

Mohawk Solar

Case No. 17-F-0182

1001.2 Exhibit 2

Overview and Public Involvement

EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT

(a) Brief Description of the Proposed Facility

The proposed Facility is a large-scale 90.5 MW solar project located in Montgomery County, New York expected to provide electricity to meet the average annual consumption of more than 28,000 New York households, based on the average New Yorker's annual electricity consumption. The proposed Facility's components will be located in the Town of Canajoharie and the Town of Minden. The regional Facility location and general Facility Area is depicted on Figures 2-1 and 2-2, respectively. The Facility will be located on leased private land that is rural in nature. Key terms used to describe the Mohawk Solar Project are defined below:¹

- Facility: The Facility footprint consists of up to 529 acres of photovoltaic (PV) solar panels generating up to 90.5 megawatts (MW) of electricity in the Towns of Canajoharie and Minden. Additional components included in the term *Facility* include:
 - Collection lines: The Facility includes approximately 25 miles of buried collection line to deliver power from the PV panels to the collection substation. Collection lines will be buried at a minimum depth of 48 inches (4 feet) and will be installed via open trench or jack and bore drilling methods.
 - Access roads: The Facility access roads will be approximately 30 miles long and 20 feet wide. Grass access roads will be utilized within the PV panel perimeter fencing while those exterior will be comprised of 8-inch deep stone underlain by woven geotextile fabric.
 - Inverters: The Facility includes approximately 710 inverters that have a rated output voltage of 600 AC volts.
 - Transformers: The Facility includes approximately 52 100-kilovolt-ampere (kVA) transformers.
 - Substations: The collection substation and POI switchyard are co-located directly east of the St. Johnsville-Marshville 115 kV line and approximately 0.4 miles west of Fredricks Street. The northern collection substation will collect energy from the buried collection lines, then connect to the POI switchyard which will tie into the electric grid. The substations and switchyards will be connected by approximately 200 feet of transmission or gen-tie line.
 - Fencing and gates: The Facility includes approximately 27 miles of fencing around PV panels and substations. Security fencing around the substation will stand 8.5 feet high and contain 3 strands of barbed wire. Fencing around the solar arrays will stand 8.5 feet high in the Towns of Canajoharie and Minden. Fencing will be made of aluminum-coated steel and will include 2 driving gates and 1 main gate.

¹ The descriptions of the Facility components generally comply with Stipulation 2(a). However, the individual component descriptions have been adjusted to reflect the current design parameters as presented in this Article 10 Application.

- Temporary laydown: The Facility's laydown yard will cover approximately 7.8 acres to accommodate larger project storage containers, components, and parking for construction workers.
- Transmission or gen-tie line: The 115 kV transmission line will span approximately 200 feet between the collection substation and POI switchyard, and will provide connection to the existing St. Johnsville-Marshville 115 kV line. This connection will utilize two existing support structures and six new support structures to provide connection to the existing St. Johnsville-Marshville 115 kV line.
- Operations and maintenance (O&M) building: The Facility's O&M building will be centrally located in the Facility Site and will cover less than 1 acre. The O&M building will house permanent staff offices and store maintenance equipment and supplies.
- Facility Site: The portions of parcels proposed to host the Facility components.
- Facility Area: The general area of interest identified by the Applicant and depicted on Figures 1 and 2 of the Preliminary Scoping Statement (PSS).

The actual footprint of the proposed Facility components (access roads, PV array perimeter fencing, and visual mitigation plantings areas) will encompass approximately 770 acres within the Facility Site and will enable farmers and landowners to return to farming operations or other current land uses following the Facility's decommissioning.

(b) Brief Summary of the Application Contents

The Table of Contents includes a list of all applicable exhibits and accompanying appendices required under 16 NYCRR Part 1001.

(c) Brief Description of the Public Involvement Program before Submission of Application

The initial draft of the Public Involvement Program (PIP) was submitted to the Siting Board on March 31, 2017, comments on the PIP were received from the New York State Department of Public Service (DPS) on May 1, 2017, and the PIP was updated, finalized and filed by the Applicant on May 26, 2017. The PIP is available on DPS' Document Matter Master (DMM) website:

(<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=53189&MNO=17-F-0182>).

The first step of the PIP is to identify affected stakeholders. Since the PIP's final submission, the Master List of Stakeholders has been updated based on the Applicant's consultation, meetings with stakeholders, and other outreach efforts. See Appendix 2-A for the updated Master List of Stakeholders. The Applicant has completed the consultations identified in the PIP and, in many cases, has held additional meetings, discussions, and outreach.

These efforts are summarized in a PIP Tracking Log (see Appendix 2-B), which has been submitted on a regular basis to DMM. The Tracking Log will be updated and filed on the Siting Board website throughout the Application process. Below is a summary of notable pre-application outreach activities conducted by the Applicant:

- August 2016 - The Project was presented to Town officials and the Montgomery County Planning Department.
- November 2016 - The Project was presented to New York State Department of Agriculture and Markets (NYSDAM), DPS, and the New York State Energy Research and Development Authority (NYSERDA).
- April 2017 - The Applicant met with Town officials from Canajoharie and Minden to discuss the filing of the PIP. In addition, the Applicant held meetings with the New York State Department of Environmental Conservation (NYSDEC) and NYSERDA to introduce and discuss the Project.
- May 2017 – The Applicant met with DPS to discuss Project details.
- August 2017 - The Applicant held the first set of public meetings with stakeholders and residents in the Facility Area and surrounding study area. Approximately 30 members of the public attended the meetings. Notices for these meetings are on file in DMM.
- August 2017 - The Applicant met with NYSDAM and the New York State Historic Preservation Office to discuss Project details.
- September 2017 - The Applicant sent a mailing to stakeholders and interested parties about the upcoming filing of the PSS. Notices of the mailing are on file in DMM.
- November 2017 - The Applicant communicated with a representative from the Dominion Pipeline regarding the location of the Project in relation to nearby pipelines.
- March 2019 – The Applicant held the second set of public meetings with stakeholders and residents in the Facility Area and surrounding study area. Approximately 50 members of the public attended the meetings. Notices for these meetings are on file in DMM.
- Throughout Project development – the Applicant participated in meetings and conference calls with stakeholders, state agencies, and host communities to discuss potential environmental impacts, scoping, and stipulations.

The Applicant conducted a total of four open-house style meetings to provide stakeholders and local residents with an overview of the Project. The meetings were conducted in two separate two-hour blocks on two different days. The first set of meetings was held in the Village of Canajoharie on August 9, 2017 from 2-4pm and 5-7pm at the Canajoharie Fire Hall. Notice of this public meeting was mailed to approximately 4,000 stakeholders and residents and published in two local newspapers. The second set of meetings was held in the Village of Canajoharie on March 5, 2019 from 2-4pm and 5-7pm at the Canajoharie Fire Hall. Notice of this public meeting was published in two local newspapers and mailed to the individuals in the Master Stakeholder List. At each of the open houses, the Applicant

provided information associated with the proposed Facility, including a series of poster boards and maps of the Facility. The Applicant outlined an overview of the Article 10 process, and provided various technical information related to construction, environmental studies, and PV panel technology.

In addition to the open house meetings, the Applicant has a Facility specific website (<http://www.avangridrenewables.us/mohawksolar/index.html>; Navigate to the following pages: "About Us," "Renewables In Your Community," and then "Mohawk Solar" [scroll to bottom of the page]) as well as a local number (315-874-4231) and toll-free number (866-441-4557) to call with any questions or comments. The Applicant has provided paper copies of all documents presented at the open house at the following document repositories:

- Canajoharie Library, Erie Boulevard, Canajoharie, NY 13317. (518) 637-2314
- Fort Plain Free Library, 19 Willet St, Fort Plain, NY 13339. (518) 993-4646

Mohawk Solar has an office at 7650 North State Street, Suite 1, Lowville, NY 13367, and has established a local office at 29-27 Church Street, Canajoharie, NY 13317, at which interested parties can obtain additional information about the Project and share any comments, concerns, or local knowledge with project representatives.

Per 16 NYCRR § 1000.5, the Applicant submitted a PSS to DPS on October 18, 2017. At the close of the public comment period, the Applicant prepared a document summarizing the comments received on the PSS and its response to those comments, all of which was submitted to the DMM. A majority of the comments were received from the DPS and NYSDEC with some additional comments submitted from the Towns, NYSDAM, New York State Department of Transportation (NYDOT), and New York State Office of Parks, Recreation, and Historic Preservation/State Historic Preservation Office (NYSOPRHP/SHPO). Comments received were primarily centered on the following topics: water resources, avian activity, wetlands, and land use.

The Applicant worked closely with the above-listed agencies' staff during the Application/stipulation process to address the topics above, as well as additional concerns. The Applicant also reached out to the host communities to ensure that the Facility complies with local laws and that any local concerns were addressed. The key items or concerns raised during these outreach efforts are summarized below:

- Potential wildlife and wetland impacts - As described in Exhibit 22, the Applicant has prepared a wide range of avian and ecological studies. The Applicant has continued coordination with the NYSDEC to address wildlife and wetland concerns through studies, avoidance, and mitigation efforts.
- Potential impacts to water resources - As described in Exhibit 23, the Applicant has continued consultation with the NYSDEC and performed studies to address water resource concerns.

- Land use concerns - The Applicant has coordinated directly with the host communities' Planning Boards and Zoning Boards of Appeals for optimal Project siting (see Exhibit 4).
- Potential impacts to agricultural land – The Applicant has designed the Facility to minimize impacts to agricultural land to the maximum extent practicable and the land will be returned as close as possible to its original state once the Facility is decommissioned (see Exhibit 23).
- Visual impacts - The Applicant conducted extensive outreach to local communities to identify viewsheds of concern and provide the information needed to assess the potential visual impact of the Facility (see Exhibit 24).

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

(1) Post-Application PIP

Section 5.3 of the PIP requires the Applicant to identify additional activities to encourage stakeholder participation during the certification process. These activities include: periodically updating the Master Stakeholder List; attending stakeholder meetings to provide project updates, if needed; providing notice of construction activities to stakeholders; and implementing complaint-resolution procedures (see Exhibit 12 and Appendix 12-C). All ongoing PIP activities will be tracked in the log and posted periodically on DMM. Any stakeholder wishing to obtain information about the Facility or provide comments may do so by going to the Project's website:

(<http://www.avangridrenewables.us/mohawksolar/index.html>; Navigate to the following pages: "About Us," "Renewables In Your Community," and then "Mohawk Solar" [scroll to bottom of the page]).

The Applicant will respond to suggestions and written comments or questions.

(2) Updated Stakeholder List

The Master Stakeholder List (see Appendix 2-A), which has been updated, will be filed with a request for confidentiality as to certain portions due to contact information provided on host and adjacent landowners, as well as stakeholders identified through the public outreach process. This list will be used for mailing notices regarding of Facility milestones, including submission of this Application, and will be updated as new stakeholders are identified.

(3) Additional Notices

In addition to the notices required under 16 NYCRR §§ 1000.6 and 1000.7, the Applicant mailed notice of the pending Application submittal to the updated stakeholder mailing list as described above. The notice includes general information on the Facility and the specifics of the Article 10 Application. A copy of the mailing list and documentation indicating the dates the mailings were made will be filed in DMM.

(4) Publication in Free Community Newspaper

Notice of the Application and any subsequent notices will be published in several traditional newspapers (e.g. Amsterdam Recorder and Courier-Standard-Enterprise) in the Facility Area. However, the Applicant is unable to publish notice of the Application in at least one free community newspaper as the Applicant was unable to identify the existence of a free community newspaper with circulation to residents near the Facility Area.

(e) Brief Overall Analysis

This section includes an overall analysis of the relevant and material facts from the Article 10 Application, together with the information and analysis from the supporting studies, regarding the nature of the probable environmental impacts of the construction and operation of the Facility on (a) ecology, air, ground and surface water, and wildlife and habitat (b) public health and safety (c) cultural, historic and recreational resources and (d) transportation, communications, utilities and, other infrastructure, as required by the Article 10 regulations.

(1) Ecology, Air, Ground and Surface Water, Wildlife and Habitat

(i) Ecology

The Facility Site, which encompasses approximately 2,361 acres, is largely comprised of open agricultural land with 72% cultivated crops and pasture/hay, 10% deciduous forest, 8% woody wetland, and between 1% and 5% of shrub/scrub, emergent wetlands, and open space. With respect to the Facility Site, construction and operation is anticipated to result in disturbances to 859.1 acres. Of those, only 103.4 acres will be permanently disturbed for conversion to built facilities. At the end of the Facility lifespan, however, Facility components will be decommissioned and restored as described in Exhibit 29 of this Application and lands within the Facility Site will be returned to their previous condition.

The majority of Facility components have been sited in agricultural land, thus avoiding significant impacts to successional grasslands, shrubland, and forested areas. In addition, Facility access roads will be sited on existing roads, farm lanes, and logging roads wherever possible, and areas of disturbance will be confined to the smallest feasible area. As a result, the Facility will temporarily impact 12 acres of forested areas, of which 11 acres will be converted to successional communities for the life of the Facility while 1 acre will be allowed to reforest after construction is complete. Only 6.3 acres of forested land will be converted to built facilities.

All plant communities identified within the Facility Site are common to New York State. Therefore, no impacts to unique or rare natural communities will result from Facility construction. Following construction activities, temporarily disturbed areas will be seeded (and stabilized with mulch and/or straw if necessary) to reestablish vegetative cover. Other than in active agricultural fields, native species will be allowed to revegetate all temporarily disturbed areas.

Further, to protect adjacent undisturbed vegetation and other ecological resources, a comprehensive sediment and erosion control plan will be developed and implemented prior to Facility construction (see the Preliminary SWPPP in Appendix 21-B). The Applicant has also developed other mitigation measures to avoid or minimize impacts to vegetation, including delineating sensitive areas (such as wetlands) where no disturbance or vehicular activities are allowed, educating the construction workforce on respecting and adhering to the physical boundaries of off-limit areas, employing best management practices during construction, and maintaining a clean work area within the designated construction sites. Accordingly, the temporary and permanent disturbances to vegetative communities created by the construction and operation of the Facility is not anticipated to result in any significant adverse environmental impacts to ecological resources. (See Exhibit 22 for further discussion on ecological resources).

(ii) Air

Once operational, the Facility will have a positive impact on air quality by producing electricity without generating any air emissions. However, during the site preparation and construction phase of the Facility, temporary minor air emissions typical of construction projects are expected. To minimize localized air impacts (including fugitive dust and emissions from generator(s)), the Applicant will require the contractor to adhere to best management practices, including prohibiting unnecessary idling of equipment and adherence to New York State guidance on fugitive dust emissions. (See Exhibit 17 for further discussion of air emissions).

(iii) Ground Water

The Facility Site does not border or contain any part of a primary aquifer, a designation applied by US Geological Survey (USGS) and NYSDEC to aquifers that are highly productive and utilized by major municipal water supply systems. The nearest primary aquifer is the Schenectady Aquifer, approximately 25 miles east of the Facility. Therefore, it is not anticipated that the Facility will result in impacts to sole-source aquifers either during construction or operation.

The Applicant consulted with NYSDEC, the New York State Department of Health (NYSDOH), and Montgomery County to obtain information pertaining to groundwater wells within the Facility Area. In addition, the Applicant also sent a well survey to all residences/businesses located within a 2,000 foot radius of the proposed Facility to identify any private wells. Based on the results of those consultations and responses, the Facility is not anticipated to result in any significant impacts to groundwater quality or quantity, drinking water supplies, aquifer protection zones, or groundwater aquifers in the Facility Area.

Construction of the Facility may result in minor localized impacts to groundwater, and the use of water by adjacent landowners. These impacts include minor disruption of groundwater flows, minor modification of surface runoff or

stream-flow, minor degradation of groundwater quality from accidental spills, impacts to groundwater recharge areas, and groundwater migration along collection line trenches. However, these impacts are not anticipated to be significant and may be avoided completely through adherence to the Facility's Preliminary Spill Prevention, Control and Countermeasures (SPCC) Plan, among other plans. As a result, operation and construction of the Facility is not anticipated to result in any significant impacts to groundwater. (See Exhibit 23 for further discussion of groundwater).

(iv) Surface Water

During construction, potential direct or indirect impacts to surface waters may occur as a result of the installation of the access roads, buried collection lines, and the development and use of temporary workspaces around the substation. Direct impacts could include: an increase in water temperature and conversion of cover type due to clearing of vegetation, siltation and sedimentation due to earthwork (such as excavating and grading activities), disturbance of stream banks and/or substrates resulting from buried cable installation, and the direct placement of fill in surface waters to accommodate road crossings. Indirect impacts to surface waters may result from sedimentation and erosion caused by construction activities (e.g., removal of vegetation and soil disturbance).

The Applicant has sited PV panels, the collection substation, and the temporary construction areas to avoid or minimize impacts to surface waters. The Applicant has also located access roads and collection lines to minimize the number of stream crossings in a further attempt to avoid impacts to surface waters associated with the Facility. Where stream crossings cannot be avoided, the overall impacts will be minimized by using existing crossings and narrow crossing locations to the extent practicable, and will use the jack and bore drilling technique, where feasible, to further minimize crossing impacts.

The Applicant has taken measures to avoid impacts to surface waters including the relocation of Facility components, routing Facility components along previous disturbance corridors, and designing access roads to work with the native topography and minimize the need for soil disturbance, which can also reduce the impact of sedimentation on surrounding surface water. Where stream avoidance could not be accomplished, alternative methods will be employed in order to minimize impacts of Facility components on surface waters. Further, minimization and mitigation measures for protecting surface water resources will be employed and will include the following: designation of streams as "No Equipment Access" prohibiting the use of motorized equipment in those areas, establishing work prohibition dates for in-stream work, establishing a 100 foot buffer zone (designated as a "Restricted Activities Area") where Facility construction traverses streams, wetlands, and other bodies, and development of a soil erosion and sediment control plan that includes installation of silt fences, hay bales, and temporary siltation basins during Facility construction. (See Exhibit 23 for further discussion on surface water).

(v) Wildlife and Habitat

The Applicant conducted on-site field surveys and obtained information from a variety of public sources and consultations to obtain information on the occurrence of wildlife and habitat within the Facility Site. The conclusions from these surveys and studies are included below:

- The only mammals expected to be found in the Facility Site include those that are common to New York. Other than the northern long-eared bat, no endangered or threatened mammals were identified within the Facility Site.
- Although no individual bats or roost trees were documented during on-field surveys, several bat species, including the northern long-eared bat and eastern small-footed bat may occur in the Facility Site based on consultation with the New York Natural Heritage Program (NYNHP). To avoid potential impacts to northern long-eared bats, the Applicant will limit clearing of trees and shrubs greater than 3 inches diameter at breast height (dbh) to the period between November 1 and March 31, when the bats are hibernating off-site. The Applicant's minimization will also reduce risks to other bat species.
- A number of New York State special status bird species have been identified as occurring or having the potential to occur at the Facility Site. One State-listed threatened bird species (the northern harrier) and one State-listed endangered bird species (the short-eared owl) were observed using habitat within the Facility Site. The upland sandpiper (a State-listed threatened species) was also observed within the Facility Site, and although those observations did not include any obvious breeding behaviors, the presence of suitable habitat raises the likelihood that this species utilizes habitat within the Facility Site for breeding or foraging. In consultation with the NYSDEC, the Applicant developed a Net Conservation Benefit Plan to implement measures to avoid and minimize impacts to the northern harrier, upland sandpiper, and short-eared owl.
- In addition, bald eagles (a State-listed endangered bird species) were observed flying over the Facility Site, but were not observed using habitat within the Facility Site for foraging, roosting, or nesting. Further, although Henslow's sparrow, pied-billed grebe, and sedge wren have the potential to occur at the Facility Site, no observations were made during on-site surveys or observations were beyond the limits of disturbance of the Facility. Therefore, construction and operation of the Facility is not anticipated to result in any impacts to bald eagles, Henslow's sparrow, pied-billed grebe, or sedge wren.
- No special status amphibian species were identified as occurring in the Facility Site, nor does the Facility Site contain habitat suitable for the only State-listed threatened reptile species (the timber rattlesnake). Further, the one special concern reptile species (wood turtle) that could occur at the Facility Site was not observed during on-site surveys and there are no anticipated impacts to this species as construction and operation activities will occur outside suitable riparian areas.

- No special status invertebrates, or habitat potentially supporting special status invertebrates, were identified by NYNHP or any other sources as occurring within the Facility Site. Therefore, no impacts to special status invertebrate species are anticipated as a result of construction or operation of the Facility.
- Several species of Greatest Conservation Need were observed during on-site surveys. Suitable habitat for all of these species is abundant within, and adjacent to, the Facility Site, and will be available during and after construction. In addition, the Applicant has developed a mitigation plan that includes the establishment of up to 151 acres of managed grassland habitat that will also provide benefits to these species. It is not anticipated that construction or operation of the Facility will have a significant effect on regional, statewide, or range-wide populations for any of these species of Greatest Conservation Need.

Impacts to wildlife during construction of the Facility are anticipated to be limited to incidental injury and mortality due to construction activity and vehicular movement, habitat disturbance/loss associated with clearing and earth-moving activities, and displacement of wildlife due to increased noise and human activities. None of these impacts are expected to be significant because a sizeable amount of suitable habitat will remain undisturbed by Facility construction within and adjacent to the Facility Site. In addition, the majority of land proposed to host Facility components is subject to frequent mechanical disturbance, such as farming activities and logging, as well as snowmobiles in the winter. Consequently, it is anticipated that many of the wildlife species within the Facility Site are accustomed to disturbances such as those that will occur during Facility construction.

Operation-related impacts to wildlife include direct habitat loss, some habitat degradation through fragmentation, and disturbance/displacement due to presence of PV panel arrays. Minimization of these impacts was accomplished through careful site design. Facility access roads and collection lines have been sited along existing farm roads and the edges of agricultural fields where practicable to minimize impacts to, and fragmentation of, wildlife habitat. Cleared forest land along Facility access roads and at the periphery of some PV panel arrays will be allowed to regenerate in areas that are not required for Facility maintenance, which will provide habitat for early successional species over the short term and will eventually support forest species in the long term. (See Exhibit 22 for further discussion of wildlife and habitat).

(2) Public Health and Safety

The Facility is not expected to result in any public health or safety concerns. (See Exhibit 15 for further discussion of public health and safety).

(3) Cultural, Historic and Recreational Resources

In consultation with NYSOPRHP/SHPO, the Applicant studied the Facility's area of potential effect (APE) for direct and indirect effects. The archaeological survey was conducted in a series of site visits and mobilizations ongoing from 2016 to 2018, concurrent with evolving Facility design. Therefore, in several instances, the Facility layout was intentionally revised to avoid impacts to archaeological resources identified during the survey. The archaeological survey identified 61 archaeological resources consisting of 34 pre-contact Native American sites, 23 pre-contact Native American isolated finds, 3 historic-period sites, and 1 multicomponent historic-period/Pre-Contact Native American site. As noted above, the Applicant intentionally revised the proposed Facility layout to avoid the locations of potentially significant archaeological sites (as well as other sensitive environmental locations, such as wetlands). For the remaining two sites where minor impacts are anticipated, the Applicant continues to work with NYSOPRHP/SHPO to evaluate the feasibility of additional project design measures to further avoid or minimize impacts.

During construction of the Facility, the mapped locations of all potentially significant archaeological sites within approximately 100 feet of proposed Facility-related impacts will be identified as "Environmentally Sensitive Areas" or similar on Facility construction maps and marked in the field by construction fencing with signs that restrict access. Further, in the event that unanticipated archaeological resources are encountered during construction, the Facility's Unanticipated Discovery Plan (see Appendix 20-B) will include provisions to stop all work in the vicinity of the archaeological finds until those resources can be evaluated and documented by an archaeologist. With the adoption of these measures, and based on continued consultation with the NYSOPRHP/SHPO, the Facility is not anticipated to affect any significant archaeological resources.

As indicated above, the Facility will have no physical impacts to aboveground historic resources as no historic structures will be damaged or removed during construction or operation of the Facility. Rather, the Facility's potential effect on a given historic property is limited to potential visual impacts resulting from the introduction of PV panel arrays or other Facility components into the property's visual setting. As such, the Applicant conducted a historic resources survey and Visual Impact Assessment (VIA) to determine the extent and significance of any potential visual impacts on historic resources. For purposes of the survey, the Applicant studied the area within five miles of the Facility and certain selected areas beyond that radius for one mile along the Route 20 Scenic Byway corridor travelling west towards East Springfield and for one mile along Route 67 North towards the Fulton County line.

The survey and VIA assessed the character and quality of the existing landscape and the potential visibility of the Facility from certain viewsheds. Given the specific topography of the Historic Resources Study Area, the Facility is likely to have an effect on the visual setting of locations within 0.5-mile of Facility components, and little to no effect on the setting of properties located greater than 0.5-mile from the Facility, from which a viewer would have difficulty

perceiving the Facility. Based on the results of the survey and VIA studies, potential visibility of historic properties is limited to 21 historic properties. All but one of these properties are located between 1.8 to 5.2 miles away. The remaining property, an active family farm which is used to the sight of farming and other equipment, is located within 150 feet from the Facility's perimeter fence. To minimize the visual impacts to this and other historic properties, the Applicant developed a conceptual visual mitigation planting plan that will introduce native tree and shrub mixes interspersed with pollinator plants along the roadsides adjacent to the Facility and will help screen the components of the Facility from view. As a result, the Applicant does not anticipate that construction and operation of the Facility will result in any significant adverse environmental impacts on cultural resources within the Study Area. (See Exhibit 20 for further discussion of cultural resources).

(4) Transportation, Communications, Utilities, and Other Infrastructure

(i) Transportation

Virtually all of the traffic-related impacts associated with the Facility will occur during the site preparation and construction phase when there may be a temporary increase in vehicle traffic on area roadways. Because the existing traffic volumes are low, however, local traffic flow should not be significantly impacted during construction. Delivery of the substation transformer will require an over-sized/overweight (OS/OW) vehicle, but the Applicant does not anticipate that there will be any need for improvements to roadways, including the identified haul routes. (See Exhibit 15 for further discussion of transportation).

As part of its assessment of the traffic impacts of the Facility, the Applicant's consultant reviewed available traffic information, corresponded with local traffic supervisors, and drove all potential arrival and departure routes to identify road conditions and potential obstacles to delivery of Facility components during construction (e.g., road width, turning radii, overhead clearance, presence of culverts, presence of steep slopes, etc.). As a result of this assessment, the Applicant determined that mitigation of traffic and transportation impacts may be needed along Church Street (State Route 10) between Erie Boulevard and Rock Road due to the narrow roadway. If mitigation is necessary in this area, temporary parking restrictions may be implemented on one or both sides of the road to allow for a wider travel way during component delivery. Additionally, there may be a need for roadway shoulder repair and strengthening improvements where delivery vehicles must navigate narrow roadways and short radius curves at intersections. Any repairs and improvements associated with the Facility will comply with Road Use Agreements (RUAs) between the Applicant and the Towns of Canajoharie and Minden. A sample RUA is provided in Appendix 25-B.

(ii) Communications

The Facility is not expected to have any impact on AM radio broadcast coverage, cable or satellite television, cellular phone service (i.e., wireless networks), emergency services, municipal/school district services, air traffic control, armed forces, GPS, LORAN, amateur radio, or the NYS Mesonet system. (See Exhibit 26 for further discussion of communications).

(iii) Utilities and Other Infrastructure

GeoTel provided data on locations of underground fiber optic cable. One fiber optic cable, owned and operated by Spectrum, was identified. It traverses the center of the Facility Site, and runs along Clinton Road. Buried collection lines will cross this cable. The Applicant will construct the Facility to avoid interference with this fiber optic cable and all other existing utility systems. (See Exhibits 12 and 26 for further discussion of utilities and other infrastructure).

(5) Determinations Pursuant to PSL § 168

Pursuant to PSL § 168 (3), the Siting Board may not grant a certificate for the construction or operation of a major electric generating facility unless the Board determines that: (a) the facility is a beneficial addition to or substitution for the electric generation capacity of the state; (b) the construction and operation of the facility will serve the public interest; (c) the adverse environmental effects of construction and operation of the facility will be minimized or avoided to the maximum extent practicable; (d) the applicant will avoid, offset or minimize any significant and adverse environmental impacts upon the local communities to the maximum extent practicable; and (v) the facility is designed to operate in compliance with applicable state and local laws and regulations except for those the Board elects not to apply. Each determination is discussed further below.

(i) The Facility is a Beneficial Addition to the Electric Generation Capacity of the State

Construction and operation of the Facility is a beneficial addition to the electric generation capacity of the State as it will help achieve the objectives of the State Energy Plan, and other state policy initiatives and goals with respect to increasing renewable energy generation and reducing carbon emissions. Specifically, the State Energy Plan commits to achieving a 40% reduction in GHG emissions from 1990 levels by 2030 and reducing total carbon emissions 80% by 2050. In addition, the State Energy Plan calls for 50% of generation of electricity from renewable energy sources by 2030 (NYSEPB, 2015). The Facility will contribute to these goals by generating up to 90.5 MW of clean, renewable energy without emitting any conventional air pollutants or greenhouse gases (GHGs), or consuming cooling water or generating wastewater and is expected to displace approximately 55,500 short tons of carbon dioxide (CO₂) emissions from conventional power plants on an annual basis. This represents approximately 0.20% of all CO₂ emissions estimated to be produced by New York State in 2021. (See Exhibits 8 and 17 for a further discussion of air emissions). The Facility will also increase fuel diversity within the State by increasing the electric capacity from renewable solar power.

(ii) The Construction and Operation of the Facility is in the Public Interest

In addition to the climate benefits described above, the proposed Facility will have a positive impact on the local economy during construction and operation by providing local employment opportunities, increased revenue to local municipalities, and purchases of products and services in the local community.

(iii) The Facility Will Minimize/Avoid Environmental Impacts to the Maximum Extent Practicable

Although construction and operation of the Facility will result in some environmental impacts, the Applicant has designed the Facility to minimize and avoid those impacts to the maximum extent practicable. For example, the PV panels are arranged in clusters to avoid impacts to wetlands and other surface waters; the Facility is sited in open fields to minimize tree-cutting and impacts to surrounding wildlife habitats; screening has been designed to use native shrubs and grasses based on the character of existing vegetation communities within the Facility Site and surrounding parcels and to integrate the Facility into the surrounding landscape to minimize potential visual effects; cultural analysis, including shovel tests, were conducted to avoid impacting any historic resources in the Facility Area; the Applicant has worked with participating landowners to minimize impacts to property, agriculture, and farming operations; and the Applicant has identified a number of best management practices and policies that it will adhere to during construction of the Facility to minimize localized air impacts from fugitive dust and generators.

(iv) The Facility will Avoid, Offset, and Minimize Any Significant and Adverse Impacts Upon the Local Communities to the Maximum Extent Practical

The Applicant does not anticipate that the Facility will result in any significant and adverse impacts to the Towns of Canajoharie and Minden and any impacts that are experienced will be minimized to the maximum extent practicable. In addition, the Facility will provide benefits to the local communities through the previously negotiated PILOT agreement, and RAUs that will ensure local roadways are properly maintained throughout development of the Facility. The Applicant also plans to employ further programs that will help to minimize impacts, including a complaint resolution plan, a post-construction monitoring plan, site restoration and decommissioning plans, and an operations plan.

(v) Compliance with State and Local Laws and Regulations

As discussed in Exhibit 32, the Facility was designed and will operate in compliance with all substantive State laws and regulations. The Facility's compliance with local laws and regulations is addressed in Exhibit 31 of this Application. As described therein, the Facility is designed and will operate in compliance with nearly all substantive local laws and regulations. For those few laws and regulations for which the Facility will not be able to comply, the Applicant is applying with the Towns of Canajoharie and Minden to obtain variances and will demonstrate in those

applications that those laws and regulations are unreasonably burdensome. If the Applicant is unsuccessful in obtaining variances from the Towns, it has requested the Siting Board to waive those requirements.