

CORDELIO POWER Welcome to the Flat Creek Solar Project **Community Meeting**





Cordelio Power is an independent power producer that develops, owns and manages renewable power facilities across North America.

Operating Projects: 1,400 MW

Development Projects: 18,000 MW

Cordelio Power will construct, own, and operate the Facility.

Cordelio is 100% owned by the Canada Pension Plan Investment Board, and is fully committed to its mission of becoming a leading North American developer, owner and operator of renewable power facilities across North America.



About CORDELIO POWER



Flat Creek Solar Project



Project Owner: Flat Creek Solar NY LLC Host Communities: Towns of Root and Canajoharie, Montgomery County, New York

- Renewable Resource: Solar Energy

- - Approximately 260 acres in Town of Canajoharie
 - Approximately 740 acres in Town of Root
- Point of Interconnection: Existing NYPA 345 kV Transmission Line #352 in the Town of Root

- Project Capacity: Up to 300 MW
- Leased Land: Approximately 3,100 acres
- Project Footprint: Approximately 1,000 acres

Projected In-Service Date: Fall 2028





Section 94-c Process

In 2020, New York State introduced a new permitting process for large scale renewable energy projects, the "Section 94-c process." Review and decision will be made by the Office of Renewable Energy Siting (ORES) within the Department of State. If approved, the Flat Creek Solar Project will receive a Siting Permit from ORES. The Section 94-c process requires pre-application consultations with state agencies, host municipalities, and meetings with community members. Cordelio Power is committed to continuing engagement throughout the process.

Uniform Standards and Conditions (USCs) outline design requirements for large scale projects to standardize design expectations regarding setbacks and potentially sensitive resources. Site specific requirements will also augment the USCs.

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Projects must be designed to avoid or minimize, to the maximum extent practicable, potentially significant adverse environmental impacts.



Section 94-c Process Timeline

Pre-Application Consultations and Community Meeting

Application for Local Agency **Account Funds** Within 30 Days of Submittal



Application **Submittal** Targeted Spring 2024

Office of Renewable Energy Siting (ORES)

Application Deemed Complete and Draft Siting Permit Issued

Application Completeness Review Within 60 Days of Submittal

Public Comment Period 60 Day Period Following Issuance of Draft Siting Permit

ORES Issues Determination

Recommended Decision

Hearings for **Substantive** and Significant Issues (If Required)



Compliance Filings Submitted by **Applicant Prior to** Construction

Final Determination from ORES 12 Months After Completeness





Project Timeline

- Pre-Application Phase: 2021 to Present – Environmental Studies
- - Engineering – Public Outreach
- Fall 2028

94-c Application Submittal: Spring 2024 **Receive Siting Permit: End of Winter 2025** Estimated Construction Start: Fall 2026

Estimated Commercial Operation Date:





The Project will provide benefits to the Host Communities of **Canajoharie and Root in** several ways, including through real property taxes, fire district payments, and the agreements outlined here. The Project will continue to work with the Towns and County to finalize the various agreements. Towns may allocate the payments for Community Benefits where they are needed most.

Flat Creek Solar Project Benefits

- Renewable Energy Resource: Estimated to provide up to 410,000 megawatt-
- Reduce Reliance on Fossil Fuels: Estimated to offset over 56,285 tons of CO, per year.

 - installed megawatts in each Town).
 - District.

 - result of the Project.
 - residents of the Towns over the first 10 years of Project.
- in continued agricultural use of remaining lands.

hours of clean electricity per year to power over 59,000 New York homes.

Payment In Lieu of Taxes (PILOT) and Host Community Agreement (HCA)

 Approximately \$10 million in payments directly to Canajoharie and Root over the first 20 years of the project (amount to each Town will be based upon the

Approximately \$16.6 million in payments to the Canajoharie Central School

Approximately \$9.8 million in payments to Montgomery County.

• Real Property Taxes: The underlying real property taxes will not decrease as a

• Utility Bill Pay Credit: The Project will pay \$1.5 million in utility bill credits for

 Local Economic Activity: Boost local economy during construction as a result of increased spending in the area over the 18 to 24 month construction period.

• Lease Payments: Provides participating landowners a guaranteed revenue stream. The payments can be used to sustain and/or invest



Engineering & Technology

- collection.
- **17 feet**.
- coating.
- alternating current (AC).
- transmission line #352.
- with security fencing.

• The Project is proposed as a ground-mounted solar facility. • Solar panels will consist of single-axis tracker photovoltaic (PV) solar panels, oriented in a north-south direction, which will track the sun throughout the day to maximize energy

• The maximum height of the panels, at full tilt, will not exceed

 The solar panels will be crystalline and consist primarily of glass, aluminum, and plastic and will have an anti-reflective

 Power inverters will be centrally located throughout panel arrays to convert electricity from direct current (DC) to

• Primarily underground 34.5 kV collection lines will collect the electricity and transmit it to the collection substation and Point of Interconnection (POI) switchyard to deliver electricity to the existing NYPA 345 kV

Panel arrays and substations will be enclosed



Applications for Intervenor Funds to: general@ores.ny.gov

Or

New York State Office of Renewable Energy Siting

Attention: Request for Local Agency Account Funding Empire State Plaza 240 State Street P-1 South, J Dock Albany, NY 12242

Local Agency Account Funds

What Are Local Agency Account Funds?

Local Agency Account Funding is money that Applicants such as Flat Creek Solar make available to qualified, locally affected parties and municipalities to offset certain expenses in the state permitting process. These funds were created to encourage early and effective public involvement in project development and permitting.

Applying for Local Agency Account Funds

- municipalities.

 Upon the filing of a 94-c Application, Flat Creek Solar will post an intervenor fund (\$1,000/MW) which can be sought by local community intervenors and host towns.

75% of intervenor funds are reserved for

 Must apply for funds within 30 days of Application Filing.



Restoration and Decommissioning

The Section 94-c Application must contain a **Decommissioning and Site Restoration Plan** that addresses:

 Equipment remov 	
 Safety 	• P(
 Environmental 	• Fi
restoration	• S(
 Aesthetics 	• R



ecycling otential future uses for the site inancial aid commitments chedule e-grading and re-seeding

The Section 94-c Application includes a cost estimate addressing:

- Removing all Facility components 4 feet below grade in agricultural land or 3 feet below grade in non-agricultural land
- Removing and restoring access road locations, where appropriate, based on the Facility layout.

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Return Land to Agriculture or Other Use

Consultations

Applicability of Local Laws. Both Canajoharie and Root have adopted solar laws:

- are unreasonably burdensome.

Consultation with Towns. Section 94-c requires consultation with the Towns on applicable local laws at least 60 days before application filing. In these consultations, applicants must provide the Towns with:

- and

Local Law No. 2 of 2023 Solar Energy Local Law for the Town of Canajoharie

 Local Law No. 1 of 2017 A Local Law to Regulate Solar Energy Systems Chapter 41 of the Code of Town of Root

• The Town of Root is in the process of adopting a new solar law.

• While projects applying for a Section 94-c permit are generally required to comply with substantive local standards (e.g. height, setbacks, lot coverage), applicants can request waivers of local standards from ORES if the standards

• A summary of substantive local requirements that apply to the construction, operation and maintenance of a project;

• A list of local law requirements it needs to request a waiver from ORES for;

An explanation of efforts made to comply with substantive local requirements.

 Flat Creek has initiated consultations with the Towns of Canajoharie and Root on applicable local laws and will continue to work with the Towns to confirm interpretations of certain local law requirements and finalize any waivers needed from ORES.

Section 94-c Design Standards

The Section 94-c regulations contain various uniform standards and conditions that apply to the Project, including, but not limited to:

Setbacks

Setback Type

Non-participating residential property line

Centerline of Public Roads

Non-participating property lines (non-residential)

Non-participating occupied residences

Solar Facility Setback
100 feet
50 feet
50 feet
250 feet

Height:

Maximum height of solar facilities, exclusive of electric collection, transmission or substation/ switchyard components, not to exceed 20 feet from finished grade.

Noise:

- 45 dBA Leq (8-hr) at outside of existing non-participating residence
- 55 dBA Leq (8-hr) at outside of existing participating residence
- 40 dBA Leq (1-hr) at outside of any existing non-participating residence from collector substation equipment





Environmental Studies

Cordelio continues to work diligently with environmental scientists, biologists, and other experts to complete the comprehensive studies required as part of the Section 94-c Process. Results of these studies, as well as any mitigation that may be required, will be presented as part of the Section 94-c Application.

Agricultural Lands

- The Project will be designed and constructed in accordance with the New York State Department of Agriculture and Markets (NYSDAM) Guidelines for Solar Energy Projects (2019), which includes having an Environmental Inspector on-site to oversee construction, restoration, and monitoring in agricultural areas.
- The PV arrays will be installed via direct embed to limit potential impacts to agricultural soils, and topsoil will be segregated during construction.
- During the life of the Project, landowners may continue agricultural operations in the Project Area outside of the fenceline.
- Following the useful life of the Project, restoration will include regrading, soil evaluation, and seeding, as appropriate.

Wetland and Stream Delineations

- Wetland and stream delineations were performed at the Project Area between 2021 and 2024.
- The Project is being sited to avoid and minimize impacts to wetlands and streams to the extent practicable.
- Cordelio is coordinating with the US Army Corps of Engineers (USACE) and the Office of Renewable Energy Siting (ORES) regarding jurisdictional resources and potential mitigation.



Wildlife and Listed Species

 A Wildlife Site Characterization Report (WSCR) was completed for the Project to assess and coordinate with New York State Agencies on potential species and habitats onsite. The Project is being sited to avoid and minimize impacts to wildlife habitat.

 Grassland breeding bird surveys and winter raptor surveys were conducted at the Project Area and Cordelio is currently coordinating with ORES and the New York State Department of Environmental Conservation (NYSDEC) regarding potential habitat and/or mitigation required.

Cultural and Historic Resources

 Both desktop analysis (Phase 1A) and field surveys (Phase 1B) have been conducted for the Project Area, and Cordelio continues to coordinate with the Office of Parks, Recreation and Historic Preservation (OPRHP) regarding avoidance of sensitive resources.

 The Section 94-c Application will include a final effects determination from the OPRHP and Cordelio will comply with the State and National Historic **Preservation Acts.**

Noise Studies

 Ambient background noise levels were measured in December 2023 and will be used as part of the Noise Impact Assessment (NIA) to be included with the Section 94-c Application.

Cordelio will comply with the noise standards and requirements of Section 94-c.



Section 94-c Application Exhibits

The Section 94-c **Regulations include 25** Exhibits which provide detailed studies, analyses, and figures covering a range of topics and resource areas. The requirements for each Exhibit are specifically in outlined in the Section 94-c **Regulations.**

Exhibit #	Exhibit Title	
Exhibit 1	General Requirements	CORDELIO
Exhibit 2	Overview and Public Involvement	POWER
Exhibit 3	Location of Facilities and Surrounding Land Use	
Exhibit 4	Real Property	
Exhibit 5	Design Drawings	
Exhibit 6	Public Health, Safety, and Security	
Exhibit 7	Noise and Vibration	
Exhibit 8	Visual Impacts	
Exhibit 9	Cultural Resources	
Exhibit 10	Geology, Seismology, and Soils	
Exhibit 11	Terrestrial Ecology	
Exhibit 12	New York State Threatened or Endangered Species	
Exhibit 13	Water Resources and Aquatic Ecology	
Exhibit 14	Wetlands	
Exhibit 15	Agricultural Resources	
Exhibit 16	Effect on Transportation	
Exhibit 17	Consistency with Energy Planning Objectives	
Exhibit 18	Socioeconomic Effects	
Exhibit 19	Environmental Justice	
Exhibit 20	Effect on Communications	
Exhibit 21	Electric System Effects and Interconnection	
Exhibit 22	Electric and Magnetic Fields	
Exhibit 23	Site Restoration and Decommissioning	
Exhibit 24	Local Laws and Ordinances	
Exhibit 25	Other Permits and Approvals	

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LANDSCAPING CONSIDERA

LEGEND	LANDSCAPE PLANTING SCHEDULE	(TYPICAL VISUAL B	UFFER/SCRI	E - TYPE A, B, & C EENING EFFORT)	
DECIDUOUS A	ND EVERGREEN TREES				
SYMBOL	BOTANICAL NAME/ COMMON PLANT NAME	SIZE	ROOT	MATURE HEIGHT	
CANOPY TREES					
	ACER RUBRUM RED MAPLE	1.5" - 2" CAL.	B&B	40' - 50' HT,	
	BETULA NIGRA RIVER BIRCH	1.5" - 2" CAL.	B&B	40' - 50' HT,	
	NYSSA SYLVATICA BLACK GUM	1.5" - 2" CAL.	B&B	40' - 50' HT,	
	OSTRYA VIRGINIANA HOP HORNBEAM	1.5" - 2" CAL.	B&B	30' - 40' HT,	
UNDERSTORY TR	REES				
	AMELANCHIER ARBOREA DOWNY SERVICEBERRY	4'-5' HT. CLUMP	B&B	15' -25' HT,	
	CARPINUS CAROLINIANA AMERICAN HORNBEAM	1.5" - 2" CAL.	B&B	20' - 30' HT,	
- A	CORNUS FLORIDA FLOWERING DOGWOOD	1.5" - 2" CAL.	B&B	20' - 30' HT,	
	HAMAMELIS VIRGINIANA COMMON WITCH HAZEL	3'-4' HT.	B&B	20' - 25' HT.	B VISUAL M
EVERGREEN TRE	ES				
	ILEX OPACA AMERICAN HOLLY	5' - 6' HT.	B&B	30' - 40' HT,	n n n
	PICEA GLAUCA WHITE SPRUCE	5' - 6' HT.	B&B	40' - 60' HT.	
	THUJA OCCIDENTALIS NORTHERN WHITE CEDAR	5' - 6' HT.	B&B	30' - 40' HT.	
	JUNIPERUS VIRGINIANA EASTERN RED CEDAR	5' - 6' HT.	B&B	40' - 50' HT,	B VISUAL M
<u>SHRUBS</u>					
SYMBOL	BOTANICAL NAME/ COMMON PLANT NAME	SIZE	ROOT	MATURE HEIGHT	
	ARONIA ARBUTIFOLIA RED CHOKEBERRY	24" - 30" HT.	3/5 GAL. CONT.	6' - 8' HT.	
	CORNUS AMMOMUM SILKY DOGWOOD	24" - 30" HT.	3/5 GAL. CONT.	6' - 10' HT.	
	CORNUS SERICEA RED TWIG DOGWOOD	24" - 30" HT.	3/5 GAL. CONT.	6' - 9' HT.	
	ILEX VERTICILLATA COMMON WINTER BERRY	24" - 30" HT.	3/5 GAL. CONT.	10' - 12' HT.	
	VACCINIUM CORYMBOSUM HIGHBUSH BLUEBERRY	24" - 30" HT.	3/5 GAL. CONT.	6' - 12' HT.	
	VIBURNUM PRUNIFOLIUM BLACKHAW VIBURNUM	24" - 30" HT.	3/5 GAL. CONT.	12' - 15' HT.	and the second
	VIBURNUM TRILOBUM AMERICAN CRANBERRY	24" - 30" HT.	3/5 GAL. CONT.	8' - 10' HT.	





 $\left(\mathsf{C}\right)$

TION	5



VISUAL MITIGATION PLANTING "TYPE C": 25 FOOT WIDE TYPICAL BUFFER W/ POLLINATOR HABITAT FOR ALONG EXISTING HEDGEROWS Date: February 14th, 2024





Photo-Simulation With Landscaping Depicted At 5 Years Post-Construction



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Viewpoint Coordinates	42.896431 -74 556188	
 Town	Canajoharie	
Viewpoint Elevation (MSL)	720 Feet	
Distance to Closest Solar Array	170 Feet	
 Direction of View	East Southeast	
Lens Focal Length	50 mm (Full Frame)	
Date/Time of Photograph	4/11/2022, 2:18 PM	

Viewpoint 56: View Facing East Southeast From Cunningham Road, Adjacent To The Canajoharie Senior High School & Athletic Fields

FLAT CREEK SOLAR PROJECT

FREQUENTLY ASKED QUESTIONS

1. What impact will the Flat Creek solar project have on neighboring property values?

Multiple property value studies from across the country have demonstrated that proximity to large-scale solar projects (a) does not measurably affect property values, and (b) **does not impair the sale** of agricultural or residential land near the project. In some instances, property values **may be influenced, positively or negatively, by a particular project setting**, the use of the land prior to the introduction of the project, and other factors, including the **long-term tax revenue and employment opportunities created by the project** for the local community.

2. What are the panels made of? Do they contain cadmium?

Solar panels typically consist of **tempered glass, aluminum, copper, silver, and semiconductor materials,** all of which are common materials found in almost all of our households and vehicles already, and which are safe under all normal conditions. The panels are enclosed with glass and an aluminum frame and then tightly sealed. We are not aware of any instances where chemicals were released from any solar panels into the environment. With respect to cadmium, crystalline silicon PV panels, which are heavily used in the industry (90% of all solar panels) do not contain cadmium and **pose no material risk of toxicity** to public health and safety.

3. How much wear and tear can the panels take?

Solar panel racking and anchoring systems are built to withstand high-force winds. Flexible racking systems operate like a chain link fence under duress, bending with the wind rather than staying rigid and breaking. With respect to hail and wind, solar panels are typically tested and certified to withstand hail of up to one inch falling at 50 mph and **winds of up to 150 mph**.

In addition, we will be exploring adding "stow" protection to the panels we select. Stow protection allows the panels to move to either a horizontal position in the event of high winds to reduce exposure, or to a vertical position in the event of a hailstorm to minimize potential damage.

The panels are designed for decades of corrosion-free operation, as they are encapsulated between two layers of transparent plastic to prevent exposure to the ambient air and moisture. These encapsulation layers are further protected with a layer of tempered glass on the front and a polymer sheet on the back. This same material has been used for decades between layers of tempered glass to give car windshields and hurricane windows their great strength, **allowing them to stay intact**, even under extreme conditions.

4. How will the Flat Creek solar project affect prime farmland?

The Flat Creek project will have minimal impact (less than 1%) on prime farmland in Montgomery County. While the County holds approximately 40,000 acres of prime farmland soils (as defined by the NYS Department of Agriculture and Markets, or NYSDAM, as soils having a mineral soil group (MSG) ranking between 1 and 4 [MSG1-4]), only 204 acres of the Flat Creek project resides on such soil. The construction, restoration, and decommissioning of the Flat Creek project will be conducted in accordance with NYSDAM's "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands" to mitigate construction impacts.

5. How will stormwater discharge be handled?

The project will have a Stormwater Pollution Prevention Plan (SWPPP), which will provide for sediment and erosion controls to manage the volume and composition of any stormwater discharged from the project site. There are no anticipated stormwater runoff issues for land hosting or adjacent to panel areas.

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6. How do solar projects affect agricultural activities?

Unlike other forms of development, the temporary conversion of agricultural land for use as a solar project site prevents more impactful development from occurring, preserving the land for agricultural use in the future.

Solar projects are generally considered to have a low impact to the land. While earth disturbance will occur during construction, once the project is completed the underlying ground will be restored and reseeded in accordance with NYSDAM's guidelines. During the project's lifespan, vegetation can grow under the panels which allows the land to regenerate, retain water and topsoil, and create habitat for local wildlife and native pollinators, which **improves the soil health over time**. These effects can increase the productivity and value of the land for agriculture once the project is decommissioned.

Further, participation in solar projects is voluntary – farmers and landowners sign up to participate if they think doing so is best for their farms and families. Cordelio coordinates with landowners to site project equipment. If not all land is used for the project, farming may continue on those areas outside of the project area.

7. Will groundwater/wells be affected by the Flat Creek solar project?

The water table within the vicinity of the project will not be negatively affected by the Flat Creek solar project – during either construction or operations. The project equipment is installed at relatively shallow depths – for example:

- Transformer pads: approximately 3 to 4 feet;
- Substation structure foundations: approximately 4 to 6 feet;
- Racking posts: 8 to 12 feet;
- Collection lines: 4 to 5 feet.

Given the shallow placement of project equipment, we do not foresee any impact to groundwater sources. As an added safety measure, we conducted a well survey which was sent to all landowners within 1,000 feet of the project site to identify any wells located within 100 feet of collection lines and access roads, 500 feet of drill locations, and 200 feet of racking post locations. For any active water wells within these distances, Cordelio will engage a qualified third party to conduct potability testing both before and after construction.

8. What happens to the panels when they reach the end of their lifespan?

New York State requires a Decommissioning and Restoration Plan (the "Plan") to be developed and implemented as part of Article VIII of the Public Service Law (formerly known as the "94-c" permitting process). The Plan will outline the ways Cordelio will safely and responsibly remove all solar or solar-related equipment when the project reaches the end of its useful life. The Plan will also detail how the property within the project area will be restored to as close as possible to its pre-facility state to allow for continued agricultural activity after the project is decommissioned. The Plan will also address safety procedures we will follow, the removal of any hazardous waste we may encounter as we build the facility, and how the decommissioning will be funded, along with any recycling needed. The Plan will also outline the potential future uses of the site, and the schedule we will follow in decommissioning the site. In every instance, this project will be planned, built, operated, and decommissioned in accordance with applicable guidelines and permits.

9. What financial assurances are in place to ensure clean-up takes place?

In accordance with the requirements of Article VIII, within one year of project operation, Cordelio will provide the towns of Root and Canajoharie with a financial assurance (such as a letter of credit) to ensure the towns will bear no financial responsibility for decommissioning and restoration. This financial assurance will be revaluated and adjusted (if needed) every five years and will remain active for the life of the project until decommissioning occurs.

10. How is the Flat Creek solar project being funded?

Cordelio fully funds all project development costs directly. Activities such as signing agreements with landowners, performing site assessments, managing engineers to design the facilities, and navigating the necessary permitting processes are funded during this period.

As the project enters the construction phase, Cordelio will fund all project costs from its own investment, as well as a project loan from established financial institutions. During operations, the revenue from the sale of electricity pays for day-to-day operation and maintenance activities.

11. What impacts will the Flat Creek solar project have on threatened and endangered species?

For any species identified in New York as threatened, endangered, or of special concern, surveys have been conducted in accordance with state and federal protocols. These surveys assess whether the construction and operation of the Flat Creek solar project will affect New York listed species.

Cordelio prepared and submitted a Wildlife Site Characterization Report to the Office of Renewable Energy Siting and Electrical Transmission ("ORES") in accordance with the requirements of Article VIII. This report details the results of protected species surveys within the project area. As part of the Article VIII process, the project will prepare a Net Conservation Benefit Plan which will describe the project's mitigation measures designed to offset any potential impacts to species that may occur in the project area (anticipated to be minimal). These documents, when available, can be reviewed on the ORES document management website:

https://orespermits.ny.gov/Public/MatterManagement/CaseMaster.aspx?MatterSeq=64978&MNO=23-00054

FLAT CREEK SOLAR PROJECT

FREQUENTLY ASKED QUESTIONS - ISSUE #2

12. Is my view of the project taken into consideration in design?

Yes – we will be working to minimize the visibility of the project for all community members.

A visual impact assessment, including the identification of visually sensitive areas, has been performed to determine the extent and assess the significance of project visibility. The Towns of Root and Canajoharie have also been consulted to accurately determine sensitive visual areas and other areas of importance to the community.

Based on the visual impact assessment, and in accordance with §1100-2.9 pf the Article VIII regulations, Cordelio will submit a Visual Impacts Minimization and Mitigation Plan as part of its application. It will contain visual minimization and mitigation measures, a lighting plan, and screen planting plans.

13. What impact will the project have on wildlife?

Cordelio has worked diligently to ensure the Flat Creek solar project will have minimal impacts to local wildlife. As part of the siting process, we are consulting with state and federal agencies and stakeholders, including the Office of Renewable Energy Siting, NYS Department of Public Service, NYS Department of Environmental Consideration, NYS Department of Agriculture and Markets, and the U.S. Fish and Wildlife Service to ensure that potential environmental impacts are fully considered in the project design. Studies to help assess potential impacts include seasonal avian studies, sensitive wildlife surveys, and wetland and habitat delineations. The information gathered from this comprehensive coordination and review is used to inform final siting and design as well as various resource management plans and environmental protection measures to avoid, minimize or mitigate impacts to wildlife.

Exhibit 11 of the Article VIII application (Terrestrial Ecology) will include an analysis of the potential impacts to local wildlife, wildlife habitats, and wildlife migration corridors that may result from the construction and operation of the project. In addition, Exhibit 11 will identify and assess avoidance and minimization measures we are taking to reduce potential impacts on local wildlife and wildlife habitat.

The operation of the Flat Creek solar project will produce no pollution or emissions. **Native vegetation can grow under the panels**, which can provide pollinator habitat and food sources for local wildlife. Vegetation management concepts, such as integrated vegetation management, sheep grazing, and pollinator friendly practices, provide opportunities to promote beneficial plants species and enhance habitats on the site.

Fencing, a security measure put in place in accordance with industry best practices, will be limited to areas around panels and the substation. Collection easements between panel areas will not be fenced, which maintains corridors for larger wildlife movement through the project area.

14. What happens if the landscaping doesn't survive?

In accordance with the requirements of §1100-6.4 of the Article VIII regulations, Cordelio will work with a qualified landscape architect, arborist, or ecologist to inspect the screening plantings following the installation to identify plant material that did not survive, appears unhealthy, and/or otherwise needs replacement. Unsuccessful plantings will be removed and replaced upon discovery.

15. Will the Flat Creek solar project cause my property taxes to go up?

No – the project will not result in an increase in property taxes. The economic effects of the project are solely positive. The project will make annual payments to the towns of Root and Canajoharie, providing the towns with substantial resources to direct toward public safety, road upgrades, and other infrastructure improvements without needing to raise property taxes. In addition, the project will reduce utility bills for town residents by \$1.5 million per year for the first 10 years of operation.

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16. Does the Flat Creek solar project have the right of eminent domain?

No, Flat Creek does not have the right of eminent domain and receipt of a permit through the Article VIII (formerly 94(c)) process does not grant any rights of eminent domain to private entities such as Flat Creek. Flat Creek has, and will, secure all land rights for the project through voluntary contractual agreements with landowners who are interested in participating in the project.

17. Will the Flat Creek solar project make noise?

Some local noise will occur during the construction phase of a solar project (trucks, pile-driving, etc.). Over the operating life of the project, there will be minor sound emissions during the day, mainly from power inverters (that change DC current to AC current) and the substation equipment. The project will be dormant and completely quiet at night.

As part of the Article VIII application process, Cordelio will submit a detailed study of the potential noise impacts associated with the construction and operation of the facility. The results of the study will assess expected noise levels and establish that the project will meet New York State standards, which have been determined to minimize potential adverse impacts associated with construction and operation of the Flat Creek solar project. The Article VIII regulations require that noise levels are at or below 45 dBA for non-participating residents, 55 dBA for participating residences, and 55 dBA at most property boundaries.

18. Are local communities receiving energy credits to reduce local customer electricity bills?

The Public Service Commission requires that owners of major renewable energy projects that execute renewable energy contracts with NYSERDA provide a host community benefit known as the "utility bill pay program." Under this program, the project would pay \$1.5 million (\$5,000 per MW of project size) in utility bill credits for residents of the towns of Root and Canajoharie over the first 10 years of project operations. These credits would be used to offset utility bill amounts in the community.

19. Can solar panels be recycled?

Solar PV panels typically consist of **glass**, **polymer**, **aluminum**, **copper**, **and semiconductor materials**. Recycling technologies have emerged in the last several years that have enabled these materials to be recovered and recycled at the end of their useful life. PV solar panel recycling technologies have been shown to <u>recover over 95% of semiconductor materials and</u> **over 90% of the glass in the panel**. In other cases, solar PV components can be reused or refurbished to have a <u>second life</u> **of generating electricity**. The industry continues to work with recycling partners and to research and explore <u>additional</u> **cost-effective recycling technologies**.

20. Have archaeological studies been completed for the project?

Archaeological surveys are required in accordance with §1100-1.3(h) of the Article VIII regulations. The project has already submitted a Phase IA study and a Phase IB field study to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and the State Historic Preservation Office (SHPO) for review. Project design and construction practices will take into consideration avoidance or mitigation for any archeological sites found within the project area. The results of all archaeological and cultural studies will be reviewed, and an effects determination will be included in the project's Article VIII application, as required by §1100-2.10 of the Article VIII regulations.

21. How will the project affect hunting?

The Flat Creek solar project will not impact ongoing hunting activities on land that is not participating in the project, and there are no restrictions or setbacks that could impact hunting on non-participating properties. Hunting activities where active construction is occurring will be temporarily suspended, but only on participating landowner property. Cordelio will coordinate with participating landowners to ensure hunting activities are conducted in a safe manner while construction workers are on site.

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Information & Updates about the Flat Creek solar project

IN THIS ISSUE

"Article VIII" Explained

Project Updates

- Community Meeting
- Public Notice of Intent
- Local Agency Consultations
- Spring Permitting Work
- Cordelio in the Community
- Next Steps

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"Article VIII" Explained

Article VIII is the portion of the of the Public Service Law that guides the permitting process for all large renewable projects. In April 2024, the Renewable Action through Project Interconnection and Development (RAPID) Act took effect with the following actions:

- Repealed the previously applicable Section 94-c
- Replaced the former Public Service Law article VIII with a new one Siting of Renewable Energy and Electric Transmission (Article VIII)
- Transferred the Office of Renewable Energy Siting (ORES) to the Department of Public Service

WHAT DO THESE CHANGES MEAN?

These changes have no major effect on the Flat Creek solar project. The RAPID Act moved ORES from the Department of State to the Department of Public Service. ORES still oversees the permitting processes for major renewable facilities and has assumed control of all existing functions, powers, duties, and obligations related to major electric transmission siting.

The former 94-c regulations have been transferred and continue in full force under Article VIII. The intent is the same – to permit and advance renewable energy projects while making sure such projects are mindful of costs and environmental impacts.

Project Updates

PUBLIC NOTICE OF INTENT

In January 2024, Cordelio published a 60-day Notice of Intent to file an application for the Flat Creek Solar project. The notice was published in the local papers and posted on the project website, and you should have received a copy of it in the mail. This state-required notice announced that no sooner than 60 days from the date of publication, we will file an application with ORES seeking a siting permit to authorize the construction and operation of the Flat Creek solar project.

The state of New York requires that we also send an additional notice of filing to everyone on the notification list three days prior to the application filing (this notice must also be published in local newspapers and posted on the project website). Once the Article VIII application has been submitted to ORES, a copy of it will be available on the project website, at the Root and Canajoharie town offices, and at the Canajoharie Library.

At this time, we anticipate that the Flat Creek application with be filed in early August 2024.

COMMUNITY MEETINGS

In February 2024, Cordelio held its first community meeting to introduce the Flat Creek solar project to the Root and Canajoharie communities. The meeting was an open house-style format, with informational boards containing project, permitting, and environmental details. Project representatives and subject matter experts were on hand to walk individuals through the information and answer questions.

In April 2024, we held a second community meeting at the Canajoharie Volunteer Fire Department to discuss the Flat Creek solar project. While there, we gave attendees an update on the project, explained the comprehensive studies that have been completed to satisfy the Article VIII requirements, and participated in a live, 3+ hour Q&A session.

We greatly appreciate the many project stakeholders who took time to show up and attend one or both meetings – thank you! If you were unable to make the meetings, the materials are available on the project website. We also encourage you to reach out to us directly with any questions you may have.

LOCAL AGENCY CONSULTATIONS

On January 24 and 25, 2024, Cordelio, along with our environmental consultants and legal support, held a preapplication consultation meeting with Root and Canajoharie officials to discuss the Flat Creek solar project permit application. At the meeting, we presented a detailed map of the project layout, and we discussed the local laws that apply to the construction, operation, maintenance, and decommissioning of the project. We also outlined our efforts to comply with local laws, including a few exceptions we will need to make the project viable.

At the meeting, we walked through specific application exhibits that require local agency input, and we explained how the towns and others can request local agency account funding to offset expenses the towns and other agencies may incur by participating in the public involvement process once the Flat Creek solar project application has been filed.

YOUR QUESTIONS, ANSWERED

What is "intervenor funding"?

"Intervenor funding" is money that all Article VIII participating projects make available to qualified, locally affected parties and municipalities to offset certain expenses they might incur by participating in the state permitting process. These funds are meant to encourage early and effective public involvement in project development and permitting. Under Article VIII, 75% of these funds are reserved for municipalities.

Upon filing its Article VIII application, Flat Creek Solar will post an intervenor fund in the amount of \$300,000 (or \$1,000 per megawatt of capacity). Qualified local parties can apply for these intervenor funds within 30 days of Article VIII application filing.

Applications for intervenor funds can be emailed to general@ores.ny.gov or mailed to:

New York State Office of Renewable Energy Siting Attention: Request for Local Agency Account Funding Empire State Plaza 240 State Street P-1 South, J Dock Albany, NY 12242

Cordelio In the Community

We were pleased to recently provide contributions to the Canajoharie Police Department and the Ames Volunteer Fire Department. If there are any local events or organizations you think we should get involved with, please let us know.

About this Newsletter

We intend to provide project updates to you via these newsletters as the project progresses through development and into construction. Our forecasts of timing in these newsletters represents our best estimate as of the date of the newsletter, and may be subject to change.

You have received this newsletter because you are on the Notification List for the Flat Creek solar project. If you are not interested in receiving subsequent newsletters, please let us know at **flatcreekinfo@cordeliopower.com**

Follow Us on Facebook!

Follow the Flat Creek Solar Facebook page to find up-to-date information about the project. Search for Flat Creek solar project and follow or like the page to keep up with the latest project developments.

Flat Creek Solar c/o Cordelio Power 55 Fifth Avenue Suite 1805 New York, NY 10003

INFORMATION & UPDATES ABOUT

FLAT CREEK SOLAR PROJECT

Questions submitted during the Flat Creek solar project live Q&A Community Meeting on April 17, 2024

QUESTIONS ADDRESSED TO THE PANEL IN REAL TIME

Speaker unknown:

- 1. My main concern is water flow. What would you do for people that lose their water supply?
- 2. Do the panels crack?
- 3. Who is responsible for my property value tanking?
- 4. What are the efficiency of the panels?

From Susan Mallory:

- 5. How many solar facilities has SunEast developed?
- 6. Each development has been its own LLC, is that because of liability issues?
- 7. If there is a catastrophic failure, are we only protected by the LLC asset?
- 8. Has the panel of speakers ever sold a project?
- 9. Can a landowner still buy and sell their property?
- 10. Can a landowner get a mortgage?
- 11. Is the lease renegotiated for a new landowner?
- 12. How was this project originated?
- 13. If this location isn't efficient, why is it being built?
- 14. Who is responsible for liability insurance?
- 15. Are landowners required to carry their own liability insurance?
- 16. Is it typical that projects cover two towns?
- 17. How many full-time jobs will the project create?
- 18. Will locals be hired for the jobs?
- 19. If there are no qualified locals to do the job, will you train them?
- 20. Who monitors the hail?

From Claude Pietrowicz:

- 21. Can someone break their contract?
- 22. What are the poles in the ground made of?
- 23. How do first responders get to the facilities through deep soil?
- 24. Is there PFAs in anything you are using?
- 25. How many acres of prime farmland will the project use?
- 26. Why are you building so close to a breeding ground for grouse? Ponds were put in by the USDA.

From Jen Stein:

- 27. If wells are damaged, who is liable?
- 28. Who is liable if a fire happens?
- 29. Who is double checking the take surveys? There are no residents that can check the work there are eagles out there.
- 30. If you are granted a take permit, are you able to relocate the eagles?

- 31. How will this affect hunting?
- 32. How will non-participating residents going to be made aware of project changes?
- 33. How can people be assured that soil is not compacted?
- 34. What protections are put in place for archaeological finds?
- 35. Notes on property values: My realtor told me that my property value would drop 35% because of the panels and only 1 in 30 buyers would be interested in a house near a solar project. My realtor gave a presentation about the decrease in property values due to the solar project.
- 36. How long has Flat Creek been in business?
- 37. How many solar projects have you permitted and built?
- 38. Who owned the leases before SunEast?
- 39. What happens when fire goes towards a town if batteries or panels burn?
- 40. How long is the life of the lease?
- 41. How long until land can be used after decommissioning?

From Leonard Lloyd:

- 42. Are you testing for water in the soil? For water in the wells?
- 43. After panels have been taken down, who is in charge for 35-40 years after?

From Faye Meade:

- 44. Comment: Do not call this a solar "Farm", it does not meet the definition of farm.
- 45. Note: Expressed upset that Greg asked her to look for eagles and indicated that we should have found all five nests.
- 46. What are you going to do about drainage tile to ensure it still properly functions?
- 47. Concern: Expressed concern about whatever slow growing seed mixture the project will use and about the wind blowing and the seeds pollinating elsewhere, particularly if it includes milkweed since her family has spent thousands to remove milkweed. She asked to be notified what will be used.
- 48. What are your plans for Lincoln Road, Canyon Road and Lookout Road? These are all single lane farm roads where residents use radio calls to communicate.

From woman who worked with local law firm:

- 49. Comment: People feel powerless because local laws can be overridden. People want to see setbacks respected.
- 50. Comment: Nobody made the project in the town of Sharon comply with plans. Towns need money to hire engineers to inspect compliance.
- 51. Comment: Don't use seasonal dirt roads. Don't use them in the winter.

From Cindy Jacksland:

- 52. Comment: Only half of the residents received the notice for this meeting.
- 53. Is construction plan public?
- 54. Are you familiar with the term incurable defect as it relates to property?

From Lynette:

55. What does Cordelio consider a safe distance to live from panels? Expressed concern that people should live 1-2 miles from solar projects because the projects cause behavioural issues and anemia in children.

From Robert Moore (student representative):

56. Have you reached out to consult students? Come to the school and do a presentation?

QUESTIONS SUBMITTED IN WRITING

From Gary Aney:

- 57. Where are the panels and the replacement parts from? (asked to the panel)
- 58. Is the 10% credit on bill just delivery charge or the entire bill?

From Lester Walker III:

- 59. How can you site panels on pipelines and along a creek? (asked to the panel)
- 60. I thought plastic is bad for the environment (PFAs covered in a previous question)

From Carl Nasse:

61. What reserves are set aside in a trust for cleanup and restoration of the land if the solar company files bankruptcy? (asked to the panel)

From Les Chase:

62. How is the area maintained? Will pesticides be used, and will a landscaping company be hired to keep it tidy? (asked to the panel)

No name included on comment card:

63. Why isn't this project considered Industry for assessment? (asked to the panel)

No name included on piece of paper:

- 64. You mentioned \$16.6 million to Canajoharie School District over 20 years. What type of funds are these? If this isn't done as an educational contribution it will affect our school taxes. (asked to the panel)
- 65. Have you met with the school boards and Fort Plain and Canajoharie could merge so will you include the Fort Plain board as well? (asked to the panel)

From Elizabeth Aurand:

- 66. Will towns/villages be compensated for the wear and tear on the roads and bridges? (asked to the panel)
- 67. Will homeowners impacted by the view of solar panels be compensated for the loss of view? (did not ask the panel)

From Dominic Miele – received via email prior to the meeting:

- 68. Has the scope of the project changed recently and if so, how did it change? (asked to the panel)
- 69. Is there a new map for these changes and can you provide one to each of us? (covered in meeting presentation, which is available on the website/copies have been delivered to the Amish)
- 70. When you have meetings with the town, are they combined, or have you been dealing with each town separately? (asked to the panel)
- 71. In regard to this project,
 - a. What type of soils do you generally prefer to work in? (soil information contained in a previous response and in FAQ on website/delivered to Amish)
 - b. Are there still two projects? (asked to the panel)
 - c. Will you be trying to make this project bigger? (asked to the panel)
- 72. Has Cordelio or any affiliated companies in this project made campaign contributions to any politicians in NY? (did not ask panel determined this was not relevant)
- 73. Will you be using direct buried cable between panels, inverters, and the substation? (asked to the panel)

From Patti Pietrowicz – received via email prior to the meeting:

- 74. How are the intervenor funds being broken up between the two towns? (asked to the panel)
- 75. Is there a formula that is used for what goes to the town and what goes to private intervenor groups? (asked to the panel)
- 76. Would it be possible to double the intervenor funding so we don't have to use money out of our own pocket? (asked to the panel)
- 77. Do any of the areas you're working in require a wetlands permit? Have or will you acquire it/them if so? (wetlands addressed in a previous response and in FAQ on website/delivered to Amish)
- 78. Where the access roads cross what you've marked as wetlands, will there be a culvert underneath the road so it doesn't pond up and create an environment for mosquitos to breed? (asked to the panel)
- 79. Will you be setting up a fully funded account paid for by Cordelio with a testing lab where residents can have their water tested yearly at no cost to the resident if they so choose? (water contamination covered at length in a previous response and in FAQ on website/delivered to Amish)
- 80. Most of these fields will be draining into creeks that wind up in the Mohawk River. How often will you be testing the water in the creeks as it also ends up being someone's drinking water along the way? (asked to the panel)
- 81. Are you able to absolutely 100% able to guarantee that you will not affect anyone's drinking water in any way? (water contamination covered in a previous response and in FAQ on website/delivered to Amish)
- 82. Is there a set list of penalties/fines for working outside the parameters/violating your permit? (asked to the panel)
- 83. What are you trying to accomplish with this project is it to reduce carbon footprint and greenhouse gasses? Wil the landowners by their contract still be allowed to keep cows as this would seem counterproductive to what you are trying to accomplish as a single cow

can produce upwards of 200 lbs of methane gas per year, thus cancelling out the good of your project. (did not ask the panel – inflammatory and irrelevant)

From Nicholas Campiglia – received via email prior to the meeting:

- 84. What is the plan for week control (asked to the panel)
- 85. Who is paying the taxes for damage to roads? (road damages covered in a previous response)
- 86. What is your fire control plan (asked to the panel)
- 87. Comment: Worried about our Amish who have started to revitalize the project area
- 88. Will property values be impacted (covered in a previous response and in FAQ on website/delivered to Amish)
- 89. Are you a US company? (Cordelio information covered during the presentation and in a previous response)

From Roland Vinyard – received via email prior to the meeting:

- **90.** How much will Cordelio be bonded for? (decommissioning security and insurance covered in previous responses and in FAQ on website/delivered to Amish)
- 91. What assurances do we have that Cordelio will remain in business for the duration of the project? (asked to the panel)
- 92. If they go bankrupt or close down, who's left holding the bag? (decommissioning security covered in a previous response and in FAQ on website/delivered to Amish)
- 93. How much of the project will be Cordelio-owned land vs leased land? (asked to the panel)
- 94. Regarding screening (landscaping covered in meeting presentation and FAQ, which are available on the website/copies have been delivered to the Amish)
 - a. What kind of trees will you use
 - b. How many rows around the perimeter
 - c. Will they create shadows on the panels
 - d. How large will they be when planted
 - e. Do you intend to water them periodically
 - f. Will the trees that die be replaced
- 95. Will grass be planted under the panels to control potential erosion? (erosion/vegetation covered in a previous response and in FAQ on website/delivered to Amish)
- 96. How will you control the gras and bushes that grown on project land? (asked to the panel)
- 97. Will panels be high enough so that animals can graze under them if so, what kind of animals are we talking about?
- 98. Are there safety issues involved for children or pets? (safety covered in a previous response and in FAQ on website/delivered to Amish)
- 99. Was consideration given to quality of soils under the panel?
- 100. Are panels glass or plastic faced, and how breakable are they? (asked to the panel)
- 101. What happens on leased land after the project is over, will the leases be renewed? (asked to the panel)
- 102. What is the useful life of the panels (asked to the panel)
- 103. Who is responsible for removing the panels and restore the land? (decommissioning covered in previous response and in FAQ on website/delivered to Amish)
- 104. Are dangerous substances used to manufacture the solar panels? (safety covered in a previous response and in FAQ on website/copies have been delivered to the Amish)

From Jen Stein – pulled from list of questions I was handed; the below were not asked by Jen when it was her turn to speak:

- 105. What is your plan to implement a cybersecurity plan in line with industry standards? Do you plan to hire and train someone locally who will have physical access to controls and incident response plans and be able to properly manage assets and removeable media? (emergency response covered in a previous response)
- 106. How will unavoidable and possible impacts on neighboring agriculture be minimized and mitigated? (impacts to agricultural covered in a previous response and in FAQ on website/delivered to Amish)
- 107. What assurances will be in place for winter conditions in the event emergency personnel need to have access? The towns are not responsible for maintaining personal driveways, so what plan will be in place to maintain access roads without using town equipment as this is not a responsibility that should be paid using tax dollars? (fortifying roads covered in a previous response)
- 108. Regarding environmental justice, who is in charge of making sure that this project is reducing the negative effects as much as possible? (did not ask to panel question unclear)
- 109. Has anyone from SunEast reached out to the Amish community what is being done to lessen the impact on them?
- 110. How can citizens be assured that the land being used will be returned to its former state? (decommissioning and restoration covered in a previous response and in FAQ on website/delivered to Amish)

From Sandra Atchinson:

- 111. Who is responsible for repairing the panels if damaged by wind, hail etc.? (asked to panel)
- 112. Will the panels have hailstorm capability? (asked to the panel)
- 113. Will the project need noise mitigation? (asked to the panel)
- 114. Will the panels have lead or cadmium? (asked to the panel)
- 115. Why was there a well survey? (asked to the panel)
- 116. How far away should the panels be from residences and wells? (setback distances covered in a previous response)
- 117. If the Town Board votes down the installation can the state override them? (state siting process covered in meeting presentation, which is available on the website/copies have been delivered to the Amish)
- 118. Is this project a done deal no matter what? (state siting process covered in meeting presentation, which is available on the website/copies have been delivered to the Amish)
- 119. How much of the generated electricity will the town receive? (not asked to the panel)

From Suan Mallery – pulled from list of questions I was handed; the below were not asked by Jen when it was her turn to speak:

120. Have any operational installations or partially developed installations (by SunEast of parent co/subsidiaries) been sold or transferred ownership? (covered in a previous response)

- a. If yes, how does this affect PILOT/HCA agreements with local tax entities? (not asked to the panel)
- b. Are the original terms legally binding to the new owner/lessee (transfer of ownership covered in a previous response)
- 121. What happens if a landowner dies and the estate is required to be split between multiple parties (covered in a previous response)
- 122. How were the sites for the panels chosen? Some are steeply sloped and northfacing. (asked to the panel)
- 123. Has SunEast or subsidiaries had any legal action filed against them as a result of development or other issues? (covered in a previous response)
- 124. If there is injury or damage to adjacent landowner or property due to negligence during installation, who is responsible? (liability insurance covered in a previous response)
- 125. Is it common that one township is participating in PILOT and adjacent township in the same project is not? (not asked to panel)
- 126. Are the PILOT/HCA agreements dependent on actual output? (not asked to panel)
- 127. By what means to you provide decommissioning funding? (financial security covered in a previous response)
- 128. What is the minimum height/weight required for construction equipment to travel down our roads? (not asked to the panel speculative)

From Anonymous:

129. What would stop your company in its tracks and prevent this project (not asked to the panel – inflammatory)

From Steve Helmin – I held these until the end because Steve does not live in the project area, and by the time the residents' questions were exhausted, Steve had already left:

- 130. Sun East's RFP award for REC strike price for Flat Creek 1 was \$55.95/MWh. Sun East cancelled the project to request more money. Approx. what REC strike price do you expect to get for the project?
- 131. How much do you expect to gross each year?