FLAT CREEK SOLAR

Permit Application No. 23-00054

§ 1100-2.3 Exhibit 2

Overview and Public Involvement

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Acronym List

AC	Alternating current
BMPs	Best Management Practices
BGS	Below grade surface
BBS	Grassland breeding bird surveys
CES	Clean Energy Standard
CCSD	Canajoharie Central School District
CLCPA	Climate Leadership and Community Protection Act
CWA	Clean Water Act
DC	Direct current
EAF	Environmental Assessment Form
ERM	Environmental Resource Mapper
FAQ	Frequently Asked Questions
HCA	Host community agreement
HDD	Horizontal directional drilling
kV	Kilovolt
LOD	Limit of Disturbance
LOS	level of service
MSG	Mineral Soil Groups
MVPS	Medium Voltage Power Station
MW	Megawatt
NCBP	Net Conservation Benefit Plan
NEC	National Electric Code
NERC	North American Electric Reliability Corporation
NPCC	Northeast Power Coordinating Council
NYBBA	New York Breeding Bird Atlas
NYISO	New York Independent System Operator
NYNHP	New York Natural Heritage Program
NYPA	New York Power Authority
NYSDAM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
NYSDPS	New York State Department of Public Service
NYSRC	New York State Reliability Council

OPRHP	Office of Parks, Recreation, and Historic Preservation
ORES	Office of Renewable Energy Siting and Electric Transmission
OS/OW	Over-sized/overweight
PILOT	Payment in lieu of taxes
POI	Point of interconnection
PSL	Public Service Law
PV	Photovoltaic
Q&A	Question and Answer Session
RTE	Rare, threatened, and endangered
RUAs	Road Use Agreements
SEP	New York State Energy Plan
SHPO	State Historic Preservation Office
SPCC	Spill Prevention, Control and Countermeasure Plan
SPDES	State Pollutant Discharge Elimination System
SSC	Species of special concern
SWPPP	Stormwater Pollution Prevention Plan
TWT	The Wetland Trust
USCs	Uniform Standards and Conditions
USFWS	United States Fish and Wildlife Service
VIA	Visual Impact Assessment
VSA	Visual Study Area
VIMMP	visual impact minimization and mitigation plan
WRS	Winter raptor surveys

Glossary Terms

Applicant	Flat Creek Solar NY LLC, a subsidiary of Cordelio Power LP, the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting and Electric Transmission (ORES) under Article VIII of the New York State Public Service Law.
Facility	Flat Creek Solar, a 300 MW solar generating facility located in the Towns of Root and Canajoharie, NY. The proposed Facility components to be constructed for the generation, collection, and distribution of energy for Flat Creek Solar include solar panel modules, electrical collection system, collection substation, point of interconnection (POI) switchyard, access roads, laydown/staging areas, and other ancillary facilities.
Facility Site	The participating parcels encompassing Facility components, which totals approximately 3,794 acres in the Towns of Canajoharie and Root, Montgomery County, New York (Figure 2-1).
Study Area	The Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses approximately 108,667 acres, inclusive of the approximately 3,794-acre Facility Site.
Limit of Disturbance (LOD)	The area to which temporary construction impacts will occur, totaling approximately 1,637 acres.

Exhibit 2: Overview and Public Involvement

This Exhibit provides information required in accordance with the requirements of §1100-2.3 of the Article VIII Regulations.

As shown throughout this Application, the construction and operation of the Flat Creek Solar Facility (Facility) will help New York State reach its goal of providing 70% carbon-free energy by 2030 and improve the sustainability of New York's energy infrastructure. Flat Creek Solar NY LLC (the Applicant) has worked diligently over the past several years to site and design a Facility that adheres to the Article VIII (former Section 94-c) Regulations and Uniform Standards and Conditions (USCs) while limiting impacts to the environment and local communities and providing opportunity for numerous benefits locally, regionally, and through the contribution of 300 MW of renewable energy to the State of New York.

The Facility will have numerous benefits and minimal impact on neighboring landowners, nearby communities, and surrounding landscapes. The proposed Facility will be relatively low in height, will not emit air or water pollution, will have no odors, and will produce minimal noise. The Facility will also use a variety of fencing, screening, and landscape strategies to preserve existing viewsheds and maintain the rural character of the surrounding area. Construction of the Facility is expected to produce minimal traffic through the Towns of Root and Canajoharie in Montgomery County, New York, which will only occur during construction periods.

The Facility will support stakeholders and the local community by deploying clean, renewable energy and enhancing economic development. Additionally, the Facility will create opportunity in the local region for construction, operation, and maintenance jobs, as well as expenditures for supplies and materials, lease payments to participating landowners and tax payments to the local communities. These transactions will directly contribute millions of dollars to the Towns, Montgomery County, to the Canajoharie Central School District (CCSD), and fire districts in the form of payment in lieu of taxes (PILOT) agreements and host community agreements (HCA).

Additionally, the Applicant has conducted various surveys throughout the Article VIII (former Section 94-c) process to assess environmental and community impacts, as well as aesthetic and visual impacts to the area surrounding the Facility. As described throughout the Application, impacts related to the Facility are minimal and will be outweighed by the benefits of the Facility.

2(a) Brief Description of the Proposed Facility

The Applicant (Flat Creek Solar NY LLC) is proposing to construct the Flat Creek Solar Facility (the Facility) in the Towns of Root and Canajoharie in Montgomery County, New York (Figure 2-1). The Facility will be capable of generating 300 megawatts (MW) alternating current (AC) of photovoltaic (PV) clean, renewable energy and will be located on private land that is primarily rural in nature. The Facility's Limit of Disturbance (LOD) will encompass approximately 1,637 acres of the 3,794-acre Facility Site.

Proposed Facility components include utility-scale solar arrays, access roads, inverters, buried collection lines, a collection substation, a generation tie (gen-tie) line and point of interconnection (POI) switchyard, as well as temporary laydown areas. Solar PV arrays and Facility components will be enclosed within woven wire security fencing. The Applicant intends to construct, own, operate, and maintain all components of the Facility aside from the POI switchyard and interconnection tap lines, which will be transferred to the New York Power Authority (NYPA) upon operation. Locations and specifications for solar modules and other Facility components are included in Appendix 5-3 (*Site and Array Plans*). The collection substation will collect the power generated from the solar modules via underground, 34.5 Kilovolt (kV) collection lines located throughout the Facility. Ultimately, the Facility is intended to interconnect to the existing 345 kV NYPA Transmission Line #352.

Definitions to be used throughout this Article VIII Application are identified below:

- **Applicant:** Flat Creek Solar NY LLC (the Applicant), a subsidiary of Cordelio Power LP, is seeking a siting permit for the Flat Creek Solar Facility (Facility) from the Office of Renewable Energy Siting and Electric Transmission (ORES) under Article VIII of the New York State Public Service Law (PSL).
- **Facility Site:** The parcels encompassing Facility components total 3,794 acres in the Towns of Root and Canajoharie, Montgomery County, New York (Figure 2-2). This acreage includes the total acreage of any parcels on which the Applicant holds either a full lease agreement to host solar facilities, an easement agreement on a portion of a parcel to host electrical facilities, or an option to purchase agreement for interconnection facilities that will ultimately be transferred to NYPA. As shown throughout the Application, the portion of the Facility Site that is available to the Applicant for

development of the Facility is limited by landowner exclusion areas, environmental constraints, and technological factors.

- **Facility:** The proposed components to be constructed for the collection and distribution of energy for the Facility, which includes solar arrays, inverters, electric collection lines, access roads, fencing, collection substation, POI switchyard, and the proposed interconnecting tap lines between the POI switchyard and the existing NYPA 345 kV
- **Limit of Disturbance (LOD):** The total area to which construction impacts will be located, totaling approximately 1,637 acres.
- **Study Area:** The Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 108,667 acres, inclusive of the 3,794-acre Facility Site.

The Facility is estimated to generate enough renewable energy to power up to 36,975 New York State households. The Facility's size, location, and interconnection make it an economical resource, allowing the Facility to provide New York State with affordable, renewable energy. The Facility is compatible with New York State policies mandating the generation of electricity from renewable energy, including the 2015 New York State Energy Plan (SEP), the Clean Energy Standard (CES), and the Climate Leadership and Community Protection Act (CLCPA) of 2019. The Facility aligns with the energy policies of New York State and will contribute to lowering greenhouse gas emissions, which directly aids in efforts to end climate change and improve overall environmental well-being. Exhibit 17 of this Application (*Consistency with Energy Planning Objectives*) includes further discussion of the Facility's compatibility with state regulations and energy goals.

The solar module specification, solar array locations, and related infrastructure are included as Appendix 5-3 within Exhibit 5 (*Site and Array Plans*). The collection substation will accumulate the power generated from the solar modules via collection lines located throughout the Facility and deliver power to the transmission grid.

Solar Arrays and Racking System: The Applicant will use a solar module similar to the JinKO Solar Tiger Neo N-type 72HL4-BDV 550–570-Watt Bifacial module with Anti-Reflection Coating. The Facility proposes to install solar modules on a tracker racking system similar to the NexTracker NX Horizon system. Specification sheets for the modules and racking system are

included in the Site and Array Plans (Appendix 5-3 of Exhibit 5) for the Facility. The maximum height of the solar array panels is anticipated to be 10 feet from finished grade, inclusive of the racking system.

Collection Lines: The 34.5 kV collection lines will connect the solar arrays with the Facility collection substation. The total length of the collection line cable being included as a part of the Facility is approximately 290,000 linear feet (54 miles). This includes several instances where collection lines are co-located. Collection lines will be installed underground at a depth of approximately three feet below grade surface (bgs) for standard installation and ten feet bgs for deeper installation, such as at roadway crossings. Specific installation methods, as well as collection line arrangement, are shown on the Site and Array Plans (Appendix 5-3).

Inverters: A total of 79 inverters will be located within the Facility Site, interspersed throughout the solar arrays. Their purpose is to convert direct current (DC) electricity generated by the solar modules into AC electricity. Cables from the solar modules are run to the inverters using a CAB© cabling system and/or underground lines. From the inverters, underground collection lines convey electricity to the Facility collection substation, POI switchyard, and ultimately to the existing electric transmission system. The Applicant intends to use an SMA Medium Voltage Power Station (MVPS) 4000-S2-US/4200-S2-US/4400-S3-US/4600-S2-US, or a similar inverter.

Collection Substation: The 34.5 kV collection lines within the Facility Site will gather power from the solar arrays and transport it to a new collection substation that will step up the voltage to 345 kV. The collection substation is approximately 1.9 acres in size and will be located adjacent to the POI switchyard in the central portion of the Facility Site. The collection substation will be owned by the Applicant. Access to the collection substation will be via Hilltop Road from the west or Rappa Road from the east, in the Town of Root.

Interconnection Facilities: The Facility's POI switchyard will be located immediately adjacent to the collection substation to be constructed for the Facility. The collection substation and POI switchyard will be connected by one 130-foot length gen-tie line. From the POI switchyard, the Facility will interconnect to the existing NYPA 345 kV Transmission Line #352. The POI switchyard and collection substation will be accessible from both Hilltop Road from the west and Rappa Road from the east. The new proposed interconnection lines will consist of two 230-foot long 345 kV transmission lines (tap lines) that will originate from the POI switchyard and tap into the existing New York Power Authority 345 kV Transmission Line #352 (see Figure 2-1).

Access Roads: The Facility will install permanent access roads within the Facility Site to access solar arrays, inverters, and proposed collection substation and POI switchyard. These roads will be impervious access roads with a width of 20 feet. Limited use pervious access roads will also be installed at road turnarounds at the ends of access roads. These turnarounds are symbolized on the Design Drawings (Appendix 5-1) in green hatching and details are included on Sheet C-106-02. Final Facility access roads will be used for operation and not used for heavy construction equipment. The final Facility will consist of 74,744 linear feet or 14.16 miles of permanent access roads. Access roads will originate from several public roads as noted in Exhibit 16 (*Transportation*).

Fencing: Security fencing will be placed around the perimeter of Facility components and the collection substation and POI switchyard. Fencing surrounding Facility components will consist of woven wire fencing with evenly spaced galvanized (gray) metal posts. Fencing will be located a minimum of 16 feet outside of all PV array areas and will be 7 feet in height, consistent with the requirements outlined in the National Electric Code (NEC). Security perimeter fencing for the collection substation and POI switchyard will be installed as required per regulatory standards. This fencing will consist of a seven-foot-tall chain-link fence with a one-foot-long extension arm for attachment of barbed wire, resulting in a total fence height of eight feet.

Fencing specifications regarding the collection substation and switchyard, and locations of fencing can be found on Sheet C-105-01 of Appendix 5-1 and Drawing No. FLCK-762 of Appendix 5-2.

Laydown Yards: On-site temporary construction laydown yards will provide space for construction office trailers, parking, and equipment staging areas during the construction of the Facility. Laydown yards will be removed following construction of the Facility and will not be required during operation.

The definitions and descriptions noted above will be used throughout the Exhibits, Appendices, and Figures which make up the Article VIII Application for the Facility. The following subsections include a material facts analysis which summarizes relevant sections of the Application and specific findings. This summary is intended to provide a clear, concise analysis of the potential impacts of the Facility to be considered by ORES when evaluating the suitability of issuing a siting permit for the Facility.

Material Facts Analysis: As required under Article VIII, the Applicant has prepared the relevant and appropriate studies and analyses to inform the completion of the 25 Exhibits and associated figures and appendices which comprise this Application. These analyses were performed within the Facility Site as well as specified Study Area distances in accordance with Article VIII (five-mile radius of Facility Site unless otherwise noted). The results of the appropriate studies are summarized below and support approval of a siting permit for the Facility by ORES under Article VIII.

The Applicant will further minimize, avoid, and mitigate impacts by adhering to the USCs (Subpart §1100-6 of the Article VIII Regulations) as discussed in the following sections. Per USC §1100-6.5, the Facility will be inspected annually, and any equipment replacement or updates to interconnection/Facility agreements will be subject to review and approval of ORES. In addition, the Applicant will comply with all applicable regulations, rules, guidelines, and standards set forth by the New York Independent System Operator (NYISO), the Northeast Power Coordinating Council (NPCC), the New York State Reliability Council (NYSRC), and the North American Electric Reliability Corporation (NERC). In the unlikely event of any incident related to facility malfunction or interconnection issues, the Applicant will communicate with the New York State Department of Public Service (NYSDPS) Emergency Line, ORES, NYISO, and NYPA, as appropriate.

Ecology and Land Use: The Applicant performed multiple ecological analyses, on-site evaluations, and conducted desktop research to document and evaluate the ecology at the Facility Site, including review of vegetative communities, ecological cover types, potential wildlife habitat, wetlands and water resources, as well as land uses and zoning districts, as applicable.

The Facility Site, which totals 3,794 acres, consists primarily of cropland/row crops and cropland/field crops, including pasture/hay, corn, and soy, (2,125 acres, 56%) and forested land (710 acres, 19%). Additionally, the Applicant identified and delineated wetlands and streams throughout the Facility Site, which included a total of 457.42 acres of wetlands and 11,226 linear feet of streams. These early field evaluations were used to inform preliminary siting efforts for the Facility, with an emphasis on avoiding unnecessary impacts to forested land, scrub-shrub and emergent wetland communities, streams and ponds, as well as interior forest tracts and young successional forest areas.

Solar panels will be primarily sited on land previously disturbed by agricultural activities. The Applicant focused on siting panels on contiguous parcels to the extent practicable to minimize fragmentation of habitats and land use types, avoid unnecessary interference with continuing agricultural operations, and reduce the total area that comprises the Facility. As a result, overall impacts to previously undisturbed areas have been minimized to the maximum extent practicable. Where tree clearing is required, contiguous areas of clearing are primarily areas containing hedgerows dividing upland fields, or surrounding areas to reduce shading or allow access to other upland portions of the Facility Site. Removal of interior forested hedgerows helps the Facility maximize the use of previously disturbed upland areas (e.g., agricultural land) while reducing impacts to larger forest communities. By focusing clearing efforts in these areas, fragmentation of forested habitat will be limited and impacts to forestland will not be widespread. In addition, the Applicant left existing hedgerows and vegetative barriers where possible to avoid off-site impacts to adjacent landowners and the need for additional landscape plantings by maximizing the use of existing vegetation. Additional information regarding tree clearing and landscaping mitigation can be found on the Design Drawings (Appendix 5-1). While approximately 135 acres of tree clearing will be required for the Facility, an additional 575 acres of forestland will remain within the Facility Site following construction of the Facility. The Facility Site was largely sited on land that is characterized with an agricultural cover type (cropland/row crops or field crops) totaling 1,268.4 acres (77% of the LOD). By siting on previously disturbed land to the extent practicable, the Facility minimized impacts to forest habitat.

Avoidance and minimization of impacts to ecological communities and vegetative covertypes on-site and off-site will also occur through implementation of the Facility's Stormwater Pollution Prevention Plan (SWPPP); included herein as Appendix 13-1 of Exhibit 13 (Water Resources and Aquatic Ecology), Best Management Practices (BMPs) for construction of solar facilities, the USCs associated with siting permits under Article VIII, and implementation of an on-site Environmental Monitor during construction and restoration activities. The Facility will also employ an Agricultural Monitor to oversee construction activities in agricultural land and ensure compliance with the New York State Department of Agriculture and Markets (NYSDAM) *Guidelines for Solar Energy Facilities – Construction Mitigation for Agricultural Lands* (Revised October 18, 2019). Per USC §1100-6.4 (s)(1)(ii), the qualified Agricultural Monitor will be hired from a third party and will oversee compliance with agricultural conditions and requirements.

Several USCs pertain specifically to the protection of ecological communities during construction and operation of the Facility and will be adhered to by the Applicant. Per USC

§1100-6.4(m), construction disturbances will not occur beyond the Facility Site; soil stabilization measures will be biodegradable; all vehicles and equipment will have a spill kit; construction debris will be disposed of appropriately; tree and vegetative clearing will be kept to a minimum and conducted appropriately; and trainings will be conducted to educate crews about invasive species, and how to report them to the New York State Department of Environmental Conservation (NYSDEC).

Wetland and Water Resources: As noted above, the Facility has been designed to avoid and minimize impacts to wetlands and water resources, including streams, to the maximum extent practicable. Through careful component siting and an iterative design process, the Applicant has avoided impacts to State-jurisdictional wetland resources to the maximum extent practicable. As shown on the Design Drawings in Appendix 5-1 and discussed further in Exhibits 13 (Water Resources and Aquatic Ecology) and Exhibit 14 (Wetlands), the Applicant has avoided impacts to 20 of the 26 State-jurisdictional wetlands (97.9%) delineated in the Facility Site. In addition to avoidance of 97.9% of the State jurisdictional wetlands within the Facility Site, the Applicant avoided impacts to 43 delineated wetlands outside of the currently proposed LOD including potential impacts to presumed State-jurisdictional wetlands located in areas that were originally considered for panel arrays. State-jurisdictional wetland adjacent area impacts were avoided to maximum extent possible and all impacts to upland adjacent areas are considered “Allowable” in accordance with the Article VIII Regulations. For the 6.08 acres of unavoidable wetland impact associated with the Facility, the Applicant has prepared a Wetland Mitigation Plan, included as Appendix 14-4 of this Application. This Plan outlines the Applicant’s due diligence and proposed in lieu fee mitigation option with The Wetland Trust (TWT) which is an operating and available mitigation bank in the same watershed as the Facility. Implementation of this mitigation strategy will replace the limited lost functions and values of the impacted wetlands on-site within the watershed. Further information on avoidance and minimization of wetland impacts as well as a discussion of impact types and mitigation requirements can be found in Exhibit 14 (*Wetlands*). The Applicant evaluated streams and other waterbodies in the Facility Site and during delineation efforts and identified 122 waterbodies. The need for stream crossings has been avoided to the maximum extent practicable through careful siting of Facility components, including access roads, and through implementation of horizontal directional drilling (HDD) where aquatic resources must be crossed. Per the ORES JD received on September 27, 2023, one stream (tributary to Flat Creek), identified as two

unique TRC ID's (S-EES-03 and S-RDS-06), is State protected under ECL 15-0505 as it is considered a Navigable Water.

Where Facility components are proposed to cross Flat Creek, including two underground collection line crossings and one access road crossing, impacts will be avoided or minimized to the extent practicable. Where the Facility crosses Flat Creek at TRC ID S-EES-3, several parallel collection lines will be installed via HDD. This crossing will occur where Flat Creek is approximately 19.34 feet wide. The proposed design for the crossing at TRC ID S-RDS-06 includes total impact of 211.13 linear feet due to access road construction (14.8 linear feet), grading (3.88 linear feet), culvert/bridge installation (9.11 linear feet), and LOD (183.27 linear feet). A single collection line will be installed via HDD under the stream. As described throughout Exhibit 13 (*Water Resources and Aquatic Ecology*) impacts to state-protected streams have been minimized and avoided through careful component siting and the implementation of proper setbacks. The proposed construction activities, including the culvert/bridge installation to cross Flat Creek are not subject to compensatory mitigation.

To ensure the protection of water resources at the Facility Site and in the vicinity of the Facility, the Applicant will obtain a Water Quality Certification under Section 401 of the Clean Water Act (CWA) prior to commencement of construction activities. As stated above, the Facility will also implement a SWPPP under the State Pollutant Discharge Elimination System (SPDES) General Permit for Discharges from Construction Activity (General Permit; GP-0-20-001 or current) to address the potential for offsite turbidity or discharges related to construction of the Facility. In areas where construction has been completed, restoration will promptly commence in accordance with the General Permit requirements. In addition, the Applicant will implement a Facility-specific Spill Prevention, Control, and Countermeasure Plan (SPCC) Plan to address the potential for the release of hazardous chemicals during construction and operation of the Facility.

Construction of the Facility will not require blasting, and no significant impacts to groundwater quality or quantity are anticipated to result from the Facility. Because it is required by the Article VIII regulations, as part of the evaluation in Exhibit 13, the Applicant reached out to landowners within 1,000 feet of the Facility with a water well survey to obtain information regarding the location, yield, use, and other information regarding the locations of well resources on-site. The Applicant will offer to conduct pre- and post-construction water well testing where required to ensure that Facility construction does not affect wells in proximity to the Facility construction.

Should the third-party testing conclude that the water supplied by an existing, active water supply well met federal (see 16 NYCRR 1100-15.1(j)(1)(i)) and state standards for potable water (see 10 NYCRR Part 75, Appendix 75-c) prior to construction, but failed to meet such standards post construction as a result of facility activities, the permittee will cause a new water well to be constructed, in consultation with the property owner, at least one hundred (100) feet from collection lines and access roads, and at least two hundred (200) feet from all other facility components. The results of such tests and reports shall be made available to the relevant municipalities upon request.

Per USC §1100-6.4 (p), wetlands, waterbodies, and streams will be more than 100 feet from all concrete washouts and equipment storage, refueling, washing, maintenance, and repair; and more than 300 feet from all fuel or other chemical storage. In addition, all fill will be clean; turbid water will not be allowed to enter wetlands, waterbodies, or streams; and HDD will be employed to the extent practicable.

Per USC §1100-6.4 (n)(2), no pier and post driving activities are proposed within 100 feet of any existing, active drinking water well, and the Applicant will engage a third party to conduct pre- and post-construction water quality testing Per USC §1100-6.4 (n)(iii). All construction activities completed within wetlands or adjacent areas will adhere to the requirements set forth in Per USC §1100-6.4 (q).

While the Facility was unable to completely avoid impacts to State-jurisdictional wetlands, the Facility will only impact 6.08 acres of the total 289.7 acres of wetlands within the Facility Site. The Facility avoided impacts to 97.9% of State-jurisdictional wetlands through the careful siting of Facility components. The Applicant is proposing a Wetland Mitigation Plan (Appendix 14-4) to further mitigate impacts to these wetlands.

Wildlife and Habitat: Based on Facility-specific information received from the New York Natural Heritage Program (NYNHP), NYSDEC, US Fish and Wildlife Service (USFWS), and direct on-site observations, a list of state- and federally listed species was compiled for those species that are believed to occur or have the potential to occur within the Facility Site and immediate vicinity. Site-specific information was requested from agencies to determine the presence of rare, threatened, and endangered (RTE) species, as well as species of special concern (SSC). Overall, the Facility is not located within any Important Bird Areas or other State or Federally designated area.

As indicated through correspondence with the above noted agencies, the Facility Site and immediate vicinity have had presence of NYS-listed threatened, endangered species, or species of special concern that have been documented within the last five years within the Facility Study Area. These observations and documentation supporting those observations are provided in Exhibit 12. A Wildlife Site Characterization Report (WSCR) was prepared and summarized publicly available information on birds, bats, and other wildlife species with a focus on New York State listed threatened, endangered, or species of special concern that potentially occur within vicinity of the Facility Site. Review of publicly available databases such as USFWS Information for Planning and Consultation (IPaC), eBird, Environmental Resource Mapper (ERM), Environmental Assessment Form (EAF) Mapper, New York Breeding Bird Atlas (NYBBA), and Nature Explorer, among others were reviewed for the WSCR, which is included Appendix 12-1.

The Applicant performed the relevant field studies requested by the agencies to evaluate the potential for listed species and/or their habitat to exist on-site. As described in Exhibit 12, the Applicant conducted grassland breeding bird surveys (BBS) May 2022 through July 2022 and wintering grassland raptor surveys (WGRS) between November 2020 and April 2021 and November 2021 through April 2022. The reports documenting the findings and conclusions of these field surveys are included as Appendices 12-2, 12-3 and 12-4, which are provided under required confidentiality status in accordance with State requirements. Exhibit 12 includes further discussion of these studies and their results.

The BBS report was submitted to the NYSDEC and ORES in August 2022. ORES determined on April 17, 2024, that a net conservation benefit plan (NCBP) was required for the Facility, a draft of which has been prepared and included with the application and ensures that the Facility will provide a net conservation benefit to the species potentially affected.

The WGRS reports were submitted to the NYSDEC and ORES in May 2021 and May 2022. ORES determined on April 17, 2024 that an NCBP is required for the Facility, a draft of which has been prepared and included with the application and ensures that the Facility will provide a net conservation benefit to the species potentially affected.

No rare threatened or endangered species nests were observed during grassland BBS or WGRS, but a nest was confirmed by field staff at a location provided by NYSDEC during other field data collection efforts conducted at the Project. As discussed in more detail in Exhibit 12, the Facility design was modified to avoid potential impacts to the species.

As described further in Exhibit 11 (Terrestrial Ecology), additional wildlife species beyond state and federally listed species are present at the Facility Site. Impacts to these species and their habitats have been avoided and minimized to the extent practicable by focusing development efforts on previously disturbed agricultural areas; however, the Facility will result in some impacts to common wildlife species and their habitats through placement of Facility components, vegetative clearing, and fencing. Impacts are restricted to incidental injury and mortality due to various construction operations, temporary displacement due to increased human activity during construction, and habitat disturbance and/or loss (including the loss of travel corridors) as a result of clearing, earth-moving, and siting of Facility components. The Facility is not expected to cause naturally occurring populations of common wildlife species to be reduced to numbers below levels for maintaining viability at local or regional levels.

The avoidance and/or minimization of Facility related impacts to NYS-listed species will be accomplished through continued careful site design, implementation of BMPs, adherence to the USCs under Article VIII, and construction monitoring. Site design practices avoid sensitive habitats by siting solar arrays primarily in agricultural fields, minimizing construction disturbances to the extent practicable, adhering to designated construction limits and species-specific time of year restrictions (as applicable), and avoiding off-limit sensitive areas. During construction and restoration, all observations of State-listed species will be recorded in accordance with USC §1100-6.4(o)(7) and (8).

Public Health and Safety: The Facility is not expected to result in any public health or safety concerns, because solar facilities do not pose significant risks to public health and safety. The Facility proposes to install silicon-based PV panels. Silicon-based PV panels primarily consist of tempered glass and an aluminum frame, both of which are common building materials. The tempered glass provides additional strength to the panel and in the event that a module is damaged, the panel is able to remain intact as one piece. The remainder of the panel is made up of commonly used polymer plastics designed to protect the panels and to connect the various components together, active silicon PV cells, glass frit, and an extremely thin antireflective coating made with aluminum and silver alloy. PV cells are nearly 100% silicon, an inert and stable element, with small amounts of boron and phosphorus added to generate a flow of electricity. The glass frit allows the front and rear electrodes to align correctly with the PV cell ensuring effective electrical contact. Internal components of the panels are sealed to prevent exposure to moisture for the operating lifetime of the solar panel. Leaching in PV cells has been

extensively researched with real-world tests designed to mimic typical trash compaction. The results confirm that components do not leach into the environment.

PV systems do not pose a viable fire safety hazard. The components of PV cells are largely inflammable and unable to self-support a fire. The only flammable components of the systems are the plastic polymers and the wire insulation. Heat from a small fire is not adequate to ignite a PV panel. Electrical failures, while very rare, may be enough to start a fire but the Applicant intends to select, install, monitor, and maintain the PV system to ensure that it complies with fire-related codes and standards. Regular inspection for fire safety by onsite maintenance personnel will occur throughout the Facility's operational life.

Production of electricity from fossil fuels results in air emissions that have been shown to be detrimental to human health and the environment. Solar facilities use the sun's rays to produce clean, renewable power without producing harmful air emissions.

Public health issues associated with the construction of the Facility are limited to typical risks associated with commercial construction Facilities and are nearly non-existent during operations. While some emissions are expected during construction of the Facility (such as the generation of dust on dry days as well as the use of diesel- and gasoline-powered equipment and vehicles), these potential impacts are temporary in nature and BMPs will be employed to reduce impacts associated with these emissions to the extent practicable.

Per USC §1100-6.4 (a), construction and routine maintenance of the Facility will be primarily limited to 7 a.m. to 8 p.m. Monday through Saturday and 8 a.m. to 8 p.m. on Sundays and national holidays. Per USC §1100-6.4 (i), all mechanical equipment will be enclosed by fencing with a minimum height of seven feet, and a self-locking gate, in order to prevent unauthorized access.

The Applicant has developed various health and safety plans to respond to any potential impacts to public health and safety that may occur during construction and operation. See Exhibit 6 for further discussion of public health, safety, and security. Visual and noise impacts are discussed in separate sections below, and detailed further in Exhibits 8 and 7, respectively.

Cultural, Historic, and Recreational Resources: The Applicant consulted with the New York State Historic Preservation Office (SHPO) in the Office of Parks, Recreation, and Historic Preservation (OPRHP) to develop the scope and methodology for cultural resource studies for

the Facility. The Facility is not anticipated to result in an adverse effect to significant cultural or archeological resources, including potential visual impacts to aboveground historic properties; however, at the time of filing of this Application, the Applicant is awaiting formal response from the SHPO regarding that determination. The Applicant will complete consultation with the SHPO and adhere to requirements as noted for the Facility.

A Phase IA archaeological study and sensitivity assessment was completed in December 2023. In a letter dated December 4, 2023, OPRHP concurred with the recommendations presented in the Phase IA report and recommended that Phase IB archaeological testing is warranted for areas of substantial proposed ground disturbance that fall within areas of high archaeological sensitivity. This letter recommended a Phase IB methodology consistent with New York State Historic Preservation Office Guidelines for Solar Facility Development Cultural Resources Survey Work (July 2021) (OPRHP Guidelines). The Phase IA archaeological assessment included walkover survey completed from May to December of 2022, April 2023, and November 2023 and resulted in the identification of locations with archaeological sensitivity for Precontact period items and other locations with sensitivity for Historic or Post-contact period items. Two of the Historic areas overlapped with Precontact period areas. The Phase IB archaeological survey was conducted to determine whether archaeological sites are located in the areas of proposed ground disturbance for the Facility, as determined in consultation with OPRHP. In total, 4,470 shovel test pits were excavated as part of the assessment. TRC recommended avoidance of what SHPO considers “substantial” ground disturbance (as defined by OPRHP guidelines) within the site areas and if not possible, additional Phase II studies would be required to determine site eligibility to assure no impacts to historic resources. OPRHP concurred with the conclusions and recommendations in the Phase IB report on April 2, 2024. An additional Phase IB survey was conducted in May 2024 and the report was submitted to OPRHP on July 12, 2024. The Facility design was updated to avoid substantial ground disturbance within six of the eight archaeological sites. In a letter dated August 19, 2024 OPRHP concurred with the Phase IB findings and noting that no additional archaeological work is necessary if the Facility continues to avoid the site locations.

The Facility design necessitated Phase II investigations at two archaeological sites, which TRC completed in May 2024. TRC excavated a total of 76 shovel test pits and six test units within the proposed areas of substantial ground disturbance as defined by NYSHPO. A Phase II scope of work was prepared and submitted to OPRHP on May 17, 2024, and was approved by OPRHP on May 20,2024. Phase II excavations resulted in the determination that the portion of both sites

located within the proposed areas of substantial ground disturbance are not eligible for listing the National Register of Historic Places. Based on the current Facility design plans no further archaeological testing is recommended for either of these sites. A report of these findings was submitted to OPRHP on July 12, 2024. In a letter dated August 19, 2024 OPRHP agreed that the sites are not eligible for inclusion in the National Register of Historic Places and that no additional archaeological work is necessary for these two sites. Based on these studies, the Facility is not likely to result in any impacts to archeological resources.

The Phase IA, Phase IB, and Phase II assessments are included as Appendix 9-2, 9-3, and 9-4 of Exhibit 9, Cultural Resources. Further discussion of these findings is included within Exhibit 9.

In response to TRC's letter of initial consultation dated March 2, 2022 (Appendix 9-2), NYSHPO stated that based on prior architectural surveys in the area, no new historic architectural survey would be requested for the Facility Site (see Appendix 9-1). This determination was made by NYSHPO's Survey & National Register Unit. In a letter dated August 14, 2023 (Appendix 9-1), the NYSHPO's Technical Preservation Services Bureau identified twelve State and National Register listed or eligible buildings within or adjacent to the Facility Site and requested a Visual Impact Assessment (VIA) in order for the NYSHPO to continue their review of the Facility and to evaluate potential impacts to these historic resources. The subject historic resources were appended to Table 4 in the VIA, are denoted accordingly, and evaluated herein (see Section 10.1.1.2 of Appendix 8-1 (VIA) for a discussion of each visible resource). The VIA determined that the twelve identified SHPO historic resources would retain their existing historical significance and would not be discounted or diminished in value due to the Facility.

Transportation: 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 relatively low, local traffic flow should not be significantly impacted during construction. Delivery of the substation control room, substation poles, generator step-up unit, inverters, and other special equipment components 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 for construction and delivery of equipment. See Exhibit 16 for further discussion of transportation.

Traffic associated with the Facility will not result from the delivery of construction equipment such as graders, rubber-tired loaders, scrapers, and excavators since heavy construction

equipment will be delivered outside of peak traffic hours. Further, most of the heavy construction equipment will remain on the Facility Site, and thus, would not be going back and forth to the Site each day. Only pickup trucks, dump trucks, cable trailers, aggregate trucks, semi-trailers, water trucks, and concrete trucks will travel on the public roads to the Facility Site daily or as needed. In total, 6,180 trips are to be expected to facilitate construction of the Facility. In addition to this, and during the same construction timeframe, 88 inbound and 88 outbound trips are expected to constitute the commute of construction workers each workday. Potential traffic impacts will be short-term and primarily due to the temporary influx of personnel during construction. During operation, the Applicant anticipates two employees will be on-site periodically for various management/maintenance work, resulting in no impacts on future traffic conditions as a result of the operation of the Facility. As explained within Exhibit 16, during construction under base conditions, no capacity problems are expected on all roadways within and around the Facility Area as existing roadways currently operate at level of service (LOS) A. Additional construction related vehicles traveling the roadways will result in a LOS B and will have little impact on the roadways due to the current minimal demand on the existing roadways.

The roadway system in the vicinity of the Facility Site is adequate to accommodate OS/OW vehicles without additional improvements or mitigation. The proposed haul routes are defined in Exhibit 16, and no R-posted bridges were identified near the Facility Site. The Applicant anticipates entering into Road Use Agreements (RUAs) with the Towns and County concerning repairs to any roads damaged by construction of the Facility. Thus, overall, while temporary impacts to local traffic may occur due to the volume of construction material and component deliveries, in general, the Facility will not result in long term transportation impacts to the Project Area. Impacts during construction have been minimized through BMPs and other conditions as discussed in Exhibit 16 and can be further minimized in the event a Road Use Agreement is entered into with the local municipalities.

Per USC §1100-6.3(c), the Applicant will coordinate with state, county, and local highway agencies to respond to and apply applicable traffic control measures to any locations that may experience any traffic flow or capability issues. See Exhibit 16 for further discussion of transportation.

Communication: An analysis of the Facility's potential to interfere with broadcast patterns, lines-of-sight, underground utilities, or co-located lines was conducted. The Facility is not expected to have any adverse impact on major communication systems such as aboveground

or underground utility lines or fiber optic lines. The Applicant's on-site communications system will be inspected and maintained throughout the life of the Facility by the Applicant's central operations center. See Exhibit 20 (*Effect on Communications*) for further discussion of communications.

Noise and Vibration: Solar facilities are quiet and produce minimal vibration during operation. The noise emitted by a solar Facility is limited to daytime periods only for the majority of the components. Modeling with predicted sound results indicates that no mitigation is required at the collector substation or for any of the inverters under the current design in order to comply with applicable standards. Operational noise levels will be less than 40 dBA or lower Leq (8-hour) at non-participating residences and less than 39 dBA or lower Leq (8-hour) at participating residences. These sound levels are below the Article VIII requirements for maximum noise limits (Section 1100-2.8 (b)(2) of the Article VIII regulations) and also meet the adjusted design goal at the non-participating residences due to the observed prominent tone and subsequent 5 dBA penalty.

Facility construction has the potential to generate temporary impacts related to noise at adjacent properties. Temporary noise impacts from construction are anticipated to be typical of large construction sites, and will not impact the public health or safety.

Adverse noise impacts will be avoided or minimized through careful siting of Facility components. The Applicant will communicate with the public to notify them of the beginning of construction of the Facility. Most of the construction will occur at significant distances to sensitive receptors, and therefore noise from most phases of construction is not expected to result in impacts to sensitive receptors. Nonetheless, construction noise will be minimized through the use of best management practices, as detailed in Exhibit 7. *Noise and Vibration* of this Application.

Visual: A VIA was conducted to determine the extent and significance of visibility of the Facility within a 2-mile Visual Study Area (VSA). Visual impacts resulting from the Facility are generally minimal to the larger community, its residents, and protected or significant aesthetic resources. However, some localized impacts to the area adjacent to the Facility may occur. These impacts have been minimized by either changes in Facility design (i.e. setbacks from the Canajoharie School District athletic fields) or extensive proposed landscaping and screening. As discussed in Appendix 8-1, the solar array viewshed results determined that there is limited predicted

visibility within the VSA. A lessor amount of predicted solar array visibility within the VSA occurs on non-participating landowner property. In addition to general visual impacts, potential visually sensitive resources were analyzed. The results show that only six of 29 visual resources may experience some degree of visual change, however, the number of viewers accessing the resource locations are relatively small in number. Further, several visual impact minimization strategies are proposed to reduce the visual effects of the Facility (see Attachment 7 and Section 11.0 of Appendix 8-1, as mentioned above, most notably a proposed landscape plan. The landscape plan provides robust vegetative screening for the moderation of visual contrast from sensitive locations and public vantage points. The effectiveness of the landscape plan has been demonstrated in photo-simulations (see VPs 16, 48, 83, and 85 in Attachment 4 of Appendix 8-1). In addition, a conservative Glint and Glare analysis was performed for the Facility. The Glint and Glare analysis is conservative because it assumes it is sunny every day of the year. In this context, overall, while a limited number of receptors may experience some glare according to the model, most receptors will not experience glare and even those locations modeled to receive glare are anticipated to be less than the conservative modeling predicts. Further, a majority of receptors are between 0.5 to 1-mile away from the subject arrays with glare, under these conditions, any potential glare would appear small in context to the larger landscape. Other receptors may not be affected by glare due to existing vegetation and structures, as confirmed by the line-of-sight study in the software. Antireflective coatings will be applied to the solar modules to minimize the effects of glare. Please refer to the Glint and Glare report for more detailed information (see Plan 7C of Attachment 7). Overall, the Facility has been carefully sited to circumvent significant impacts to large population centers, critical aesthetic resources, and the general public to the maximum extent practicable. The visual impact minimization and mitigation plan (VIMMP) is incorporated to diminish and moderate potential visual change in the viewing environment for those viewers in vicinity or traversing near the Facility.

See Exhibit 8 for further discussion of visual impacts from the Facility.

Per USC §1100-6.3(a), throughout the design process, the Applicant maintained the Article VIII requirements regarding setback requirements from parcel boundaries, roads, other structures, and natural resource review. Maintaining the Article VIII requirements ensures important resources are minimally impacted, studies considering the impacts of solar energy generation onto the community are conducted, and decommissioning plans are written to restore the Facility Site to the natural landscape once the life of the Facility ends.

2(b) Description of Local Engagement and Outreach

The following sections describe the Applicant's local engagement and public outreach efforts under the Article VIII process. Initial development efforts by the Applicant in the Towns of Root and Canajoharie were focused on engaging and approaching landowners and community members regarding potential interest in hosting and supporting a large-scale solar project. These early outreach efforts to understand the potential for willing landowners in the area began in the Town of Root in 2019 and consisted of meeting with landowners in-person and on the phone. The Applicant provided information to local landowners regarding the anticipated size of the Facility and permitting process, why the area was selected for a project of this type and size, and overall benefits of the Facility to participating landowners, the broader communities of Root and Canajoharie, and New York State.

At these early planning stages, the final size of the Facility was not yet known; however, the Applicant anticipated that the Facility could connect to the existing, recently upgraded NYPA Transmission Line #352 and provide commercial scale solar power to the New York electric grid with the goal of reaching a nameplate Facility size of 300 MW. Initial outreach efforts continued through 2020 and 2021 with multiple willing landowners contracted to host Facility components and many interested in continuing discussions.

Early environmental and electrical studies guided the initial Facility Site boundaries and in 2022, the Applicant began signing participating landowners interested in supporting Facility components in the Town of Canajoharie. Landowner negotiations continued through 2023 and early 2024, resulting in the proposed Facility layout that is being presented herein as part of this Application. The outreach efforts over several years allowed the Applicant to speak with many willing and interested landowners in the Towns of Root and Canajoharie and to evaluate the extent of buildable land on each participating parcel. The Applicant worked with biologists, ecologists, engineers and other specialists to conduct desktop and in field studies assessing and delineating the land cover, habitat, and physical constraints on each of the participating parcels. Each of these studies continued to define the limits in which the Facility could be sited while avoiding and minimizing impacts to sensitive resources to the extent practicable.

As the Applicant has been active in the community since 2019, continued coordination with local community members and representatives to date has provided a platform for open dialogue to distribute Facility information, updates, discuss potential avoidance and minimization efforts,

and to solicit local input from community members, including participating and non-participating landowners, local governments, public interest groups, emergency responders, the local school district, and transportation services. Beginning in 2020 and increasingly since finalizing the Facility Site, the Applicant has conducted a number of community outreach and engagement efforts in the Towns of Root and Canajoharie providing community members and stakeholders the opportunity to communicate questions and comments regarding the Facility and its impacts on the community. Several of these conversations have led to specific changes in Facility design including an increased panel setback from Cunningham Road near the CCSD, avoidance of areas to be continued in agriculture, reduction in access on certain roads deemed seasonal and/or otherwise locally important, among others. Each of the appropriate Exhibits in this Application cover the resource topics evaluated and the feedback received and implemented by State agencies and local representatives to design the Facility as currently proposed.

In addition to the public outreach and engagement described herein, consultations performed throughout the Article VIII process for the Facility are summarized in Appendix 2-1. Facility Outreach Log. This includes both in-person and telephone communication between the Applicant and participating and non-participating landowners, outreach and meetings with the local Amish community, consultation with local emergency responders and fire departments, snowmobile associations, the CCSD, and others. The Applicant has identified and conducted outreach to local community members, as described in Appendix 2-2 and throughout the Application, to address items of public interest and concern in development of the Facility.

The Applicant looks forward to continuing public engagement during the next phases of the Article VIII process and, should a Siting Permit be received, throughout the anticipated life of the Facility. As noted in Exhibit 1, the Facility's primary public contact is Patrick McCarthy (Vice President, Environmental & Permitting) who may be reached at (888) 524-8168 or via email at flatcreekinfo@cordeliopower.com. Electronic copies of major Facility documents are on the Facility's website and the NYS DMM (Permit Application Master (ny.gov)). Hard copies of the documents will be filed in the Canajoharie Library, Town of Canajoharie Town Hall, and the Town of Root.

Materials to encourage public involvement throughout the Article VIII process, such as informational boards from the Community Meeting and information sessions as well as frequently asked questions documents, are included on the Facility website

(https://cordeliopower.com/project/flat_creek/). Updates to public involvement materials occurring after this filing will be posted on the Facility website throughout the Article VIII process (see Exhibit 1, Section 1(b)). Information regarding intervenors seeking funds from the local agency account was presented during the local Community Meeting and Question and Answer Session (Q&A) and can be found online on the Facility website.

(1) Local Agencies

Even before the required pre-application meeting with the municipalities, the Applicant was engaged with the Towns through the local law amendment process. Over the course of a year and a half or more, the Applicant engaged with the Towns of Root and Canajoharie on their proposed solar laws, providing comments and suggestions and explaining how solar works and how it is typically regulated under local laws and by ORES. The Applicant submitted correspondence with comments on the proposed local laws to the Towns and attended many Town Board meetings during 2023 and 2024 to discuss the Project and provide comments on the proposed local laws. Appendix 2-3 includes three correspondence letters that were sent to the Towns. Local agencies were invited to attend a pre-application meeting for the Facility in January 2024 to discuss, among other items, the local laws. In accordance with Section 1100-1.3 of the Article VIII Regulations, this meeting is required to be held no less than 60 days prior to the submittal of an Application. Although a final filing date for the Application had not yet been selected, the Applicant felt that the preliminary design at the time showed sufficient information to have productive conversations with the municipal representatives and receive feedback, comments, and questions. These early conversations with the municipal representatives allowed the Applicant to receive specific feedback about Facility component locations, access routes, and other items, as well as allowed time for the Applicant to ask questions regarding any unique features or local concerns it would not otherwise receive.

At the time of these meetings, it was determined that allowing each Town to speak with the Applicant regarding questions and comments about the Facility design separately would be beneficial as a large portion of this meeting is a discussion of compliance with local laws (specific to each Town). The Applicant met with the Town of Root on January 24, 2024, and with Town of Canajoharie on January 25, 2024. Local municipal agencies were given notice for each meeting by the Applicant and were also provided with a summary of the Facility's compliance with local laws at that time. The purpose of these meetings was to provide information about the Facility, the permitting process (Section 94-c process at the time; Article VIII process at the time

of filing of this Application), unique aspects of the Facility Site and local community, to receive and discuss stakeholder interests and issues, to discuss local law provisions applicable to the Facility and identify certain provisions from which the Applicant anticipated the need to seek waivers from ORES, to show the current Facility layout at the time of the meeting, and to discuss the status of completed and anticipated studies. The Town of Root and Canajoharie officials were the principal attendees at these meetings; a full list of attendees for each meeting is included in Appendix 2-1.

During the local agency meetings, the Applicant additionally discussed applicable local laws. See Exhibit 24. *Local Laws and Ordinances* for detail on local laws applicable to the Facility, and Appendix 2-3 for copies of local municipal correspondence, including local decisions on applicability of local laws, and meeting minutes from both the January 24, 2024, meeting with the Town of Root and the January 25, 2024, meeting with the Town of Canajoharie.

Montgomery County was also invited to attend the meetings in January with the Towns, however, a meeting with the County was not able to be scheduled until April 4, 2024. The meeting with the County covered similar topics as the meetings with the Towns and was attended, among others by the County Executive, County Attorney, County Highway, and Economic Development.

Following these agency consultation meetings, the Applicant was present at several Town Board Meetings (both as a presenter and as attendees) to provide updates on the Facility and to keep up to date on topics of local interest and concern in the host municipalities. As noted in the Facility Outreach Log in Appendix 2-1, the Applicant had and continues to have representatives in the area who have held multiple in-person meetings and discussions, as well as telephone conversations and email correspondence with local officials. The Applicant has been responsive to the local officials when questions have been raised throughout the process and will remain available through the remainder of the Article VIII proceeding. The Applicant looks forward to continuing to engage with the local agencies to continue to foster an understanding of local concerns, topics of interest, other changes in the community, updates to local laws, and to answer Facility-specific questions.

(2) Community Members

Initial Community Meeting – February 15, 2024

Community members were invited to attend a local Community Meeting on February 15, 2024. The purpose of the Community Meeting was for the Applicant to provide an update on the Facility to local community members in the Towns of Root and Canajoharie, to provide information on the New York State Section 94-c permitting process (updated to Article VIII at the time of filing of this Application), to inform the community about next steps in Facility development, and to inform the community about how to get involved (including specific information related to local agency account funds). The Applicant also accepted comments at that time, both verbal and on written comments cards, which were taken into account to the extent practicable and incorporated into the proposed design.

The Community Meeting was held locally at the Canajoharie Fire Hall. The fire hall was selected in coordination with local community members as a location with the capacity for a large attendance and room to display Facility information. While no specific format is required for these types of meetings under Section 94-c (now Article VIII), the Applicant had various subject matter experts present in the room, including environmental, engineering and legal subject matter experts to speak to the studies performed, design considerations, and the overall permitting process. Large-format boards were stationed around the room, including several boards containing an aerial view map of the t Facility design current as of the date of the meeting. The Facility design boards allowed both participating and non-participating landowners the opportunity to view the Facility, where the components were proposed within the larger Facility Site, and to allow ease of orientation on where the Facility would be in the landscape.

During these meetings, the Applicant's representatives, including several individuals who had been present in the Towns of Root and Canajoharie throughout local outreach efforts and were familiar to several landowners in attendance, spoke with landowners and were able to easily point to mapping and schematics to provide information and answer questions. This setting allowed time for individuals to ask questions one-on-one to subject matter experts, provide their contact information and list questions or concerns they may have directly to Facility representatives, or to speak to representatives in a group setting about a specific topic or question. Following the meeting, the Applicant posted the informational boards on the Facility

website. See Appendix 2-4 for the informational boards which were available at the February 15, 2024, meeting.

Following the initial Community Meeting, the Applicant received feedback from some members of the public that the local community would be interested in a live Q&A session format. The Applicant took this feedback from the local community and provided formal notice of a public Q&A Session which was held on April 17, 2024, at the Canajoharie Fire Hall (the same location as the initial Community Meeting).

For the Q&A meeting, the Applicant had an audio-visual system in place to allow a panel of speakers, consisting of Tim Vought and Patrick McCarthy of Cordelio Power, Greg Elko of SunEast, Jim Muscato of Young Sommer, and Samantha Kranes of TRC, to respond to attendee questions in real-time in a large group format. To accommodate individual comfort levels, invitees were given several options: (1) submit questions via email in advance of the Q&A meeting, (2) submit written questions during the Q&A meeting via comment cards available at the entryway table, or (3) ask the panel questions in person during the Q&A meeting. Questions submitted in writing were collected by the panel moderator and posed to the panel in between questions asked by attendees live. The Applicant received four sets of questions prior to the meeting, 12 comment cards or printouts of questions for the moderator to ask, and two printouts containing questions that an attendee was planning to ask live. As the meeting progressed, the moderator kept track of the questions posed to the panel and noted topics that had already been covered to avoid spending time on redundant questions. In total, approximately 89 questions were directed to the panel, either by attendees or the moderator, 30 written questions were not asked to the panel because those topics had been covered by previous questions, and 12 written questions were not asked to the panel due to their inflammatory or speculative nature. See Appendix 2-5 for a summary log of questions and comments received from the public.

Prior to the Q&A Session, the Applicant gave a brief presentation to the public in attendance regarding the current status of the Facility and the regulatory process using several graphics prepared for the previous Community Meeting. Community members raised questions regarding several topics, including:

- Property values;
- Property taxes;

- PV Panel materials;
- Stormwater management;
- Groundwater impacts and drinking water well protection wells;
- Impacts to farmland;
- Wildlife (including threatened and endangered species);
- Noise; and
- Hunting.
- Property values;

In response to questions and comments from the community, the Applicant has developed two Frequently Asked Questions (FAQ) documents (with another two pending and proposed to be sent in the near future) which were posted to the Applicant's website. These FAQ documents provide written responses to community questions and are available for the public's reference. Copies of each FAQ document have also been printed and hand delivered for dissemination in the Amish community. The complete FAQ documents are included in Appendix 2-6. As appropriate, the Applicant will update information to include relevant topics of discussion and public interest throughout the Article VIII process and will remain available to local community members.

The Applicant created a Facility-specific Facebook page on April 12, 2024, which includes links to notices and responses to FAQs. As the Article VIII process progresses, the Applicant will continue to populate the page with project updates and information. This Facebook page is public, and the public is free to follow the page for updates in their normal Facebook feed.

To further provide information to the local community, the Applicant developed a Facility newsletter which was mailed to residents within 1,000 feet of the Facility Site. The intent of the newsletter is to provide Facility updates, including those specifically related to the current status of the Facility in the permitting process, as well as project contact information. The Applicant issued the first newsletter on August 2, 2024, and will be providing additional newsletters throughout the Article VIII process. The initial newsletter is available on the Facility's webpage and additional newsletters will also be posted as they become available. Copies of the newsletter were also printed and hand delivered for dissemination in the Amish community. A copy of the newsletter is included in Appendix 2-7.

Meeting Notifications

Both the Community Meeting and Question & Answer session were listed on the Cordelio website, and the meeting announcements were posted in local newspapers (Schenectady Daily Gazette, Amsterdam Recorder, Busy Beaver, and MyShopper). Additionally, formal notice of each meeting was mailed to residents within 1 mile of the Facility Site. The notifications were posted and mailed two weeks before the meeting date. Copies of the notifications published in local papers and mailings sent to residents are included in Appendix 2-8. Note that the Schenectady Daily Gazette and Amsterdam Recorder both share one online publication, so one copy of the local community meeting notice for meetings is included in Appendix 2-8. Community members in attendance included both participating and non-participating landowners, residents of the Towns of Root and Canajoharie both within and beyond one mile of the Facility Site, local Amish community members, and residents of nearby local municipalities with an interest in the Facility. In addition, municipal representatives from both the Towns of Root and Canajoharie attended the sessions, and representatives from ORES were in attendance at the 1 PM – 3 PM Community Meeting session.

The Applicant had a sign-in sheet at the February 15, 2024, Community Meeting. For the 1 PM – 3 PM session, 72 people signed in. At the 7 PM – 9 PM session, 55 people signed in. At each of the sessions, several attendees opted not to sign in and the Applicant estimated approximately 15 – 20 individuals did not sign in at each meeting.

The Applicant has worked with the Towns of Root and Canajoharie to ensure the Facility complies with local laws and minimizes costs to the municipalities. Involvement with the local community includes landowners directly hosting Facility components and neighbors of the Facility. The Applicant also worked closely with local emergency responders, the Towns' municipal officers and local citizens and landowners in proximity to the proposed project to ensure and highlight the Applicant's commitment to balance the needs of the community with providing a high-quality renewable energy source to New York State.

The Facility has been designed to comply with substantive local laws where practicable and has outlined in Exhibit 24 (*Local Laws and* Ordinances) where the Facility cannot comply. As noted herein and throughout the Article VIII Application, the Facility has been designed in accordance with ORES standards which are protective of human health and the environment. Where feasible, the Applicant has implemented local laws or exceeded ORES standards. For example,

the Applicant has implemented increased setbacks in Canajoharie along Cunningham Road, as further discussed in Exhibit 24, to mitigate visual impacts to the CCSD campus and athletic fields in response to feedback from the local community and in excess of ORES requirements. Additionally, the Applicant has avoided siting Facility components on slopes greater than 15% at the Facility Site, aside from one small (0.03 acre) location in the central portion of the Facility Site. Similarly, the Applicant has avoided impacts to Mineral Soil Groups (MSG) 1-4, large contiguous forested areas, and other sensitive resources to the maximum extent practicable. Where not feasible, these impacts have been minimized to very limited locations which allows for suitable construction and operation of a 300 MW Facility.

As shown throughout the Article VIII Application, careful consideration of environmental and engineering constraints, as well as a comprehensive analysis of appropriate resource topics under Article VIIII for the siting of a large-scale generation facility, the Applicant has a proposed design that has minimal impact on natural resources and the community, and will provide clean, renewable energy to the public of New York State.

References

NC Clean Energy Technology Center. 2017. Health and Safety Impacts of Solar Photovoltaics. Available at: https://nccleantech.ncsu.edu/wp-content/uploads/2018/05/Health-and-Safety-Impacts-of-Solar-Photovoltaics-2017_white-paper.pdf. Accessed March 2024.