



# **TRELINA SOLAR ENERGY CENTER**

**Case No. 19-F-0366**

**1001.2 Exhibit 2**

**Overview and Public Involvement**

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## Exhibit 2: Overview and Public Involvement

This Exhibit tracks the requirements of proposed Stipulation 2, dated June 19, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.2.

### 2(a) Brief Description of the Proposed Project

The Trelina Solar Energy Center (Project) will have a generating capacity of 79.5 to 80 megawatts (MW), located on land leased or purchased from owners of private property in the Town of Waterloo, Seneca County, New York. Project components include commercial-scale solar arrays, access roads, inverters, fencing, buried electric collection lines, and electrical interconnection facilities. The Project Area totals 1,067 acres, with a total Limit of Disturbance (LOD) of 474 acres. The area inside all Project fences will total 418 acres.

The Applicant signed a long-term agreement to sell the generated Renewable Energy Credits (REC) to the New York State Energy Research and Development Authority (NYSERDA) as part of the 2018 solicitation. This Application presents solar module specifications as well as the location of the solar arrays and related infrastructure. The Project also includes a collection substation and interconnection facilities on land within the Project Area that will tap into New York State Electric and Gas (NYSEG's) existing Border City – Station 122 115-kV transmission line (see Figure 2-1). The proposed tap will be approximately 120 feet long and within the Project Area. The proposed interconnection facilities will include a 115-kV switchyard to be transferred to NYSEG to own and operate.

**Solar Arrays:** Fixed or tracker racking systems will be installed. Because technology and market conditions are rapidly evolving, and market conditions at the time procurement decisions need to be made are unknown, the Applicant will evaluate both types of racking systems, with the final decision detailed in the Compliance Filing. The tracking and fixed array racking systems will be similar to the Gamechange Solar Genius Tracker™ and the Gamechange Maxspan™ Pile Driven System, respectively. Specification sheets are included in Appendices 2-2 and 2-3. Regardless of the type of array racking system selected for the Project, the Applicant will use a solar module similar to the Jinko Solar Eagle 72HM G2 380-400-Watt Mono Perc Diamond Cell (Appendix 2-1). Only selected elements of the Project would change based upon the array racking system types used, but all changes would be within the component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the Proposed Layout (Exhibit 11-1). Land

coverage ratios will also be adjusted but they are not expected to be substantial or significant as land uses are not expected to change in these locations between Application filing and finalization of the Compliance Filings. Thus, choosing either racking technology would not cause any significant adverse environmental impacts. Accordingly, Exhibit 11 drawings, plans, and maps depict a tracker racking layout, while an alternative layout evaluation depicting all fixed panels is presented in Exhibit 9.

**Inverters:** Inverters will be located throughout the solar arrays to convert direct current (DC) electricity into alternating current (AC) electricity. Cables from the solar modules are run to the inverters using a CAB® cabling system or underground lines. Underground collection lines convey electricity from the inverters to the Project collection substation and ultimately to the existing electric transmission system. The Applicant intends to use an ABB PVS980 inverter. A specification sheet is provided in Appendix 2-4.

**Access Roads:** Roads within the Project Area will follow existing roads where practicable. Access roads used during construction will be used during operation. They will be gravel surfaced and approximately 14 feet wide, with a 20-foot-wide substation/switchyard access road, totaling approximately 4 miles. At various points along the access roads, ten locations have been designated for parking and temporary work or staging areas for use during construction.

**Collection Lines:** The 34.5-kV collection lines will connect the solar arrays with the Project collection substation. The total length of collection line is approximately 8.7 miles. Collection lines will be installed underground (approximately 44,681 feet via direct burial and approximately 1080.7 feet via horizontal directional drilling (HDD)).

**Fencing:** Chain link fencing will be placed around the perimeter of the arrays and associated structures (Appendix 11-1). Fencing will be seven feet in height per local regulations. Fencing will only be topped with barbed wire around the perimeter of the Project point of Interconnection facilities.

**Project Collection Substation:** The 34.5 kV collection lines will gather power from the solar arrays and transport it to a new collection substation in the western portion of the Project Area that will increase the voltage to 115 kV (Appendix 11-1). The substation will occupy 0.3 acres of agricultural land. This acreage does not include the adjacent switchyard.

**Project Interconnection Facilities:** Power from the collection substation will be transported to an immediately adjacent switchyard and then interconnected via a proposed approximately 120-foot 115 kV transmission line to the existing NYSEG Border City – Station 122 transmission line. The switchyard and transmission line will be transferred to NYSEG to own and operate.

**2(b) Brief Summary of the Application Contents**

The Article 10 Application includes a total of 41 Exhibits, nine of which were deemed not applicable to the Project. Supporting information for each Exhibit is provided in Table 2-1. The following definitions are used to describe various areas or boundaries of the Project:

- **Applicant:** Trelina Solar Energy Center, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra).
- **Project:** the proposed Trelina Solar Energy Center solar facility.
- **Project Area:** the 1,067-acre area encompassing all Project parcels located within the Town of Waterloo as shown in Figure 2-1.
- **Study Area:** typically, the 17,625-acre area within a 2-mile buffer of the proposed Project boundary. Many impact studies for this Application were conducted within this area. Some studies used resource-specific study areas as 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, buried electric collection lines, electrical interconnection facilities, laydown area, and fencing.

**Table 2-1. List of Exhibits and Supporting Documentation**

Exhibit	Exhibit Title/General Description	Supporting Documentation
1	<b>General Requirements</b>	Certificate of Formation
2	<b>Overview and Public Involvement:</b> 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 ABB PVS980 Inverter Data Sheet PIP Meeting Log Stakeholder List

**Table 2-1. List of Exhibits and Supporting Documentation**

<b>Exhibit</b>	<b>Exhibit Title/General Description</b>	<b>Supporting Documentation</b>
<b>3</b>	<b>Location of Facilities:</b> Maps and information on the location of the proposed Project.	Proposed Project Component Locations
<b>4</b>	<b>Land Use:</b> Description of existing and proposed land use based on local, state, and federal classifications. Includes anticipated facility impacts and conformance with publicly known land uses and use regulations.	Tax Parcels Town of Waterloo Zoning Map Existing and Proposed Land Use Maps Specially Designated Areas Map Recreational and Other Sensitive Land Uses Existing Utility Locations Aerial Photograph Overlays Farmland Classification Maps
<b>5</b>	<b>Electric Systems Effects:</b> Description of facility transmission impacts of operation and maintenance. Includes applicable codes, standards, and protocols for generation and ancillary features design, construction, commissioning, and operation.	System Reliability Impact Study (SRIS) Collection Substation Design Criteria Vegetation Management Operations Manual
<b>6</b>	<b>Wind Power Facilities</b>	Not Applicable
<b>7</b>	<b>Natural Gas Power Facilities</b>	Not Applicable
<b>8</b>	<b>Electric System Production Modeling:</b> Input data used to calculate facility emissions and generating capacity. Input data determinations confirmed through New York State Department of Public Service (NYSDPS) and New York State Department of Environmental Conservation (NYSDEC) coordination.	Production Modeling Analyses
<b>9</b>	<b>Alternatives:</b> Analysis of applicable alternative facility and component locations and suitability of existing environmental setting.	None
<b>10</b>	<b>Consistency with Energy Planning Objectives</b>	None
<b>11</b>	<b>Preliminary Design Drawings:</b> Facility Component drawings prepared by a professional engineer or architect licensed and registered in New York State (NYS). Comparison of preliminary	Preliminary Design Drawings Landscaping Plan Lighting Plan

**Table 2-1. List of Exhibits and Supporting Documentation**

<b>Exhibit</b>	<b>Exhibit Title/General Description</b>	<b>Supporting Documentation</b>
	design drawings to applicable engineering codes, standards, and guidelines.	
<b>12</b>	<b>Construction:</b> Facility installation and monitoring procedures in conformance with applicable design, engineering, and installation standards and criteria.	NextEra Energy Major Duties & Accountability Matrix Complaint Resolution Plan Quality Assurance and Quality Control Plan
<b>13</b>	<b>Real Property:</b> Project Area property rights accessed via lease or easement agreements and description of tax property information.	Surveys of Properties Purchased by Applicant Demonstration that the Applicant has Obtained Rights in the Project Area
<b>14</b>	<b>Cost of Facilities:</b> Description of the Project's capital costs.	Estimated Cost of Facilities
<b>15</b>	<b>Public Health and Safety:</b> Discussion of potential adverse impacts posed by construction or operation of the facility.	Noise Analysis Study Area Maps Stormwater Pollution Prevention Plan (SWPPP)
<b>16</b>	<b>Pollution Control Facilities</b>	Not Applicable
<b>17</b>	<b>Air Emissions:</b> Evaluation of the Project's pollution control technologies and plans to handle, store, and dispose of waste byproducts.	None
<b>18</b>	<b>Safety and Security:</b> Measures to ensure safe practices during construction and operation of the Project, including complaint resolution procedures.	Site Security Plan
<b>19</b>	<b>Noise and Vibration:</b> Comprehensive analysis of acoustic solar array effects.	Noise Impact Study Noise Level Estimates Construction Operations Plan
<b>20</b>	<b>Cultural Resources:</b> Research to determine if any cultural resources are impacted by the Project.	Phase I Archaeological Resources Study Historic Architectural Survey Report Cultural Resources Correspondence
<b>21</b>	<b>Geology, Seismology, and Soils:</b> Analysis of the geology and soils in the Project Area to ensure area can support solar arrays and to address potential impacts.	Existing Slopes Map Soil Types Map Depth to Bedrock Map Preliminary Geotechnical Report Preliminary Blasting Plan
<b>22</b>	<b>Terrestrial Ecology and Wetlands:</b> Comprehensive study of plant and wildlife	Plant and Wildlife Inventory List Breeding Bird Survey Report

**Table 2-1. List of Exhibits and Supporting Documentation**

Exhibit	Exhibit Title/General Description	Supporting Documentation
	in the Project Area, potential impacts from the Project, and mitigation measures.	Winter Raptor Survey Report Cumulative Breeding Bird Survey Analysis Maps and Shapefiles depicting wetlands and streams Wetland and Stream Delineation Report Wetland Functions and Values Assessment Invasive Species Management and Control Plan
23	<b>Water Resources and Aquatic Ecology:</b> Review of Project impacts to water resources in the area and plans to mitigate impacts.	Freedom of Information Law (FOIL) Correspondence Private well survey responses Shapefiles of surface water data Preliminary SWPPP
24	<b>Visual Impacts:</b> Visual impact assessment of the Project, including photo simulations.	Visual Impact Assessment (VIA) Glare Analysis Viewshed Analysis and Viewshed Map Photographic Simulations
25	<b>Effect on Transportation:</b> Impact of the Project on transportation including during construction and operation.	Conceptual Site Plans Accident Data & Applicable Transportation Analyses Construction Worker Routing Map Sight Distance Diagrams New York State Department of Transportation (NYSDOT) Average Annual Daily Traffic (AADT) Volumes Accident Summary Data NYSDOT Bridge Load Rating Highway Capacity Software (HCS) Level of Service Output
26	<b>Effect on Communications:</b> Analysis of Project impact on all types of communications in the Project Area.	None
27	<b>Socioeconomic Effects:</b> Analysis of the Project and its impact to the economy and jobs.	National Renewables Energy Laboratory Jobs and Economic Development Impact Model
28	<b>Environmental Justice:</b> Air quality and health impacts on certain communities.	Environmental Justice Area Map
29	<b>Site Restoration and Decommissioning:</b> Plans for site	Decommissioning & Restoration Plan



**Table 2-1. List of Exhibits and Supporting Documentation**

<b>Exhibit</b>	<b>Exhibit Title/General Description</b>	<b>Supporting Documentation</b>
	restoration upon Project decommissioning.	
<b>30</b>	<b><i>Nuclear Facilities</i></b>	Not Applicable
<b>31</b>	<b><i>Local Laws and Ordinances:</i></b> Local laws pertinent to the Project.	Local Laws and Regulations
<b>32</b>	<b><i>State Laws and Regulations:</i></b> State laws pertinent to the Project.	None
<b>33</b>	<b><i>Other Applications and Filings:</i></b> Other state and federal applications and filings that are relevant to the Project.	None
<b>34</b>	<b><i>Electric Interconnection:</i></b> Description of Project electric systems	None
<b>35</b>	<b><i>Electric and Magnetic Fields (EMF):</i></b> EMF analysis for certain Project and Project-related electric systems.	EMF Study
<b>36</b>	<b><i>Gas Interconnection</i></b>	Not Applicable
<b>37</b>	<b><i>Back-Up Fuel</i></b>	Not Applicable
<b>38</b>	<b><i>Water Interconnection</i></b>	Not Applicable
<b>39</b>	<b><i>Wastewater Interconnection</i></b>	Not Applicable
<b>40</b>	<b><i>Telecommunications Interconnection:</i></b> Description of communications network required for the Project.	None
<b>41</b>	<b><i>Applications to Modify or Build Adjacent</i></b>	Not Applicable

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

The draft Public Involvement Program (PIP) Plan was submitted to the NYSDPS on May 13, 2019. Following receipt of NYSDPS comments, the PIP Plan was updated and filed by the Applicant on July 12, 2019. 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 placed on the Project website ([www.trelinasolarenergycenter.com](http://www.trelinasolarenergycenter.com)). 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 NYSDPS Document and Matter Management website

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=59765>).

The Applicant has completed the pre-Application consultations set forth in the PIP Plan. The Applicant has encouraged local involvement through open dialog discussions and appearance at numerous stakeholder meetings, including the Waterloo Town Board, the Seneca County Industrial Development Agency, the Town of Waterloo Supervisor, the Waterloo Central School District Superintendent, local interest groups, adjacent landowners, and others as detailed in the PIP Meeting Log (see Appendix 2-5). The Meeting Log incorporates town board meetings as well as public and agency correspondence or outreach conducted through the Project website and by phone. Documented correspondence with the Applicant, along with relevant questions and concerns related to the Project, are captured in the Meeting Log. The PIP Plan activities are ongoing and include regular communications about the Project and Article 10 Application process through the stakeholder contact list, and the Project website.

Notice of the Application submittal was served in accordance with 16 NYCRR § 1000.5(c) and to a Project mailing list consisting of the updated Stakeholder List, including host and adjacent landowners, and additional addresses received through public outreach. The notice included information on the Project generally and the Article 10 Application specifically. In addition to mailing notices as required under 16 NYCRR § 1000.7(b), notices were published regarding the Application in two newspapers local to the Project and Study Areas, The Seneca County Area Shopper and the Finger Lake Times (FLT) Extra as required under 16 NYCRR § 1000.7(a).

The Applicant hosted two open house style public meetings on September 25, 2019 at the Waterloo Volunteer Fire Department. The first open house was conducted between 11am and 1pm, and the second from 5pm to 7pm. Informational flyers were mailed to the entire Stakeholder List as well as all landowners within the 2-mile Study Area on September 11, 2019. Notification was published in The Seneca County Area Shopper, The Town Crier (no longer operational), and the FLT newspapers approximately two weeks prior to the open house, and more than 61 people were in attendance.

The PIP provided that two additional open house meetings (two meeting times within the same day) would be held after the filing of the Preliminary Scoping Statement (PSS) during winter or spring 2020. The Applicant had planned to host these events in May 2020, but this was prohibited

by restrictions on public gatherings ordered by the Governor to combat the COVID-19 pandemic. The Applicant discussed this matter with the NYSDPS and agreed to postpone holding these events until public health restrictions were lifted and exposure risks were sufficiently abated. The Applicant submitted a supplement to the PIP on May 21, 2020, describing this situation.

Despite this circumstance, the Applicant prepared a Project fact sheet and Project Map to solicit public input prior to filing. These materials were delivered by United States (US) mail and/or email, depending on contact information availability and Stakeholders' previously indicated preferences, during June 2020 to the Project Stakeholder List. The public was invited to submit comments within a 14-day period, via either the Project's toll-free number or the Project's email address. Responses to all public comments were provided and posted to NYSDPS's Document and Matter Management (DMM) system and the Project website.

The Applicant donated funds to the Seneca County Deputy Sheriff's Police Benevolent Association "Shop with a Sheriff" Program and Trevor's Gift, a not-for-profit organization which provides healthy meals for kids in the Waterloo schools.

Following the open houses, comments on time constraints in the Article 10 process, setback requirements, rural character, potential wildlife impacts, potential soil impacts, potential visual impacts, decommissioning, restoration, and emergency response costs were received. The following actions addressed these comments:

- Increased setbacks from Project Components to property lines in specific locations where feasible;
- Designed a Landscape Screening Plan to address concerns about views from local roadways and residences;
- Conducted extensive wildlife studies and minimized impacts to wetlands;
- Conducted a VIA; and
- Created a decommissioning plan detailing the decommissioning process.

Paper copies of Project Application documents, and any Supplement required to be filed by the Chair, except those provided under a claim of confidentiality, have been sent to the designated local repositories.

The Applicant has mailed informational flyers to over 5,800 property owners and has held two open houses 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 have been and continue to be available to provide the community with Project information. The Applicant has also held numerous 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 Article 10 issues and proposed certain changes to the Project as summarized below:

- Potential impacts to wildlife and wetlands
- Impacts to agricultural land
- Sound levels during construction
- Compatibility with existing community character
- Potential glare impacts to surrounding areas
- Potential visual impacts to surrounding areas
- Vegetation management during construction and operation

Stakeholders identified in the PIP Plan include the local municipality, the Town of Waterloo, and its respective points of contact: Town of Waterloo Supervisor, Seneca 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 following people/entities: county, state, and federal agencies, legislative representatives, highway departments, the local school district, emergency responders, utilities, public interest groups, and miscellaneous stakeholders identified during public outreach efforts.

Real property owners that have entered into lease or purchase agreements with Trelina Solar Energy Center, LLC are included in the Stakeholder List as one group, as have landowners within 2,500 feet of the Project Area (adjacent landowners) parcel boundary. Residents of the Study Area (non-participant landowners or adjacent landowners) have also been included in the Stakeholder List as one group. An updated Stakeholder List has been provided in Appendix 2-6.

Stakeholders were notified at least three days before this Application was filed via notifications in *The Seneca County Area Shopper*, the *FLT Extra*, and the *Finger Lake Times* detailing the

proposed Project and a summary of the contents of the Application. Notification was also mailed to the Stakeholder List as well as each member of the state legislature in whose district the Facility is proposed. Notices included information on how the public can retrieve supplementary information on the Project.

#### **2(d) Brief Description of the PIP after Submission of the Application**

The Applicant will continue to meet with state, county, and town officials after the Application is submitted. Those meetings may include visits to town board meetings in the Project Area as requested and once any applicable travel restrictions are lifted. There will also likely be public hearings as part of the Article 10 certification process that stakeholders and interested landowners may attend. The Applicant will continue to meet with interested parties if requested, continue to sponsor open communication with non-public entities, and meet with and engage 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. In addition to notifications required under 16 NYCRR § 1000.7, the Applicant will mail notice of the Application submittal to the Project mailing list composed of the updated Stakeholder List, including host and adjacent landowners, and additional addresses received through public outreach. The notice will include information on the Project generally and the Article 10 Application specifically.

#### **2(e) Relevant and Material Fact 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 to provide for the safety and security of public and private resources. Analyses extended beyond the Project Area to accurately represent impacts to resources as identified in Section 168 of the Public Service Law (PSL) and its implementing regulations. The information contained in this Application provides sufficient basis for the Siting Board to grant the Article 10 Certificate in accordance with Section 168 of the PSL.

## **Section 168(2) of PSL**

The following section is a brief 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 consists primarily of active agriculture (63.2 percent) and forest land (25.3 percent), with the remaining property in successional shrubland, disturbed development, successional old field, and open water.

Impacts to vegetative communities have been minimized throughout the process of siting Components. Conservatively, up to 65.0 acres of vegetation will be temporarily impacted, with only up to 10.1 acres permanently displaced due to the siting of Project Components. No specific plant community will be significantly reduced in population as a result of the Project. The plant community most impacted will be agricultural crop land, with expected conversion of soybeans and corn to grassland vegetation for the life of the Project. Project construction and operation will not adversely impact rare or protected plants or significantly impact ecological communities. The Applicant has coordinated with the U.S. Fish and Wildlife Service (USFWS), NYSDEC, and New York Natural Heritage Program (NYNHP) for information on rare, threatened, and endangered (RTE) species potentially occurring within the Project Area. The USFWS confirmed that there are no records of federal species at the Project Area and thus further federal review is not necessary. The Applicant has sited Project Components based on guidance provided in consultation with the NYSDEC to ensure complete avoidance of a known active bald eagle nest within the Project Area; additional details are provided in Exhibit 22. The Applicant has also performed a series of environmental surveys to further verify the absence of state-protected species within the Project Area. These studies are thoroughly documented in Exhibit 22.

During the design phase of the Project, special consideration was given to avoid impacts to grasslands, interior forests, wetlands, shrublands, and young successional forests. As a result, impacts to these landscape features and vegetation communities will be minimal. Existing farm roads have been used for access when possible, and work areas have been sited in open fields wherever possible. Access roads and collector lines have been co-located where feasible to avoid and minimize impacts to plant communities. Solar panels have been proposed in areas already disturbed by agriculture to the maximum extent practicable.

Avoidance and minimization of impacts to vegetative communities will occur by complying with guidance from the on-site Environmental Monitor; maintaining clean work sites, employing best management practices during construction, operation, and maintenance, and by demarcating areas susceptible to adverse disturbances. These confined areas will be deemed inaccessible to construction equipment and any other disturbance activity.

**Ground and Surface Water:** No significant adverse or permanent impacts to groundwater quality or quantity are anticipated to result from the Project. There is a potential for minor, short-term impacts to the local water table during the construction phase of the Project, for example if a pole is driven below the water table, or groundwater pumping is required to facilitate excavation. This water will be controlled and filtered prior to its percolation back into the ground. Though not anticipated, impacts to groundwater could occur through inadvertent discharges of petroleum or other chemicals from minor leaks or mechanical failures of construction equipment. To minimize this potential, the Project will adhere to a Project-specific Spill Prevention and Control (SPC) Plan to be submitted to the Secretary prior to construction of the Project. Solar energy centers use no water to generate electricity, as opposed to other conventional energy sources. Consequently, water conservation is a built-in feature. Exhibit 23 includes additional information regarding groundwater.

Wetland and waterbody delineations were conducted in the spring/summer of 2019. The siting of Project Components avoids and minimizes temporary or permanent impacts to state-jurisdictional wetlands, and their 100-foot adjacent areas. In no instance is work occurring within the boundary of a mapped, State-protected wetland or its adjacent area. Where unavoidable, work within federally protected wetlands or other waterways, shall be conducted with no or minimal need for fill or grading to minimize impacts and avoid as much as possible the protection of waters and wetlands under the jurisdiction of the United States Army Corps of Engineers (USACE).

Nonetheless, certain construction activities may result in temporary direct and/or indirect impacts to other surface waters via the installation of access roads. Solar array installation, the installation of underground collection lines, and the development of temporary staging areas and workspaces may cause minor impacts in limited locations where unavoidable. Where feasible, HDD will be used for the installation of collection lines, as is the intent at the only crossing of a state-protected wetland. In this case, drill pits shall be located outside the boundary of the regulatory adjacent area. In each case, temporary impacts will be minimized through the use of buffers against contaminants and best management practices as outlined in Exhibit 23 and the Project's SWPPP.

Impacts related to the construction of access road and collection line crossings will be minimized by using existing crossings and also crossing at narrow wetland locations where feasible. Impacts have also been minimized by re-siting Project Components to avoid wetlands and waterbodies based on the results of the delineation efforts to the maximum extent practicable. As a result, no stream crossings are proposed. Where Project Components are adjacent to or cross non-state regulated wetlands or drainage ditches/swales, appropriate sediment and erosion control measures will be installed and maintained according to the Project-specific SWPPP or other best management practices (BMPs) specific to working in and near water. These precautions are discussed in multiple exhibits of this Application. A Preliminary SWPPP is included as Appendix 23-4 and will be completed prior to construction.

Based on conservative estimates, a total of up to 2.24 acres of wetlands may be impacted as a result of the Project. Of these, approximately 0.07 acres (of the 272.24 acres of wetlands delineated) will be permanently impacted for access road crossings. The remaining disturbances are temporary and primarily relate to burial of underground collection cables and tree-clearing. Of the 2.17 acres of non-state regulated, temporary wetland impacts and 0.07 acres of permanent impacts, approximately 83% and 31% of the impacts, respectively, occur to wetlands previously and regularly disturbed by agricultural practices. No impacts to delineated streams are anticipated.

***Wildlife and Habitat:*** Based on Project-specific information received from the NYNHP, NYSDEC, USFWS, and direct on-Site observations, a list of state- and federally-listed species was compiled for those species with potential to occur within the Project Area. Site-specific information was requested from agencies to determine the presence of RTE and special concern species. Site surveys were conducted by qualified biologists.

No federally listed species are known to occur within the Project Area. There are two state-listed threatened species observed within the Project Area (bald eagle and northern harrier), and three species of special concern (Cooper's hawk, grasshopper sparrow, and vesper sparrow). As discussed in Exhibit 22, no impacts to these species are anticipated as a result of the Project, which includes a set-back agreed to through communications with the NYSDEC relative to the one eagle's nest in the Project Area. No take of a threatened or endangered species, or its occupied habitat, is anticipated from construction or operation of the Project.



Impacts to wildlife and their various habitats have been avoided and minimized to the maximum extent practicable; however, some impacts may occur from temporary displacement 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, minimizing construction disturbances to the extent practicable, adhering to designated construction limits, and avoiding off-limit sensitive areas. Through initial impact analysis and careful site design, permanent habitat loss and forest fragmentation have been avoided or 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 will not 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 adverse environmental or public health impacts. Solar panel arrays displace air emissions by providing clean, renewable energy and reduce the need for fossil fuel combustion generation that have higher levels of air emissions. Minimal pollutants will be emitted during construction activities, from exhaust of diesel-fired generators, vehicles, construction equipment, and dust. BMPs will be implemented to reduce these construction related emissions further.

Potential glare impacts will be minimized by implementing siting setbacks from residences, roadways, and other existing facilities. A Glint and Glare Analysis was performed in order to identify any potential impacts on nearby residences and roads. Based on the results of the analysis and the proposed mitigation measures, no significant impacts from glare are expected as a result of the Project. See Appendix 24-2 for details on this analysis.

***Cultural, Historic, and Recreational Resources (Including Aesthetics and Scenic Values):***

Phase IA background research has been completed. A Phase IB field survey was planned for Spring 2020 but required postponement due to non-essential work restrictions related to the COVID-19 pandemic. Results from this study will be submitted to the Siting Board and Office of Parks, Recreation and Historic Preservation (OPRHP) upon completion.

The Phase IA study revealed that approximately 404 acres were considered to have high sensitivity for archaeological resources. A Phase IB Study was recommended by the OPRHP for areas of significant construction impacts, within areas of high or moderate archaeological

sensitivity. The Phase IB Study is underway, and the report will be submitted under separate cover when complete.

The historic architectural survey identified a total of 180 architectural resources aged 50 years or older in the Project Area of Potential Effects (APE). Of those 180 surveyed historic properties, two are listed in the National Register of Historic Places (NRHP), four were previously determined NRHP eligible, and 20 are recommended eligible for NRHP listing. Based on the location of the historic properties, project visibility is minimized by intervening objects and structures, as well as distance and vegetation. Our analysis, therefore, concludes that construction activities will have no effect to NRHP-qualifying characteristics of any historic property in the APE, as more fully described in Exhibit 20.

Visual impacts of the Project are minimal to historic, recreational, and scenic resources. A VIA was conducted for the Project, as described in Exhibit 24 and is available as Appendix 24-1 of this Application. Based on Geographic Information System (GIS) viewshed analysis using the best accurate and available LiDAR data, there is minimal expected visibility (2.7%) within the overall visual study area (VSA), there would be limited areas from which the Project would be visible and, in contrast, a multitude of areas from which it would not be seen. The VIA concluded that the Project does not damage or degrade existing scenic resources, will not impede the use of recreational activities including Seneca Lake, and that visibility of the Project has been minimized from various representative viewpoints. Minimization of potential visual impacts is accomplished through the utilization of existing and new landscaping buffers in select areas (Appendix 11-2).

**Transportation:** Construction traffic will involve the use of aggregate trucks, a construction crane, concrete trucks, and semi-trailers as described in Table 25-3 in Exhibit 25. A total of 1,358 trips are anticipated to support the delivery of equipment and construction activity, which will be distributed over several months. The construction workforce will only contribute an additional 69 daily trips to the existing traffic volumes. The Facilities' haul routes have been designed to minimize impacts to the maximum extent practicable. Based on the existing traffic data obtained from the NYSDOT, additional construction traffic associated with this Project is not expected to have any major impacts on existing roads. No necessary roadway improvements were identified; any roadway repairs needed due to damage caused by construction associated with the Project will comply with road use agreements to be established with the Town of Waterloo.

**Communication:** The Applicant conducted a review of potential impacts of the Project on communications technology. It was determined that the Project will have no adverse impacts to major communication technologies, including aboveground and underground utility and fiber optic lines. This determination includes consideration of 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. The Applicant will continue to consult with Buckeye Partners, L.P to obtain their guidance and coordination concerning construction of the Project to avoid any interference with their facilities (an existing underground petroleum product pipeline that traverses the Project Area).

### **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, as amended in 2020. The State Energy Plan includes currently a series of policy objectives including a 40-percent reduction in greenhouse gas emissions from 1990 levels, and 70% of electricity generation from renewable energy sources by 2030, with electricity production to have zero emissions by 2040. The New York Public Service Commission adopted the Clean Energy Standard (CES) in 2016 to implement the policy objectives of the 2015 State Energy Plan, including the solicitation of RECs from large/commercial scale solar projects via requests for proposals administered by NYSERDA. The Project was awarded a contract by NYSERDA to generate RECs to be purchased by NYSERDA for use in reducing greenhouse gas emissions in the State. The Climate Leadership and Community Protection Act (CL&CPA), which was signed into law in 2019, expands on the 2015 State Energy Plan's goals and the CES by requiring that 70% of electricity be generated from renewable energy sources by 2030 and that New York's electricity generation be carbon-free by 2040. The CL&CPA also requires programs be established to ensure that 6 gigawatts of solar generation be developed by 2025. As noted above, the State Energy Plan was amended in April 2020 to include the CL&CPA's renewables mandates. 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 21,000 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 Project Area and beyond. The Applicant is committed to hiring locally whenever possible and has already employed over 25 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 140 local jobs in construction trades, including equipment operators, truck drivers, laborers, and electricians, in addition to creating approximately two to three permanent operation and maintenance jobs over the 30-year expected life of the Project as well as the hiring of local contractors for site maintenance, including landscaping and snow removal services. The Project will also contribute significant revenue to New York State through in-state payroll to those employed through the Project as well as construction expenditures in the state.

In addition to jobs in the State, the Applicant plans to contribute significant revenue to the community. The Applicant and the Town of Waterloo are discussing a payment in lieu of taxes (PILOT) agreement that will contribute significant revenue to the County, Town, and school districts for up to 20 years. The Project will also generate millions of dollars in payments to landowners that are participating in the Project, money that will benefit the local community and economy.

The public interest will also be served by the generation of emissions-free energy, the reduction in greenhouse gas emissions and improving electric system reliability, as discussed above and in Exhibit 10.

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

- Wetland surveys have been conducted and Project Components have been moved to avoid previously undisturbed wetlands and also avoid the vast majority of all wetlands in the Project Area;

- Wildlife and habitat research has been conducted. Project Components have been adjusted to avoid or minimize impacts;
- Sound studies have been conducted and noise producing equipment has been moved to avoid or minimize impacts to local residents;
- Extensive cultural analysis has been conducted to avoid impacting any historic resources at the Project Area;
- The Applicant will use BMPs and implement mitigation measures, such as dust control, to minimize construction impacts; post-construction decommissioning and restoration will replicate pre-construction conditions to the extent possible.

The Applicant has spent years and millions of dollars 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 Applicant will avoid, offset, or minimize the impacts caused by the Project upon the local community:*** The Project will not result in or contribute to a significant and adverse disproportionate environmental impact in the community. This Application details how the Project will avoid, offset, or minimize the minimal impacts caused by the Project upon the local community to the maximum extent practicable. The Applicant expects to execute PILOT agreements that will significantly benefit the community for the next thirty years and outweigh the relatively minor impacts associated with the Project.

***Except where noted otherwise, the Project is designed to operate in compliance with applicable state and substantive local laws and regulations:*** As discussed in Exhibits 31 and 32, the Project is designed and will operate in compliance with applicable substantive state and local laws and regulations concerning, among other matters, the environment and public health and safety with the exception of one substantive requirement of the Town of Waterloo's solar law (Local Law #1 of 2019, Chapter 134, Solar Energy Systems) which does not allow any part of large-scale solar energy systems to exceed ten feet in height when oriented at maximum tilt (§1346.B(4)(b)). As documented in Exhibit 31: Local Laws and Ordinances and in compliance with Article 10 regulations, the Applicant has requested that this substantive requirement not be applied by the Siting Board as it is unreasonably burdensome.

**2(f) Major Project Documents**

Paper copies of major Project documents, except those subject to trade secret/confidential protection under the Public Officers Law and Siting Board's rules and any adopted protective order, will be sent to the designated local repositories.