can be found on the Project's website and on the DPS website (<http://documents.dps.ny.gov/public/Common/AdvanceSearch.aspx>, Case Number 17-F-0599).

The Applicant has completed the pre-Application consultations set forth in the PIP Plan and has held multiple stakeholder meetings. The Applicant has encouraged local involvement through open dialog discussions and appearance at meetings with various groups and individuals including the Sharon Town Board, the Sharon/Sharon Springs Joint Planning Board, the Town of Sharon Supervisor, the Schoharie County Treasurer, the Schoharie School Board Manager, local interest groups, adjacent landowners and others as detailed in the PIP Meeting Log (see Appendix 2-5). The Meeting Log lists town board meetings as well as public and agency correspondence or outreach conducted through the Project website and by local phone. Documented correspondence with the Applicant, along with significant questions and concerns related to the Project, are captured in the Meeting Log. The PIP Plan activities are ongoing and include communications about the Project and Article 10 Application process through the stakeholder contact list, and the Project website.

Notice of the Application submittal was mailed in accordance with 16 NYCRR § 1000.5 (c) and to a Project mailing list consisting of the updated stakeholders list, including host and adjacent landowners (within 2500 feet of the Project boundaries), and additional addresses received through public outreach. The notice included information on the Project generally and the Article 10 Application specifically.

Publications of notices as required under 16 NYCRR 1000.7(a), regarding the Application were made in two newspapers. Publication was also made in one free pennysaver local to the Project

and Study Areas. The three newspapers are the Times-Journal, Schoharie News, and My Shopper-Schoharie Valley Edition.

Details regarding the open house held on August 30, 2018 are as follows. Informational flyers were mailed on August 8, 2018. Notification was placed in two newspapers and one free local publication (i.e. Pennysaver), the Times-Journal, Schoharie News, and My Shopper-Schoharie Valley Edition approximately three weeks prior to the open house. A total of 114 people were in attendance at the two open houses held on August 30, 2018 and a total of 52 people were in attendance at the two open houses held on August 27, 2019. In general, people asked questions about proposed locations for the arrays, how it might affect their properties, potential use of herbicides, potential benefits to the community and potential visibility from Route 20. Following this open house, comments on potential visual impacts, potential wildlife and wetland impacts, compatibility with existing community character, vegetation management, and decommissioning were received.

Paper copies of major Project documents, including this Application, except those provided under trade secret protection, will be sent to the designated local repositories.

The Applicant has mailed informational flyers to over 950 property owners and has held four open houses (on two separate days) accessible to residents of the Study Area in accordance with the PIP Plan. At the open houses, attendees were given the opportunity to join the stakeholder list if they wished to receive notices of Project milestones and Project information updates. Additionally, the Project website and phone number have been and continue to be available to provide the community with Project information. The Applicant has also held meetings with landowners that are participating in the Project to provide them with information and updates on the permitting process.

Through the PIP process, based on meetings with state and town officials and landowners in the Project Study Area, and from written comments, the Applicant identified certain key issues and proposed certain changes to the Project, which are summarized below: Actions regarding these comments, the four open houses, the PSS process and the outreach that has been conducted were performed by the Applicant: include, but are not limited to,

- Minimized potential visibility of areas of proposed arrays along Route 20 by relocating arrays areas that will have minimal to no visibility from Route 20;

- Conducted extensive wildlife studies and minimized impacts to wetlands to the maximum extent practicable;
- Sited proposed Project Components away from more densely populated areas of the Town of Sharon;
- Prepared a decommissioning plan;
- Conducted multiple environmental studies, including but not limited to noise, visual and land use, to evaluate potential effects to adjacent properties and the 2-mile Study Area.

Stakeholders identified in the PIP Plan include the local municipalities and its respective points of contact: Town of Sharon Supervisor, Schoharie County Administrator, and the appropriate town or county clerks. The stakeholder list also includes municipal officials from adjacent communities within the 2-mile Study Area. In addition to municipal officials, the stakeholder list includes the followings people/entities: county, state and federal agencies, legislative representatives, highway departments, school districts, emergency responders, utilities, public interest groups and miscellaneous stakeholders identified during public outreach efforts.

Participating landowners (real property owners that have entered into lease agreements with East Point Energy Center, LLC), are included in the stakeholder list as one group. Adjacent landowners (within 2,500 feet of the Project Area boundaries) have also been included in the stakeholder list as one group. Similarly, residents of the Study Area (non-participant landowners or adjacent landowners) have also been included in the stakeholder list as one group. An updated stakeholders list has been provided in Appendix 2-6.

Stakeholders were notified at least three days before this application was filed. Notifications were published in the Times-Journal and Schoharie News detailing the proposed Project and a summary of the contents of the application. Additionally, notices included information on where and how the public can retrieve supplementary information on the Project. Notification was also mailed to each member of the state legislature in whose district the Facility is to be located as proposed.

2(d) Brief Description of the Public Involvement Program after Submission of the Application

The Applicant will continue to consult with state, county, and town officials after the Application is filed. Those consultations include providing regular updates to the Town of Sharon Supervisor, School Board Manager and other stakeholders to keep town officials and residents updated on

the status of the Project. There will also be public statement hearings conducted by the Department of Public Service Staff as part of the Article 10 certification process that stakeholders and interested landowners will be able to attend. The Applicant will also continue to meet with interested parties if requested. The Applicant will continue to engage stakeholders, sponsor public outreach activities to encourage involvement and open communication with non-public entities, and continue meeting with stakeholders during preparation for construction, during construction itself, and during operation. In addition, as described in Exhibit 12 of this Application, the Applicant has outlined its complaint resolution procedures for construction.

A current stakeholder list is included in this Application as Appendix 2-6. Identification of stakeholders has been an ongoing process as described in Section 2(c) above.

2(e) Relevant and Material Facts Analysis

The Applicant has conducted a number of studies and analyses, supplemented by in-depth literature reviews, to support the Article 10 Application Exhibit requirements and ensure the safety and security of public and private resources. Analyses conducted in relation to the construction or operation of the Project extended beyond the Project Area to accurately represent impacts to resources as identified in Article 10 of the Public Service Law (PSL) and its implementing regulations, the information included in this Application provides the evidentiary basis upon which the Department of Public Service Staff can make its required statutory findings and determinations, after considering the listed statutory considerations in order to grant the certificate in accordance with Section 168 of the PSL.

Section 168(2) of PSL

The following section is a brief overall analysis of the relevant and material facts for each required finding regarding the nature of the probable environmental impacts of the construction and operation of the Project:

Ecology: The Project Area primarily consists of forest land (29.4 percent), active agricultural land (61.7 percent), successional shrubland (1.5 percent), and old field (6.2 percent) along with smaller amounts of developed land and open water, (1.2 percent). Delineated wetlands occupy 6.2 percent of the Project Area. No threatened, endangered, candidate, rare plant species, or significant ecological communities were identified at the Project Area. Therefore, Project

construction and operation are not expected to result in adverse impacts to protected plants or significant adverse impacts to ecological communities.

Impacts to vegetative communities will occur as a result of construction but have been minimized consistently throughout the process of siting Components. Conservatively, up to 107.92 acres of vegetation will be temporarily impacted. Concurrently, up to 229.31 acres will be displaced for the life of the Project due to the siting of Project Components. Impacts to ecological communities and associated plant communities will occur through the clearing of vegetated areas to allow for safe and effective Project-related construction and activities. Although the siting of Project Components will result in the loss of plant community acreages, no specific plant community will be significantly reduced in population as a result of the Project. Project construction and operation are not proposed to adversely impact rare or protected plants or significantly impact ecological communities.

Avoidance efforts have been undertaken through the application of attentive site planning. During the design phase of the Project, special consideration was given to avoid unnecessary impacts to grasslands, interior forests, wetlands, shrublands, and young successional forests. As a result, impacts to these landscape features (and vegetation communities) will be marginal. The Project Components have been located to confine disturbances to the smallest area practicable. Existing farm roads will be used for access in some areas when necessary, and work areas have been adjusted to use open fields wherever possible.

Linear Project Components such as access roads and collector lines have been co-located to avoid and minimize impacts to plant communities to the maximum extent practicable. Solar panels have been proposed in areas already disturbed by agriculture to the maximum extent practicable.

Avoidance, minimization and mitigation of impacts to vegetative communities will also occur by complying with guidance from an on-site environmental monitor, maintaining clean work sites, employing Best Management Practices (BMPs) during construction, operation, and maintenance, and by demarcating areas highly susceptible to adverse disturbances. These confined areas will be deemed inaccessible to construction equipment and any other disturbance activity.

Ground and Surface Water: No major or permanent impacts to groundwater quality or quantity are anticipated to result from the Project, and solar energy centers use no water to generate electricity during operations as opposed to other conventional energy sources. There is a potential for minor, short-term impacts to the local water table during the construction phase of the Project.

Though not anticipated, impacts to groundwater could potentially occur through the introduction of pollutants from inadvertent discharges of petroleum and other chemicals, resulting from minor leaks or mechanical failures of construction vehicles/equipment. To minimize this potential for impact, the Project will adhere to a Project-specific Spill Prevention, Control and Countermeasure (SPCC) Plan to minimize the potential for the release of chemicals during construction and operation of the Project. Exhibit 23 includes additional information regarding groundwater. A SPCC plan will be completed upon receipt of the Certificate and submitted to the Secretary of the Department of Public Service Staff for approval prior to construction/operation of the Project.

Wetland and waterbody delineations were conducted in the summer of 2017, spring/summer of 2018, and spring of 2019. A total of 41 wetlands and 26 waterbodies were delineated within the Project Area, only two will be impacted as a result of the Project. The siting of Project Components has been performed to avoid temporary or permanent impacts to wetlands and waterbodies to the maximum extent practicable.

This Project will cause no direct impacts to surface waters. Certain construction activities may result in temporary indirect impacts to surface waters, such as the installation of access roads and solar arrays, upgrading of existing roads, and the installation of underground collection lines. However, these potential temporary impacts will be minimized through the use of best management practices as outlined in the Project's SWPPP.

Impacts related to the construction of access road and collection line crossings will be minimized by using existing crossings and crossing at narrow wetland and waterbody locations where feasible. Impacts have also been minimized by completely moving (i.e., re-siting) Project Components to avoid wetlands and waterbodies based on the results of the delineation efforts. Additionally, required stream crossings have been sited within existing access ways or along narrow sections of stream channel where practicable. Where Project Components are adjacent to or cross wetlands, streams or drainage ditches/swales, appropriate sediment and erosion control measures will be installed and maintained according to the Project-specific SWPPP, which is discussed in multiple exhibits of this Application. A Preliminary SWPPP is included as Appendix 23-3 and will be completed and filed with the Secretary prior to construction. The Applicant also proposes to install portions of the Facility collection lines via horizontal directional drilling under sensitive water and wetland resources, where practicable, to further reduce impacts.

Based on conservative estimates, a total of up to 195 square feet of wetlands may be impacted as a result of the Project. These are potential impacts as a result of grading existing farm roads that are proposed to be utilized as permanent access roads and the grading/impacts will only be required if the existing farm roads are not usable in their current condition. However, by utilizing these existing farm roads that currently cross wetland areas, the need for new wetland crossings is eliminated. A total of 0.34 acres of the 100-foot adjacent area around one potential NYSDEC wetland will also be impacted. These are permanent impacts from grading, an access road, an infiltration trench, and the solar array in an area regularly disturbed by agricultural activities.

Wildlife and Habitat: Based on Project-specific information received from the New York Natural Heritage Program (NYNHP), NYSDEC, U.S Fish and Wildlife Service (USFWS), and direct on-Site observations, a list of state and federally listed species was compiled for those species that are believed to occur or have the potential to occur within the Project Area. Site-specific information was requested from agencies to determine the presence of rare, threatened, endangered, and special concern species.

No federally listed species are known to occur in the vicinity of the Project Area. There are five additional state-listed species documented within the vicinity of the Project Area, including three species of special concern within the State were identified through correspondence with NYNHP and field observations (bald eagle, northern harrier, sedge wren, sharp-shinned hawk, grasshopper sparrow). As discussed in detail in Exhibit 22, studies conducted confirmed that there was no occupied habitat by these species within the Project Area and no impacts to the species are anticipated as a result of the Project.

Impacts to wildlife and their various habitats have been avoided and minimized to the extent practicable. There may be some incidental injury and mortality to non-threatened or endangered mammals such as mice and chipmunks due to various construction activities, displacement due to increased human activity during construction, and habitat disturbance and/or loss as a result of clearing, earth-moving, and the siting of Project Components.

Site design practices avoid sensitive habitats by siting solar arrays primarily in agricultural fields, they minimize construction disturbances to the maximum extent practicable, adhere to designated construction limits, and avoid off-limit sensitive areas. Through initial impact analysis and careful site design, permanent habitat loss and forest fragmentation have been minimized. A majority of

access roads, collection lines, and solar arrays will be sited in agricultural fields in order to minimize impacts to natural communities, including forest fragmentation.

The Project is not expected to cause naturally occurring populations of common or rare birds to be reduced to numbers below levels for maintaining viability at local or regional levels.

Public Health and Safety: Solar energy technologies do not pose significant environmental or public health impacts. Solar panel arrays reduce air emissions by providing clean, renewable energy and reduce the need for more fossil fuel combustion generation technologies that have higher levels of air emissions. Solar panel operation does not involve fuel combustion or generation of air emissions to produce electricity. Minimal pollutants will be emitted during construction activities resulting from exhaust of diesel-fired generators, vehicles, and construction equipment, and dust. These will be temporary and typical of any major construction site. BMPs will be implemented to the extent practicable to reduce construction related emissions.

A glare analysis is available in Appendix 24-2, which indicates that there will be no glare impacts as a result of the Project. In summary, there will be no glare effects on any airports or roadways, and there will be minimal potential for glare for a relatively short duration on two homes. However, the modeling was conservative as it did not account for obstructions such as trees, vegetation or buildings and assumes 365 days of full sun per year. Landscaping has been proposed to mitigate this potential for glare at the two residences. There are no applicable quantitative standards for glare, but scientific literature suggests that doubling the annual 30-hour shadow flicker standard (applicable to wind facilities) could be used as benchmark. The glare analysis indicates the potential duration is significantly below even the 30-hour standard as only 0.8 hours and 2.4 hours of yellow glare was predicted annually by the model and the proposed landscape buffer will mitigate this potential for glare.

No significant environmental impacts will result from the Project. Potential impacts have been minimized by the design measures discussed above and by implementing reasonable siting setbacks from residences, roadways, and other existing facilities.

Cultural, Historic, and Recreational Resources (Including Aesthetics and Scenic Values):
The Project's impact to cultural, historic, and recreational resources is limited to potential visual impacts.

Phase IA background research and a Phase IB field survey have been completed to determine the nature of potential impacts to archaeological resources resulting from the construction and operation of the facility. The total Project acreage surveyed during the Phase IB survey was approximately 389 acres.

The Phase IA study revealed that one Phase I archaeological survey had been previously conducted and two archaeological sites had been previously identified within the vicinity of the Project Area. As a result of the Phase IB survey of the Project Area, a total of 491 artifacts were recovered from 13 newly identified archaeological sites and 4 isolated finds. Of these sites/finds, 4 will be avoided from any Project-related disturbance as their National Register eligibility was recommended by TRC as Undetermined and the remaining 13 sites/finds have been recommended by TRC as Not Eligible. Accordingly, no impacts to archaeological resources will result from construction and operation of the Project.

Reasonable facility setbacks have been implemented to mitigate impacts to aesthetic and scenic value resources. These setbacks have been evaluated by visual assessments that include the evaluation of design, appearance, lighting, siting, avoidance and layout. Historic properties are identified in accordance with the National Register of Historic Places (NRHP) criteria for evaluation of historic properties.

As a result of the architectural survey, TRC identified no historic properties eligible for listing in the NRHP inside the Project Area of Potential Effects (APE) for the solar array field. Exhibit 20 contains details on this survey.

Visual impacts of the Project are minimal to recreational, scenic, and aesthetic values. A Visual Impact Analysis (VIA) was conducted for the Project and is available as Appendix 24-1 of this Application. The State Route 20 Scenic Byway is recognized as an important visual receptor in the Project Area. Careful siting of the arrays avoided the use of all available participating parcels where there would have been open views of the solar arrays along Route 20. Current siting therefore was optimized such that visual impacts to Route 20 were minimized and where limited partial views are possible, mitigation has been proposed with landscape plantings. . Additionally, the nearby Sharon Springs Historic District will not have views of the Project. The VIA concluded that the Project does not substantially damage scenic resources or degrade the existing visual character or quality of the area.

Transportation: Construction traffic will involve the use of aggregate trucks, a construction crane, concrete trucks, and semi-trailers (as described in Table 25-4) during off-peak hours while the construction workforce trips will occur daily during the morning and afternoon peak hours. A total of 1,237 trips are anticipated to support the delivery of equipment and construction activity. This total includes 200 trips (100 AM peak hour/100 PM peak hour) which are expected daily for the construction workforce.

Trips generated by construction of this site is not expected to have any major impacts on the surrounding intersections or roadways. No roadway improvements were identified. If repairs are needed due to damage caused by construction, the Applicant will repair those roads according to a Road Use Agreement (RUAs) to be established with local officials. The final RUA will be provided upon completion.

Communication: The Applicant conducted a review of potential impacts of the Project on communications technology. It was determined that the Project will have no significant impacts to major communication technologies, including aboveground and underground utility and fiber optic lines. This determination includes consideration to: broadcast patterns, lines-of-sight, physical disturbance, co-located lines due to unintended bonding, and other interference potentials.

Utilities and Other Infrastructure: The Applicant will work with local utilities to ensure that there are no negative impacts to electric, water, or communications utilities and does not anticipate any negative impacts to infrastructure.

Section 168(3) of the PSL

The Project is a beneficial addition to the electric generation capacity of New York State:

New York Energy Law § 6-104 requires the State Energy Planning Board to adopt a State Energy Plan, the latest iteration of which was announced on June 25, 2015. The 2015 State Energy Plan contains a series of policy objectives including a 40-percent reduction in greenhouse gas emissions from 1990 levels, and 50% of electricity generation from renewable energy sources. Recently, the Climate Leadership and Community Protection Act was signed into law, which expands on the 2015 State Energy Plan's goals by requiring that 70% of electricity be generated from renewable energy sources and that New York's electricity be carbon-free by 2040. The Act also requires programs be established to ensure that 6 gigawatts of solar generation be developed by 2025. The Project will directly make a significant contribution to these goals by providing emissions-free, low-cost, renewable energy to New York's energy market. It will also

create job opportunities, support economic growth, and help the State reduce greenhouse gas emissions. The Project will produce enough zero-emissions energy to power more than 12,000 homes in New York State.

The construction and operation of the facility will serve public interest: Construction and operation of the Project will serve the public interest of those living within the Study Area and beyond. In addition to providing energy free of air and water pollution, there will be local benefits. The Applicant is committed to hiring locally whenever possible and has already employed over 30 people from the State to assist with the development of the Project. Additionally, as described in more detail in Exhibit 27, the Project is anticipated to employ over 125 local jobs in construction trades, including equipment operators, truck drivers, laborers, and electricians, in addition to creating approximately two-three permanent operation and maintenance jobs over the 30-year expected life of the Project.

In addition to jobs in the State, the Applicant plans to contribute significant revenue to the community. The Applicant and the Town of Sharon are negotiating a payment in lieu of taxes (PILOT) agreement that will contribute significant revenue to the County, Towns and school districts over 20 years. Additionally, the Project will generate millions of dollars in payments to landowners that are hosting the Project; money that will benefit the local community and economy.

Adverse environmental effects of the construction and operation of the Project will be minimized or avoided to the maximum extent practicable: The Applicant has sought to avoid or to minimize potential environmental impacts. As evidenced and thoroughly discussed within this Application, the Applicant has conducted numerous studies and extensive analyses to assess and to avoid or minimize environmental effects. Examples include:

- Wetland surveys have been conducted and Facilities have been moved to avoid the vast majority of wetlands in the Project Area.
- Wildlife and habitat research has been conducted and Project Components have been sited and adjusted to mitigate impacts;
- Sound studies have been conducted and noise producing equipment has been moved to avoid or minimize impacts to local residents.
- Extensive cultural analysis, including shovel tests, has been conducted to avoid impacting any historic resources in the Project Area.

- The Applicant has worked extensively with landowners participating in the Project to avoid or minimize impacts to property, agriculture, livestock, and other areas of concern in the Project Area.
- During construction, the Applicant will use BMPs established by the Department of Public Service Staff and Public Service Commission precedent, and implement mitigation measures, such as dust control, to minimize impacts; post-construction restoration will return properties and roads to pre-construction conditions.

The Applicant has spent significant time and committed significant financial resources on the supporting materials contained herein. The Project and Application have been structured to avoid and minimize impacts and ultimately build a solar project that will be a benefit to the community and the State of New York.

The Project is designed to operate in compliance with applicable state and local laws and regulations: As discussed in Exhibits 31 and 32, the Project is designed and will operate in compliance with applicable state and substantive local laws and regulations concerning, among other matters, the environment and public health and safety with the exception of two substantive requirements of the Town of Sharon Land Use Code & Zoning Law: one pertaining to lot coverage (Article IV Section 24.E.3.g) which restricts the maximum size of a utility-scale solar energy system to 10 acres when proposed on an active farm located within a New York State Certified Agricultural District and another that limits clearing of land to 30% on any parcels ((Article IV Section 24.E.3.f). As documented in Exhibit 31: Local Laws and Ordinances, the Applicant is requesting that the Department of Public Service Staff elect not to apply these requirements as they are unreasonably burdensome in the view of existing technology. Either requirement would prevent the Project from being built.