HIGH RIVER ENERGY CENTER

Case No. 17-F-0597

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 26, 2019, and therefore, the requirements of 16 NYCRR § 1001.2.

2(a) Brief Description of the Proposed Project

The High River Energy Center (the Project) will have a generating capacity of 90 MW and will be located on land leased and/or purchased from owners of private property in the Town of Florida, Montgomery 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 1,221 acres. The total area of the Limit of Disturbance (LOD) for the Project is 595.06 acres, and the area inside all fences for the Project totals 479 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 Credits (REC) generated by the project to the New York State Energy Research and Development Authority (NYSERDA). A solar module specification 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 Stoner – Rotterdam #12 115 kV transmission line (see Figure 2-1).The proposed interconnection facilities will include a 115 kV switchyard which will be transferred to National Grid to own and operate.

Solar Arrays: The Project proposes to install fixed, tracker, or a combination of both types of racking systems. As the technology is rapidly evolving for solar panel technology, and market conditions at the time procurement decisions need to be made are unknown at this time, the Applicant is proposing in this Application to evaluate both types of racking systems, with the final decision to be made and detailed in the Compliance Filing. The tracking and fixed array racking systems to be utilized would be similar to the Gamechange Solar Genius Tracker™ and the Gamechange Maxspan™ Pile Driven System, respectively, specification sheets of which have been included in Appendix 2-2 and Appendix 2-3. Regardless of the type of array racking system ultimately selected for the Project, the Applicant intends to utilize a solar 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. Only selected elements of the Project would change

based upon the combination of 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 Exhibit 11 plans. Land coverage ratios will also be adjusted but they are not expected to be substantial or significant. Again, land uses are the same in all locations.

Accordingly, the drawings, plan, and maps required by Exhibit 11 depict a combination of both panel types, fixed and tracker. Approximately 50% of the panels are fixed and 50% are trackers. As part of the alternative layout evaluation, Exhibit 9 presents a site plan depicting all fixed panels.

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 is approximately 6.56 miles.

Collection Lines: The 34.5 kV collection lines will connect the solar arrays with the Project collection substation. The total length of collection line being included as part of the Application for the Project is approximately 7.86 miles (12,649.44 meters). Collection lines will be installed underground (approximately 40,885 feet [12,462 meters]) via direct burial and horizontal directional drilling (HDD) (approximately 638 feet [194 meters]).

Fencing: Fencing will be placed around the perimeter of the arrays and associated structures (see Appendix 11-1). Fencing will be chain-link and eight feet in height per local regulations and will only be topped with barbed wire around the perimeter of the substation.

Project Collection Substation: The 34.5 kV collection lines within the Project Area will gather power from the solar arrays and transport it to a new collection substation that will step up the

voltage to 115 kV. The collection substation will be located north of Pattersonville Road (see Appendix 11-1). The construction of the collection substation is anticipated to occupy approximately 0.85 acres (3,440 square meters) of agricultural land. This acreage is for the substation only, not including the switchyard which is an adjacent but separate area.

Project Interconnection Facilities: Power from the collection substation will be transported to an immediately adjacent switchyard and then interconnected via a proposed 500-foot 115 kV transmission line to the existing National Grid Stoner – Rotterdam #12 transmission line. The switchyard and transmission line 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, nine 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:** High River Energy Center, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra).
- **Project:** the proposed High River Energy Center solar facility.
- **Project Area:** the 1,221-acre area encompassing all Project parcels located within the Town of Florida as shown in Figure 2-1.
- **Study Area:** typically, the 19,141-acre area within a 2-mile buffer of the currently proposed location of the Project's boundary. 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, 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	***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 Power Electronics HEM Inverter Data Sheet PIP Meeting Log Stakeholder List
3	***Location of Facilities:*** Maps and information on the location of the proposed Project.	Proposed Project Component Locations
4	***Land Use:*** 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 Florida 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
5	***Electric Systems Effects****:* 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
6	***Wind Power Facilities***	Not Applicable
7	***Natural Gas Power Facilities***	Not Applicable
8	***Electric System Production Modeling:*** Input data utilized 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
9	***Alternatives:*** Analysis of applicable alternative facility and component locations and suitability of existing environmental setting.	None

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
10	***Consistency with Energy Planning Objectives***	None
11	***Preliminary Design Drawings:*** Facility 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	***Construction:*** 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
13	***Real Property:*** Facility site 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
14	***Cost of Facilities:*** Description of the facility capital costs.	Estimated Cost of Facilities
15	***Public Health and Safety****:* Discussion of potential adverse impacts posed by construction or operation of the facility.	Noise Analysis Study Area Maps Stormwater Pollution Prevention Plan (SWPPP)
16	***Pollution Control Facilities***	Not Applicable
17	***Air Emissions****:* Evaluation of the facilities' pollution control technologies and plans to handle, store, and dispose of waste byproducts.	None
18	***Safety and Security****:* Measures to ensure safe practices during construction and operation of the Project, including complaint resolution procedures.	Site Security Plan Preliminary Emergency Response Plan (ERP)
19	***Noise and Vibration****:* Comprehensive analysis of acoustic solar array effects.	Noise Impact Study Noise Level Estimates Construction Operations Plan
20	***Cultural Resources****:* Research to determine if any cultural resources are impacted by the Project.	Phase I Archaeological Resources Study Historic Architectural Survey and Effects Report Cultural Resources-Related Correspondence

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
21	***Geology, Seismology, and Soils**:* 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 Geotechnical Engineering Report Preliminary Blasting Plan
22	***Terrestrial Ecology and Wetlands**:* 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 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	***Water Resources and Aquatic Ecology**:* Review of Project impacts to water resources in the area and plans to mitigate impacts.	Freedom of Information Law (FOIL) Requests and Correspondence Private well survey responses Shapefiles of surface water data Preliminary SWPPP
24	***Visual Impacts**:* Visual impact assessment of the Project, including photo simulations.	Visual Impact Assessment (VIA) Glare Analysis Viewshed Analysis and Viewshed Map Photographic Simulations
25	***Effect on Transportation**:* 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	***Effect on Communications**:* Analysis of Project impact on all types of communications in the Project Area.	None
27	***Socioeconomic Effects**:* 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	***Environmental Justice**:* Air quality and health impacts on certain communities.	Environmental Justice Area Map
29	***Site Restoration and Decommissioning**:* Plans for site restoration upon Project decommissioning.	Decommissioning & Restoration Plan
30	***Nuclear Facilities***	Not Applicable
31	***Local Laws and Ordinances**:* Local laws pertinent to the Project.	Local Laws and Regulations
32	***State Laws and Regulations**:* State laws pertinent to the Project.	None
33	***Other Applications and Filings**:* Other state and federal applications and filings that are relevant to the Project.	None
34	***Electric Interconnection**:* Description of Project electric systems	None
35	***Electric and Magnetic Fields**:* EMF analysis for certain Project and Project-related electric systems.	Electric and Magnetic Field (EMF) Study
36	***Gas Interconnection***	Not Applicable
37	***Back-Up Fuel***	Not Applicable
38	***Water Interconnection***	Not Applicable
39	***Wastewater Interconnection***	Not Applicable
40	***Telecommunications Interconnection**:* Description of communications network required for the Project.	None
41	***Applications to Modify or Build Adjacent***	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 New York State Department of Public Service (NYSDPS) on September 25, 2017. Following the receipt of NYSDPS 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.highriverenergycenter.com) beginning on January 31st, 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 NYSDPS Document and Matter Management website (http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=17-F-0597&submit=Search).

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 numerous meetings with various groups and individuals including the Florida Town Board, the Montgomery County Industrial Development Agency, the Town of Florida Supervisor, the Amsterdam City 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 local 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 stakeholders 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 three newspapers local to the Project and Study Areas, The Leader-Herald, The Recorder, the County Editor as required under 16 NYCRR § 1000.7(a).

Details regarding the two open houses held on August 29, 2018 are as follows. 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 August 8, 2018. Notification was published in both The Leader-Herald and The Recorder approximately four weeks prior to the open house, and 80 people were in attendance.

Similarly, notification for the third and fourth open houses, similarly held in the afternoon and evening of September 12, 2019, was published in The Leader-Herald, The Recorder, and the County Editor. Again, informational flyers were mailed to the entire stakeholder list as well as all landowners within the 2-mile Study Area in August 2019, approximately three weeks prior to the open house. Approximately 50 people were in attendance at the open house. Other outreach events were attended and supported by the Applicant, including a community barbeque for a new K-9 for the Montgomery County Sheriff's Department, funding for which was provided by the Applicant, and sponsorship of a Mohawks' baseball game for first responders, veterans, and nurses.

Following both sets of open houses, comments on potential visual impacts, potential wildlife and wetland impacts, array location, property values, lack of permanent jobs, quality of groundwater in regard to herbicide use and solar panel technology, and compatibility with existing community character were received. The following actions regarding these comments were performed by the Applicant:

- Increased setbacks from Project Components to property lines in specific locations;
- Designed a Special Planting Area of vegetative screening to address concerns about views from the road;
- Conducted extensive wildlife studies and minimized impacts to wetlands;
- Created access ways to facilitate continued agricultural use within the Project Area;
- Proposed a Host Community Agreement (HCA) and Education and Workforce Development program to deliver economic benefits to the Town of Florida and Montgomery County;
- Created a decommissioning plan including detailed information on 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, will be sent to the designated local repositories.

The Applicant has mailed informational flyers to over 3,000 property owners and has held four 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, which are 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 Florida, and its respective points of contact: Town of Florida Supervisor, Montgomery 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, the local school district, emergency responders, utilities, public interest groups, and miscellaneous stakeholders identified during public outreach efforts.

Participating landowners (real property owners that have entered into lease or purchase agreements with High River Energy Center, LLC), are included in the stakeholder list as one

group. Adjacent landowners (within 2,500 feet of the Project Area parcel boundary) 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 2-4.

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

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

The Applicant will continue to meet with state, county, and town officials after the Application is submitted. Those meetings include visits to town board meetings in the Project Area as requested to keep town officials and residents updated on the status of the Project. There will also be public hearings 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 2-4. Identification of stakeholders has been an ongoing process as described in Section 2(c) above. In addition to notifications required under 16 NYCRR §§ 1000.6 and 1000.7, the Applicant will mail notice of the Application submittal to the Project mailing list composed of the updated stakeholders 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 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 Section 168 of the Public Service Law (PSL). The information included in this Application is provided as a decisional basis for the Siting Board to grant the Certification 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 consists of active agriculture (75.3 percent), forest land (17.7 percent), successional shrubland (3.4 percent), disturbed development (2.8 percent), successional old field (0.7 percent), and open water (0.2 percent). No threatened, endangered, candidate, rare plant species, or significant ecological communities were identified at the Facility Site. Therefore, Facility 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 35.7 acres of vegetation will be temporarily impacted. Concurrently, only up to 16.3 acres will be permanently displaced 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. The plant community most impacted will be agricultural crop land, with expected conversion of hay and corn to grassland vegetation. 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 possible. Existing farm roads will be utilized for access when possible, and work areas have been adjusted to utilize 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. 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 on-site environmental monitors, maintaining clean work sites, employing best management practices 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 significant 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 hazardous chemicals during construction and operation of the Project. Exhibit 23 includes additional information regarding groundwater. A SPCC plan will be submitted as part of the Compliance Filing or to the Secretary prior to construction of the Project.

Wetland and waterbody delineations were conducted in the summer of 2017, spring/summer of 2018, and spring of 2019. The siting of Project Components has been performed to avoid temporary or permanent impacts to state jurisdictional wetlands, and their 100-foot adjacent areas. Certain construction activities may result in temporary direct and/or indirect impacts to surface waters, including the installation of access roads and solar arrays, upgrading of existing roads, and the installation of underground collection lines, and the development of temporary

staging areas and workspaces around solar panel sites and substations. 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 also 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 to the maximum extent practicable. Where Project Components are adjacent to or cross non-state regulated wetlands, streams, or drainage ditches/swales, appropriate sediment and erosion control measures will be installed and maintained according to the Project-specific SWPPP or other BMPs specific to working in and near water, as discussed in multiple exhibits of this Application. A Preliminary SWPPP is included as Appendix 23-4 and will be completed prior to construction. The Applicant also proposes to install portions of the Facility collection lines via horizontal directional drilling under sensitive water resources, where practicable, to further reduce impacts.

Based on conservative estimates, a total of up to 0.18 acres of wetlands and 1,223.42 linear feet of waterbodies may be impacted as a result of the Project. Of these impacts, 0.12 acres of wetland and 346.04 linear feet of waterbodies will be disturbed only temporarily. A total of 0.06 acres of wetland and 877.38 linear feet of waterbodies are anticipated to be permanently impacted.

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. Where concerns existed, site surveys were conducted by qualified biologists.

No federally-listed species are known to occur in the vicinity of the Project Area. There are five state-listed species documented within the vicinity of the Project Area, including three species of special concern within the State, which were identified through field observations (bald eagle, Cooper's hawk, grasshopper sparrow, northern harrier, and vesper sparrow). As discussed in Exhibit 22, no impacts to the species are anticipated as a result of the Project. 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 extent practicable; however, some impacts will occur as a result of this Project. Impacts are restricted to incidental injury and mortality due to various construction operations, temporary displacement due to increased human activity during construction, and habitat disturbance and/or loss (including the loss of travel corridors) 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 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 adverse 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. BMPs will be implemented to reduce construction related emissions.

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 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 1,219 acres.

The Phase IA study revealed that three Phase I archaeological surveys had been previously conducted and 12 archaeological sites had been previously identified within one mile of the Project Area. As a result of the Phase IB survey of the Project Area, a total of 13 artifacts were recovered from one newly identified archaeological field scatter. This scatter was recommended Not Eligible for National Register eligibility by TRC archaeologists, confirmation of which will be sought from the OPRHP. Accordingly, no impacts to archaeological resources will result from construction and operation of the Project.

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 historic architectural survey, TRC identified 16 historic properties listed or recommended eligible for listing in the NRHP and two potential, NRHP-eligible historic districts within the Project Area of Potential Effects (APE). Based on location of the historic properties, project visibility is reduced and minimized by intervening objects and structures, as well as distance and vegetation. TRC's analysis of the undertaking in relation to historic properties 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 recreational, scenic, and aesthetic values. A Visual Impact Analysis (VIA) was conducted for the Project, is described in Exhibit 24 and is available as Appendix 24 of this Application. The Mohawk River is recognized as an important visual receptor in the Project Area. Based on GIS viewshed analysis using the best accurate and available LiDAR data, it is clear that there is minimal expected visibility (3.3%) within the overall VSA, but 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 substantially impact scenic resources, including the Mohawk River, 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 25-3 in Exhibit 25. A total of 1,804 trips are anticipated to support the delivery of equipment and construction activity, which be distributed over several months. The construction workforce will contribute an additional 190 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 New York State Department of Transportation (NYSDOT), additional construction traffic associated with this Project is not expected to have any major impacts on existing roads. No roadway improvements were identified; any roadway repairs needed due to damage caused by construction associated with the Project will comply with Road Use Agreements (RUAs) to be established with the Town of Florida.

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 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 by 2030. The New York Public Service Commission subsequently adopted the Clean Energy Standard (CES) 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 High River 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. Recently, the Climate Leadership and Community Protection Act (CL&CPA) was signed into law, which 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. 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 22,000 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 200 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. 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 Florida are discussing a Host Community Agreement and 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 reducing greenhouse gas emissions, as discussed above.

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 environmental effects to the maximum extent practicable. Examples include:

- Wetland surveys have been conducted and Project Components have been moved to avoid the vast majority of wetlands in the Project Area. Delineated wetlands within the

Project Area are not associated with currently mapped NYSDEC freshwater wetlands or their 100-foot adjacent areas;

- 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 at the Project Area;
- The Applicant has worked extensively with landowners participating in the Project to avoid or minimize impacts to property, allow agricultural operations to continue, avoid impacts to livestock, and to address other areas of specific concern.
- During construction, the Applicant will use BMPs and implement mitigation measures, such as dust control, to minimize impacts; post-construction decommissioning and restoration will return properties and roads to as close to pre-construction conditions as 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 Host Community and 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 state and substantive local laws and regulations concerning, among other matters, the environment and public health and safety with the exception of 11 substantive requirements of the Town of Florida Solar Energy Systems and Equipment Law of the Town of Florida, New York (Local Law No. 1 of 2019) which does not allow large-scale solar energy systems in the Agricultural district; imposes a 500 foot

setback from parcel boundaries and 200 foot setback from wetlands, ponds, and streams; restricts the maximum size of a large-scale solar energy system to 5 MW and 25 acres; limits clear cutting of trees to 9 acres; restricts large-scale solar energy systems above 700 feet in elevation and on ridgelines, hilltops, or slopes greater than 12%; limits installation on prime agricultural soils to 5 acres; requires removal of snow within 24 hours of minimum of six inches of snow; prohibits the use of herbicides; and requires decommissioning be completed within 90 days. As documented in Exhibit 31: Local Laws and Ordinances and in compliance with Article 10 regulations, the Applicant has requested that these substantive requirements not be applied by the Siting Board as they are unreasonably burdensome.