



GARNET ENERGY CENTER

Case No. 20-F-0043

1001.2 Exhibit 2

Overview and Public Involvement

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Exhibit 2: Overview and Public Involvement

This Exhibit will track the requirements of Final Stipulation 2, dated March 5, 2021, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.2.

2(a) Brief Description of the Proposed Project

The Garnet Energy Center (the Project) will be a solar facility with a generating capacity of 200 megawatts (MW), as well as a 20 MW/four-hour duration energy storage system. The Project will be located on land leased and/or purchased from owners of private property in the Town of Conquest, Cayuga County, New York. Proposed Project Components include commercial-scale solar arrays, access roads, buried electric collection lines, an energy storage system, a Project collection substation, and electrical interconnection facilities. The Project Area totals approximately 2,288.7 acres. The Project Limit of Disturbance (LOD) necessary to construct the Project is approximately 1,199.8 acres, and the total fenced area for the Project once in operation is approximately 1,053.7 acres.

The Applicant intends to construct, own, operate, and maintain all components of the Project. In 2019, the Applicant signed a long-term agreement to sell the Renewable Energy Credits (RECs) generated by the Project to the New York State Energy Research and Development Authority (NYSERDA). This Exhibit includes specifications for a typical solar module that may be utilized for the Project along with the locations of the solar arrays and related infrastructure including the proposed collection substation and interconnection facilities within the Project Area, in relative proximity to New York Power Authority's (NYPA's) existing Clay – Pannell 345 kilovolt (kV) transmission line (see Figure 2-1). The proposed interconnection facilities will include a 345-kV switchyard and two 345 kV tap lines approximately 207 feet (63 meters) and 563 feet (172 meters) long, respectively, which will be transferred to NYPA to own, operate and maintain. The locations of all Project components described below are illustrated on the Preliminary Design Drawings included as Appendix 11-1.

Solar Arrays: The Applicant intends to utilize a solar module similar to the Jinko Solar Eagle 72HM G2 380-400 Watt Mono Perc Diamond Cell. The Project will utilize a fixed array racking system such as the Gamechange Solar MaxSpan™ System. Technical data sheets for this module and racking system have been included in Appendices 2-1 and 2-2, respectively.

As the technology is rapidly evolving for solar panel technology, and market conditions at the time procurement decisions need to be made are unknown at this time, the Applicant is proposing in this Application to also evaluate tracking racking systems. Regardless of the type of array racking system ultimately selected for the Project (e.g. fixed or tracking), only selected elements of the Project would change, but all changes would be within the same Component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the preliminary site plans included in Exhibit 11. Land coverage ratios will also be adjusted but they are not expected to be substantial or significant as land uses are not expected to change in these locations between the Application filing and finalization of the Compliance Filings. Thus, choosing either racking technology would not cause any new or significant adverse environmental impacts.

Inverters: Sixty-eight inverters will be located throughout the solar arrays to convert the direct current (DC) electricity generated by the solar modules into alternating current (AC) electricity. Cables from the solar modules are routed to the inverters using a CAB® cabling system or underground lines. The collection lines convey electricity from the inverters underground to the Project collection substation and ultimately to the existing electric transmission system. The Applicant intends to use Power Electronics HEM inverters, or a similar make/model. Refer to Appendix 2-3 for the technical data sheet.

Access Roads: Roads within the Project Area to be used for access to the solar arrays will follow existing farm roads and trails, where practicable, to minimize the need for new roads. The access roads used during construction will be utilized for Project operations. The roads will be approximately 12 feet (3.66 meters) wide and will be constructed of 6-inch deep gravel per the engineering specifications included on the site plan drawings included in Exhibit 11 – Preliminary Design Drawings. Access roads to the substation and switchyard will be approximately 20 feet (6.10 meters) wide and consist of 12-inch deep gravel to accommodate larger vehicles required for construction and deliveries. The total length of permanent access roads proposed for the Project is approximately 12.1 miles.

Temporary Laydown/Construction Support Areas: Nineteen temporary laydown yards will be used during Project construction, three of which are transected by access roads. These will be located throughout the Project Area along access roads and will primarily be used as parking and temporary storage of equipment and materials. They will vary in size and will be constructed of 12-inch-deep gravel per the engineering specifications included in Appendix 11-1, the Preliminary

Design Drawings. All laydown and parking areas will be temporary in nature and will be restored to vegetative ground cover following construction.

Collection Lines: The 34.5 kV collection lines will connect the inverters with the Project collection substation. The total length of collection line being included as part of the Application for the Project is approximately 25.5 miles (41,038.3 meters). Collection lines will be installed underground via direct burial for a length of approximately 132,885 feet (40,503.3 meters), and via horizontal directional drilling (HDD) for a length of approximately 1,930 feet (588.3 meters).

Fencing: Fencing will be placed around the perimeter of the arrays and associated structures as detailed in Appendix 11-1. The fencing will be seven- to eight-foot tall chain-link fencing. Only the fencing around the collection substation and switchyard will be topped with barbed wire for safety and security reasons.

Project Collection Substation: The 34.5 kV collection lines within the Project Area will collect electricity from the inverters and transport it to a new collection substation. The collection substation, located on the central portion of the Project Area (see Appendix 11-1), will step up the voltage to 345 kV. The collection substation is anticipated to occupy approximately 0.4 acres (1,585.3 square meters) of agricultural land. This acreage is for the substation only, not including the switchyard which is an adjacent but separate area.

Point of Interconnection (POI) Facilities: Power from the collection substation will be transferred to the adjacent switchyard and then interconnected to the existing NYPA Clay to Pannell 345-kV transmission line by two overhead 345 kV transmission lines of approximately 207 and 563 feet, respectively. The collection substation and POI switchyard will be transferred to NYPA to own, maintain, and operate.

Energy Storage Systems: The Project also includes an energy storage system with a capacity of 20 MW for a four-hour duration. The energy storage system is comprised of 11 units located throughout the Project Area adjacent to Project inverters that will be contained within cabinets that are anticipated to be approximately 11 feet, 4 inches (3.5 meters) in height. The Samsung SDI lithium ion energy storage system, detailed in Appendix 2-4, is being evaluated for this Application. The Applicant will be using this system or similar with final details included in the Compliance Filing.

2(b) Brief Summary of the Application Contents

The Article 10 Application includes a total of 41 exhibits, nine of which were deemed not applicable to the Project. Supporting information for each exhibit is provided in Table 2-1, below. For the purpose of this Application, the following definitions describe various areas, boundaries, or Components of the Project:

- **Applicant:** Garnet Energy Center, LLC, a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NEER).
- **Project:** The proposed Garnet Energy Center solar facility.
- **Project Area:** The 2,288.7-acre area encompassing all Project parcels located within the Town of Conquest as shown in Figure 2-1.
- **Study Area:** Typically, the 27,722.0-acre area within a 2-mile buffer of the currently proposed Project Area boundary. A majority of the resource area impact studies conducted for this Application were completed within this area. Some studies utilized resource-specific study areas, the extents of which are defined in the applicable exhibits.
- **Component or Facility:** an individual piece, or collection of equipment or improvement of the Project, including solar arrays, inverters, access roads, buried electric collection lines, energy storage system, electrical interconnection facilities, laydown areas, and fencing.

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
1	General Requirements	<ul style="list-style-type: none"> ▪ Certificate of Formation ▪ Regional Project Location Map
2	Overview and Public Involvement: Brief overview of the Project, public communications, and rationale for why the Project should be granted a certificate.	<ul style="list-style-type: none"> ▪ Jinko Eagle 72HM G2 380-400 Watt Mono Perc Half Cell Module Technical Data Sheet ▪ Gamechange MaxSpan™ Pile Driven System Technical Data Sheet ▪ Power Electronics Inverter Technical Data Sheet ▪ Samsung SDI Energy Storage System Brochure ▪ Public Involvement Program (PIP) Meeting Log ▪ Stakeholder List ▪ Project Area and Study Area Map

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
3	Location of Facilities: Maps and information on the location of the proposed Project.	<ul style="list-style-type: none"> ▪ Project Component Locations Map ▪ Geographic and Political Features Map
4	Land Use: Description of existing and proposed land use based on local, state, and federal classifications. Includes anticipated facility impacts and consistency with publicly known land uses.	<ul style="list-style-type: none"> ▪ Existing Land Uses Map ▪ Existing Utility Locations Map ▪ Tax Parcels Map ▪ Zoning Map ▪ Specially Designated Areas Map ▪ Agricultural Use within the Study Area Map ▪ Recreational and Other Sensitive Land Uses Map ▪ Aerial Photography of the Study Area Map
5	Electric Systems Effects: Description of facility transmission impacts of operation and maintenance. Includes applicable codes, standards, and protocols for generation and ancillary features design, construction, commissioning, and operation.	<ul style="list-style-type: none"> ▪ System Reliability Impact Study (SRIS) ▪ Collection Substation Design Criteria ▪ Preliminary Operation and Maintenance Plan
6	Wind Power Facilities	None
7	Natural Gas Power Facilities	None
8	Electric System Production Modeling: Input data utilized to calculate facility emissions and generating capacity. Input data determinations confirmed through New York State Department of Public Service (DPS) coordination.	<ul style="list-style-type: none"> ▪ Production Modeling Analyses
9	Alternatives: Analysis of applicable alternative facility and component layouts and suitability of existing environmental setting.	None
10	Consistency with Energy Planning Objectives	None
11	Preliminary Design Drawings: Facility Component drawings prepared by a professional engineer or architect licensed and registered in New York State. Comparison of preliminary design drawings to applicable engineering codes, standards, and guidelines.	<ul style="list-style-type: none"> ▪ Preliminary Design Drawings ▪ Preliminary Landscape Plans ▪ Electrical Design

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Exhibit	Exhibit Title/General Description	Supporting Documentation
12	Construction: Facility installation and monitoring procedures in conformance with applicable design, engineering, and installation standards and criteria.	<ul style="list-style-type: none"> ▪ Quality Assurance and Quality Control Plan ▪ NEER Major Duties and Accountability Matrix ▪ Complaint Resolution Plan ▪ Empire Pipeline Encroachment Manual ▪ NYPA Crossing Permit Application and Instructions
13	Real Property: Project Area property rights accessed via lease or easement agreements and description of tax property information.	<ul style="list-style-type: none"> ▪ Survey of Property Leased by Applicant ▪ Demonstration that the Applicant has Obtained Rights in the Project Area ▪ Real Property Map
14	Cost of Facilities: Description of the Project's capital costs.	<ul style="list-style-type: none"> ▪ Estimated Cost of Facilities
15	Public Health and Safety: Discussion of potential adverse impacts posed by construction or operation of the facility.	<ul style="list-style-type: none"> ▪ Public Health and Safety Map ▪ Receptor Locations Map
16	Pollution Control Facilities	None
17	Air Emissions: Evaluation of the Project's pollution control technologies and plans to handle, store, and dispose of waste byproducts.	None
18	Safety and Security: Measures to ensure safe practices during construction and operation of the Project, including complaint resolution procedures.	<ul style="list-style-type: none"> ▪ Preliminary Site Security Plan ▪ Preliminary Emergency Response Plan (ERP)
19	Noise and Vibration: Comprehensive analysis of Project acoustic effects.	<ul style="list-style-type: none"> ▪ List of Sound Receptors ▪ Pre-Construction Sound Level Measurement Program ▪ Construction modeled sound levels ▪ Annual daytime-nighttime calculations ▪ List of modeled sound sources ▪ Project-only modeled sound levels—1-hour Leq ▪ Substation-only modeled sound levels—1-hour Leq ▪ Battery Energy Storage System-only modeled sound levels—1-hour Leq ▪ Total future sound levels – modeled project plus measured background--1-hour Leq

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Exhibit	Exhibit Title/General Description	Supporting Documentation
20	Cultural Resources: Research to determine if any cultural resources are impacted by the Project.	<ul style="list-style-type: none"> ▪ Phase IA Archaeological Survey ▪ OPRHP Project-Related Correspondence ▪ Historic Architectural Resources Survey and Effects Report ▪ Phase IB Archaeological Survey
21	Geology, Seismology, and Soils: Analysis of the geology and soils in the Project Area to ensure area can support solar arrays and to address potential impacts.	<ul style="list-style-type: none"> ▪ Geotechnical Engineering Report ▪ Inadvertent Return Plan ▪ Preliminary Blasting Plan ▪ Existing Slopes Map ▪ Farmland Classifications and Soil Types Map ▪ Bedrock and Groundwater Map ▪ Seismic Hazards Map ▪ Mines, Oil and Gas Wells, and Gas Pipelines Map
22	Terrestrial Ecology and Wetlands: Comprehensive study of plant and wildlife in the Project Area, potential impacts from the Project, and mitigation measures.	<ul style="list-style-type: none"> ▪ Plant and Wildlife Inventory List ▪ Grassland Breeding Bird Survey Report ▪ Winter Raptor Survey Report ▪ Wetland and Stream Delineation Report ▪ Wetland Functions and Values Assessment ▪ Invasive Species Management and Control Plan (ISMCP) ▪ Agency Correspondence ▪ Plant Communities of the Project Area Map ▪ Plant Communities within 100 feet of Disturbance Map ▪ Delineated Resources Map ▪ Mapped Wetlands and Streams Map ▪ Sensitive Habitats Map ▪ Wildlife Mapping ▪ Impacts to Wetlands and Streams Map ▪ Additional maps and shapefiles depicting wetlands and streams

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Exhibit	Exhibit Title/General Description	Supporting Documentation
23	Water Resources and Aquatic Ecology: Review of Project impacts to water resources in the area and plans to mitigate impacts.	<ul style="list-style-type: none"> ▪ Freedom of Information Law (FOIL) Requests and New York State Department of Health (NYSDOH) Correspondence ▪ Private Water Well Survey and Responses ▪ Preliminary Stormwater Pollution Prevention Plan (SWPPP) ▪ New York State Department of Environmental Conservation (NYSDEC) Solar Panel Construction Stormwater Permitting and SWPPP Guidance ▪ Groundwater Aquifers and Recharge Areas Map ▪ Surface Waters Map ▪ Shapefiles of Well Locations and Surface Water Data
24	Visual Impacts: Visual Impact Assessment (VIA) of the Project, including photo simulations.	<ul style="list-style-type: none"> ▪ VIA Report ▪ Glint and Glare Analysis ▪ Glare Mitigation Package
25	Effect on Transportation: Impact of the Project on transportation including during construction and operation.	<ul style="list-style-type: none"> ▪ Sight Distance Diagrams and American Association of State Highway and Transportation Officials (AASHTO) Tables ▪ New York State Department of Transportation (NYSDOT) Average Annual Daily Traffic (AADT) Volumes ▪ Accident Summary Data 2017-2019 ▪ School Bus Routes and Transit Routes ▪ Emergency Access Routes ▪ Posted Bridge and Culvert Data ▪ Construction Access Routes ▪ Highway Capacity Software (HCS) Level of Service Output ▪ Truck Turning Templates
26	Effect on Communications: Analysis of Project impact on all types of communications in the Project Area.	None
27	Socioeconomic Effects: Analysis of the Project and its impact to the economy and jobs.	<ul style="list-style-type: none"> ▪ National Renewables Energy Laboratory Jobs and Economic Development Impact (JEDI) Model
28	Environmental Justice: Air quality and health impacts on certain communities.	<ul style="list-style-type: none"> ▪ Census Block Groups in the Vicinity of the Project Map

Table 2-1. List of Exhibits and Supporting Documentation

Exhibit	Exhibit Title/General Description	Supporting Documentation
29	Site Restoration and Decommissioning: Plans for site restoration upon Project decommissioning.	<ul style="list-style-type: none"> ▪ Decommissioning and Restoration Plan
30	Nuclear Facilities	None
31	Local Laws and Ordinances: Local laws pertinent to the Project.	<ul style="list-style-type: none"> ▪ Dwelling and Structure Law of the Town of Conquest (2000) ▪ Local Law #2 of 2018 Amending Dwelling and Structure Law of the Town of Conquest ▪ Town of Conquest Local Law #1 of 2019 ▪ Town of Conquest Local Law #2 of 2019
32	State Laws and Regulations: State laws pertinent to the Project.	None
33	Other Applications and Filings: Other state and federal applications and filings that are relevant to the Project.	None
34	Electric Interconnection: Description of Project electric systems	None
35	Electric and Magnetic Fields (EMFs): EMF analysis for certain Project and Project-related electric systems.	<ul style="list-style-type: none"> ▪ EMF Calculation ▪ Nearest Residence to Overhead Connection Map
36	Gas Interconnection	None
37	Back-Up Fuel	None
38	Water Interconnection	None
39	Wastewater Interconnection	None
40	Telecommunications Interconnection: Description of communications network required for the Project.	None
41	Applications to Modify or Build Adjacent	None

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

The PIP Plan was submitted to the New York State Department of Public Service (DPS) on January 28, 2020. The PIP Plan was updated following the receipt of comments from the DPS and filed on March 27, 2020. A supplement to the PIP Plan was filed on August 17, 2020.

(1) PIP Components to Date

In order to encourage public involvement in the Project throughout the Article 10 process, information such as fact sheets, town board meeting and open house presentations, and educational materials were made available on the Project website (<http://www.garnetenergycenter.com>) beginning on March 17, 2020. Information related to language access, identification of environmental justice areas, intervenor funding, a toll-free telephone number (800-674-0851), and the use of document repositories for paper copies of major Project documents, except those subject to protective order, are outlined in the PIP Plan. The PIP Plan is available on the Project website and on the DPS Document and Matter Management (DMM) website at <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=61792&MNO=20-F-0043>. The Project currently is not planned to have a local office. The goals of the PIP Plan are to:

- Identify groups and individuals with a potential interest in the Project, i.e., “stakeholders;”
- Implement activities to make stakeholders aware of the Project;
- Facilitate stakeholders’ access to information on the Project and the Article 10 review process in a relatively convenient manner;
- Engage stakeholders to understand their interests related to the Project and seek input as to how to best address their interests and concerns as the Project moves forward;
- Gather specific information from stakeholders that can be used to design objective and useful studies to be defined in the Preliminary Scoping Statement (PSS) and included in a compliant Application for the Project.

The Applicant has completed the pre-Application consultations set forth in the PIP Plan and has held multiple stakeholder meetings. The Applicant has encouraged local involvement through open dialog discussions and attendance at numerous meetings with various groups and individuals including the Town of Conquest Supervisor, members of the Town of Conquest Town

Board, Town of Conquest Town Attorney, Town of Conquest Town Clerk, Cayuga County Attorney, Cayuga County Legislator, Cayuga County Planning Department, Cayuga County Chamber of Commerce, Cayuga County Industrial Development Authority, adjacent landowners, and others as detailed in the PIP Meeting Log (see Appendix 2-5). The PIP Meeting Log also details public and agency correspondence or outreach conducted through the Project website and by phone. Documented correspondence with the Applicant, as well as relevant questions and concerns related to the Project, are captured in the Meeting Log. The PIP Plan activities are ongoing and include regular communications about the Project and Article 10 Application process through the stakeholder contact list (including host and adjacent landowners), and the Project website.

(2) Public Involvement Activities

Notice of the Application submittal was served in accordance with 16 NYCRR § 1000.6 and § 1000.7 and to a Project mailing list consisting of the updated stakeholders list and their points of contact, including host and adjacent landowners, and additional addresses received through public outreach. The notice included general Project information and details regarding the Article 10 Application. A copy of the mailing list and documentation indicating the dates and mailings that were made will be provided to the Secretary. The updated stakeholder list is provided as Appendix 2-6.

(3) Newspaper Publications

In addition to mailing notices as required under 16 NYCRR § 1000.7, notices were published regarding the Application in two newspapers local to the Project and Study Areas, The Citizen and The Wayuga Shopper, as required under 16 NYCRR § 1000.7(a).

(4) Open House Information

The PIP Plan had provided that an open house with two sessions, one during the day and one in the evening, on the same day, would be held before the Application was filed. Due to restrictions on public gatherings ordered by Governor Cuomo, and in order to help curtail the Coronavirus disease 2019 (COVID-19) pandemic, it was not possible to hold in-person open house events. As the COVID-19 pandemic had not successfully been abated as of February 2021, it was determined that in lieu of an in-person open house, a virtual open house would be held in its place. Below is a summary of the two-session open house that occurred on February 4, 2021. A recording of the virtual open house can be found on the Project website.

Details regarding the two virtual open house sessions held on February 4, 2021 are as follows:

- The open houses were conducted from 11:00 a.m. to 12:00 p.m. and 6:00 p.m. to 7:00 p.m. via ChorusCall.
- Informational flyers were mailed to the entire stakeholder list as well as all landowners within the 2-mile Study Area on January 21, 2021.
- Notification was published in The Citizen and The Wayuga Shopper approximately four weeks prior to the open houses.
- Thirty people attended the open houses.

The Applicant has mailed informational flyers to 1,688 addresses on the Project Stakeholder List and property owners within the Project's 2-mile Study Area on January 21, 2021. The Applicant held two open houses virtually due to the COVID-19 pandemic. Instructions were provided on how the public could join the stakeholder list if they wished to receive notices of Project milestones and Project information updates. Additionally, the Project website, email address, and telephone number continue to be available to the community to provide Project information.

During the Open Houses, comments on potential visual impacts, financial benefits to the local community, location of Project Components, setbacks, Project decommissioning, and compatibility with existing community character were received. Additional comments have been posted to the DMM about potential impacts to wildlife. The following actions regarding these comments were performed by the Applicant:

- Performed a viewshed analysis to determine any areas in need of visual mitigation;
- Proposed vegetative screening to address concerns about views from residential receptors;
- Pledged to direct the General Contractor to hire subcontractors from the local community to the extent practicable;
- Adhered during Project design to setbacks of a minimum of 100 feet from non-participating adjacent property lines and 250 feet from adjacent residences.
- Provided a map on the Project's website showing the location of all Project Components, and mailed physical copies to interested parties when requested;

- Provided a Decommissioning and Restoration Plan with this Application detailing how the land will be restored to its original state through the decommissioning process, stating that that process will follow New York State guidelines, and describing how financial assurance will be provided by the Applicant; and
- Conducted extensive wildlife studies.

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

(5) Outreach Events and Meetings

A summary of questions asked at the open houses, along with indications of how each type of comment will be addressed, is provided above in Section (4).

The Applicant, through PIP Plan consultations and meetings with state and town officials and landowners within the Project Study Area, and written comments, has identified the following key Article 10 issues and proposed Project changes:

- Potential visual impacts to adjacent landowners and surrounding areas;
- Potential impacts to wildlife;
- Potential impacts to agricultural land;
- Potential impacts to cultural resources; and
- Potential impacts to local roads.

The Applicant has conducted numerous studies related to the above listed concerns and has sited the Project such that impacts from construction and operation of the Project have been minimized and avoided to the maximum extent practicable.

Stakeholders identified in the PIP Plan include the Town of Conquest and its respective points of contact, including the Supervisor, Clerk, Code Enforcement Officer, Council Members, and Planning Board Members. The stakeholder list also includes municipal officials from adjacent communities within the two-mile Study Area, including the Towns of Cato, Ira, and Victory, and the Village of Cato. In addition to municipal officials, the stakeholder list includes the following people/entities: county, state, and federal agencies, legislative representatives, highway departments, local school districts, emergency responders, utilities, public interest groups, host

and adjacent landowners, document repositories, and miscellaneous stakeholders identified during public outreach efforts.

Participating landowners (real property owners that have entered into lease or purchase agreements with Garnet Energy Center, LLC), are included in the stakeholder list as one group. Adjacent landowners (within 2,500 feet of the Project Area parcel boundary) have also been included in the stakeholder list as one group. Similarly, residents of the Study Area (non-participant landowners or adjacent landowners) have also been included in the stakeholder list as one group. An updated stakeholder list has been provided in Appendix 2-6.

Stakeholders were notified at least three days prior to this Application being filed. Notifications were published in The Citizen and The Wayuga Shopper describing the proposed Project and a summary of the contents of the Application. Notification was also mailed to each member of the state legislature in whose district the Facility is to be located as proposed. The notices included information on where and how the public could retrieve supplementary information on the Project.

Additional further public involvement activities will be included in the Project's PIP meeting log that is provided as Appendix 2-5, and can be found on the Project website as well as the DPS DMM website.

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

The Applicant will continue outreach activities with state, county, and town officials after the Application is submitted. This outreach will include presentations to and discussions with the town board in the Project Area to keep town officials and residents updated on the status of the Project. Public hearings will be held as part of the Article 10 certification process that stakeholders and interested landowners may attend. The Applicant will also continue to meet with interested parties, if requested. The Applicant will continue to engage stakeholders, sponsor open communication with non-public entities, and continue meeting with stakeholders during preparation for construction, construction itself, and operation. The Applicant has also prepared a Complaint Resolution Plan and resolution procedures, as detailed in Exhibit 12, for construction and operation of the Project. Notice of construction will be published in accordance with the Article 10 certificate conditions.

The most up-to-date stakeholder list is provided in Appendix 2-6 of this Application. Identification of stakeholders has been an ongoing process as described in Section 2(c) above. In addition to notifications required under 16 NYCRR § 1000.7, the Applicant will mail notice of the Application

submittal to the Project mailing list. The mailing list is composed of the updated stakeholders list, including host and adjacent landowners, and additional addresses received through public outreach. The notice will include general information on the Project and the Article 10 Application specifically.

2(e) Relevant and Material Fact Analysis

In order to support the Article 10 Application Exhibit requirements and provide for the safety and security of public and private resources, the Applicant has conducted numerous studies and analyses, as well as in-depth literature reviews. The studies and analyses conducted regarding the construction and operation of the Project extended beyond the Project Area in order to accurately characterize the potential impacts to resources as identified in Section 164 of the Public Service Law (PSL). The information contained in this Application provides sufficient bases for the Siting Board to grant the Article 10 Certificate in accordance with Section 168 of the PSL.

Section 168(2) of PSL

The probable environmental impacts due to construction and operation of the Project are briefly discussed below including an overall analysis of the relevant and material facts for each required finding related to the probable impacts.

Ecology: The Project Area consists of active agriculture (55 percent), disturbed/developed (1.4 percent), forest land (36.4 percent), open water (< 0.01 percent), successional old field (0.1 percent), wetlands (26 percent), and successional shrubland (0.8 percent). Some impacts are expected to occur to certain habitats and wildlife during Project construction and operation. However, through initial impact analysis and careful site design as explained in Exhibit 22 Sections 22(d)(3) and 22(f)(9), permanent habitat loss and forest fragmentation have been avoided or minimized, to the maximum extent practicable.

Impacts to vegetative communities will occur as a result of construction but have been minimized consistently throughout the process of siting Components. Conservatively, up to 93.9 acres of vegetation will be temporarily impacted. Concurrently, only up to 24.5 acres will be permanently displaced due to the siting of Project Components. An additional 1,068.9 acres will be largely converted for the useful life of the Project due to the siting of Project Components. Although the siting of Project Components will result in the loss in acreage of plant communities within the Project Area, no specific plant community will be significantly reduced or completely eradicated due to the Project. The plant community most impacted will be agricultural crop land and

forestland, with expected conversion to grassland vegetation for the life of the Project. Project construction and operation will not adversely impact rare or protected plants or significantly impact ecological communities.

Avoidance efforts have been undertaken through the application of attentive site planning. During the design phase of the Project, special consideration was given to avoid unnecessary impacts to grasslands, forestland, wetlands, and successional old fields and shrublands. Impacts to these landscape features (and vegetation communities) as a result of the Project will be marginal. The Project Components have been located to confine disturbances to the smallest area possible.

Linear project components such as access roads and collector lines have been co-located where feasible to avoid and minimize impacts to plant communities. The solar arrays have been placed in areas previously disturbed by agriculture to the maximum extent practicable.

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

Ground and Surface Water: No significant adverse and/or permanent impacts to groundwater quality or quantity are anticipated to result from the Project. In addition, solar energy centers do not use water to generate electricity during operations unlike numerous other conventional energy sources. The potential exists for minor, short-term impacts to the local water table during the construction phase of the Project. Potential impacts to groundwater, although not anticipated, may occur through the introduction of pollutants from inadvertent discharges of petroleum and other chemicals, and minor leaks or mechanical failure of construction equipment/vehicles. To minimize the potential for and impacts from the release of hazardous chemicals during construction and operation, the Project will adhere to a Project-specific Spill Prevention, Containment and Control (SPC) Plan. A SPC Plan will be submitted to the Secretary prior to construction of the Project. Additional information regarding groundwater impacts and impact prevention is included in Exhibit 23 of this Application.

Wetland and waterbody delineations were conducted in June and November of 2020. Wetlands comprise 595.11 acres (26%) of the delineated Project Area. The Project components have been sited to avoid impacts to terrestrial ecology and wetlands to the maximum extent practicable.

Impacts to wetlands have been avoided to the maximum extent practicable by siting Project Components within upland (typically agricultural) areas wherever possible and pursuant to the Siting Board's Atlantic Wind decision, and applying the BMPs in Appendix 22-6. However, due to the amount of land within the Project Area occupied by wetlands, impacts to these features are, in places, unavoidable. Where wetland impacts could not be avoided, impacts are minimized through project design and the application of BMPs including stormwater prevention control measures, equipment restrictions, and the use of existing access roads and crossings. Within the Project Site, there will be a total of 11,370 sq. ft., or 0.26 acres of permanent impacts to USACE jurisdictional and non-jurisdictional wetlands, 5,480 sq. ft., or 0.13 acres of permanent impacts to NYSDEC-mapped regulated wetlands, and 29,104 sq. ft., or 0.67 acres of permanent impacts to NYSDEC-mapped wetland adjacent areas. In addition, construction of the Project is anticipated to result in approximately 15,462 linear feet of temporary disturbance and 275 linear feet of permanent disturbance to NYSDEC Class C and unclassified waterbodies identified during on-site wetland and stream delineation.

The non-State mapped wetlands proposed for disturbance onsite are not unique and many of these wetland area's functions and values will continue to occur (e.g. groundwater recharge/discharge, flood-flow alteration, wildlife habitat, etc.) during operation of the Project while some may even be improved, such as sediment/toxicant/pathogen retention and nutrient removal/retention/transformation, where soils that are regularly disturbed by agricultural activities now will be stabilized with native grass vegetation during the life of the Project. The proposed solar energy center will result in a less impactful use of this land while providing a public benefit in the form of generating 200 MW of clean, renewable energy. The benefits of the Project far outweigh the impacts proposed to these non-State mapped wetland areas.

Certain construction activities may result in temporary direct and/or indirect impacts to surface waters, including the installation of access roads and solar arrays, installation of underground collection lines, and the development of temporary staging areas and workspaces around solar panel sites, substations, and energy storage facilities. Potential temporary impacts will be minimized through the use of Best Management Practices (BMPs) as outlined in the Project's Stormwater Pollution Prevention Plan (SWPPP).

In areas where Project Components are proposed within, adjacent to, or across non-state mapped wetlands, streams, or drainage ditches/swales, appropriate erosion and sediment control measures will be installed and maintained in accordance with the Project-specific SWPPP or other

BMPs specific to working in and near water, as discussed in multiple exhibits of this Application. A Preliminary SWPPP, provided as Appendix 23-3, has been prepared for the Project and will be finalized prior to construction. The Applicant also proposes to install portions of the Facility's collection lines via HDD under existing roads and sensitive water resources, where practicable, to further reduce impacts.

Wildlife and Habitat: Based on Project-specific information received from the New York Natural Heritage Program (NYNHP), NYSDEC, United States Fish and Wildlife Service (USFWS), and direct on-site observations, a list of state- and federally-listed species was compiled for those species that are believed to occur or have the potential to occur within the Project Area. Site-specific information was requested from agencies to determine the presence of rare, threatened, endangered, and special concern species. Site surveys were conducted by qualified biologists.

The USFWS Information for Planning and Consultation (IPaC) lists the federally endangered Indiana bat (*Myotis sodalis*) as potentially present within the Project Area. Based on an analysis of aerial imagery and field surveys, there is potential roosting and foraging habitat for the Indiana bat in the vicinity of the Project Area. As discussed in Exhibit 22, the USFWS has recommended presence/probable absence surveys for the forested portions of the Project Area where tree clearing is proposed in order to map this species in the surrounding area. Therefore, Indiana bat presence/probable absence surveys are proposed to be conducted during the summer of 2021, the results of which will be provided to USFWS, NYSDEC, and DPS.

The NYSDEC has a record of a rare historic plant, not documented since 1979 or earlier, the state-listed endangered Northern Adder's Tongue (*Ophioglossum pusillum*) within the vicinity of the Project Area. This plant species was not observed onsite. Two state-listed species, bald eagle (threatened) and northern harrier (threatened) and one Species of Special Concern (SSC), sharp-shinned hawk, were observed on-site. Bald eagles were observed on six occasions during early 2020 surveys and on four occasions during the 2020-2021 survey. Observations primarily indicated the species used the Project Area only as a travel corridor. No essential behavior was observed for this species. Sharp-shinned hawk were only observed on five occasions during 2020-2021 surveys, including one incidental sighting. Minor modification of habitat for bald eagle and sharp-shinned hawk is expected to occur. Northern harrier are not believed to be utilizing habitat within the Project Area as the species was only observed once, as a flyover. As discussed in Exhibit 22, there will be no take of T&E species during construction or operation.

Impacts to wildlife and their various habitats have been avoided and minimized to the extent practicable. However, some impacts may occur as a result of this Project. Impacts are restricted to incidental injury and mortality due to various construction operations, temporary displacement due to increased human activity during construction, and habitat disturbance and/or loss (including the loss of travel corridors) as a result of clearing, earth-moving, and the siting of Project Components.

Site design practices avoid sensitive habitats by siting solar arrays primarily in agricultural fields, minimizing construction disturbances to the extent practicable, adhering to designated construction limits, and avoiding sensitive areas. Through initial impact analysis and careful site design, permanent habitat loss and forest fragmentation have been avoided or minimized. Access roads, collection lines, and solar arrays will be sited in agricultural fields to the maximum extent practicable in order to minimize impacts to natural communities, including forest fragmentation.

The Project will not cause naturally occurring populations of common or rare birds to be reduced to numbers below levels for maintaining viability at local or regional levels. As stated within Exhibit 22, total habitat loss will occur in habitats representing approximately 4 percent of available habitat within the surrounding 2-mile Study Area, and no single habitat present within the Project Area will be entirely eradicated.

Public Health and Safety: Solar energy generation facilities and energy storage technologies do not pose adverse environmental or public health impacts. The solar arrays produce clean, renewable energy and reduce the need for fossil fuel combustion energy generation which produce a high amount of air emissions. Solar energy generation does not require fuel combustion and does not generate air emissions. Minimal pollutants will be emitted during construction activities, resulting from diesel-fired generators, vehicles, construction equipment, and dust. Construction related emissions will be reduced through the use of BMPs.

Use of anti-reflective coating on the solar panels and adhering to setbacks from residences, roadways, and other existing facilities will be implemented to minimize the potential glare from the Facility. A Glint and Glare Analysis, provided as Appendix 24-2, was conducted to identify potential impacts to nearby residences and roads. The analysis indicated significant impacts from glare are not expected as a result of the Project. Potential impacts have been minimized to the maximum extent practicable through proposed mitigation in the form of landscape screening and

the removal of arrays from one location (refer to the glare discussion in appendix 24-1 and the glare report in 24-2).

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

A Phase IA Archaeological Survey was completed in August 2020 and revised in September 2020. A Phase IB survey was conducted in April and May 2021. The Phase IA survey report is included as Appendix 20-1, and the Phase IB survey report is included as Appendix 20-4.

The Phase IA study revealed that much of the Project Area is considered to have low sensitivity for prehistoric period sites. However, approximately 13 percent of the Project Area in close proximity to the wetlands are considered to have high sensitivity. Office of Parks, Recreation and Historic Preservation (OPRHP) records confirmed that there are two archaeological sites previously recorded within the Area of Potential Effects (APE). The National Register of Historic Places (NRHP) status of these two sites is undetermined. The study indicated that no archaeological investigations have been conducted within a one-mile radius of the Project. An archaeological sensitivity analysis of the Project Area determined that approximately 246 acres of the 1,899-acre area assessed for archaeological resources (approximately 13 percent) are considered to have high sensitivity for archaeological resources, approximately 753 acres (approximately 39.6 percent) are considered to have moderate sensitivity for archaeological resources, and approximately 900 acres (approximately 47.4 percent) are considered to have low sensitivity for archaeological resources.

The Phase IB survey of the Project Area consisted of the excavation of 2,660 shovel test pits (STPs) to determine whether archeological sites are located in areas of proposed ground disturbance for the Project. This resulted in the identification of two historic sites, two prehistoric isolated finds, and three non-site historic scatters. The results of this survey are discussed in detail within the Phase IB report and is being filed with OPRHP concurrent with the filing of the Article 10 Application. Refer to Exhibit 20 for additional information regarding the Phase IA study and Phase IB survey.

As a result of a historic architectural survey conducted for the Project, TRC identified a total of 50 architectural resources aged 50 years or older in the APE that consist of 8 previously identified architectural resources and an additional 42 newly identified architectural resources. Eight resources in the APE for the Project are recommended NRHP eligible, and five newly identified resources are recommended NRHP eligible as a result of the survey. None of these eight

resources are within the parcel boundaries comprising the Project Area or within the limits of disturbance (LOD) for construction of the Project.

Based on location of the historic properties, Project visibility is reduced and minimized by intervening objects and structures, as well as distance and vegetation. TRC's analysis of the undertaking in relation to historic properties therefore concludes that construction activities will not directly or indirectly affect the character-defining features that contribute to the significance of any NRHP-listed, eligible, or recommended eligible resources in the APE. Refer to Exhibit 20 for additional information.

Visual impacts of the Project are minimal to recreational, scenic, and aesthetic values. A Visual Impact Assessment (VIA) was conducted for the Project, is described in Exhibit 24 and is available as Appendix 24-1 of this Application.

Transportation: Construction traffic will involve the use of vehicles and equipment such as aggregate trucks, concrete trucks, a construction crane, forklifts, pile drivers, pickup trucks/ATVs, and semi-trailers as described in Exhibit 25. The Project's haul routes have been assessed and were determined to be adequate for facilitating deliveries to the Project Area without the need for improvements. Based on the existing traffic data obtained from the New York State Department of Transportation (NYSDOT), additional construction traffic associated with this Project is not expected to have any major impacts to existing roads.

Communication: The Applicant conducted a review of potential impacts to communication technology as a result of the Project. It was determined that the Project will have no adverse impacts to major communication technologies, including aboveground and underground utility and fiber optic lines. This determination includes consideration of broadcast patterns, lines-of-sight, physical disturbance, co-located lines due to unintended bonding, and other interference potentials.

Utilities and Other Infrastructure: The Applicant will consult with local utilities to ensure negative impacts to electric, water, or communications utilities services and infrastructure do not occur. The Applicant has also consulted with National Fuel and the NY Power Authority to obtain their guidance and coordination concerning construction of the Project to avoid any interference with their facilities.

Section 168(3) of the PSL

The Project is a beneficial addition to the electric generation capacity of New York State: New York Energy Law § 6-104 requires the State Energy Planning Board to adopt a State Energy Plan (SEP), the latest full iteration of which was issued in 2015. The 2015 SEP included a series of policy objectives including a 40% reduction in greenhouse gas emissions from 1990 levels, and 50% of electricity generation in the state to be obtained by renewable energy sources by 2030. The New York Public Service Commission adopted the Clean Energy Standard (CES) in 2016 to implement the policy objectives of the 2015 SEP, including the solicitation of RECs from large/commercial scale solar projects via requests for proposals administered by NYSERDA. The Garnet Energy Center Project was awarded a contract by NYSERDA to generate RECs to be purchased by NYSERDA for use in reducing greenhouse gas emissions in the State. The Climate Leadership and Community Protection Act (CLCPA), which was signed into law in 2019, expands on the 2015 SEP's goals and the CES by requiring that 70% of electricity be generated from renewable energy sources by 2030 and that New York's electricity generation be carbon-free by 2040. The CLCPA also requires programs be established to ensure that 6 gigawatts of solar generation be developed by 2025. The SEP was amended in April 2020 to include the CLCPA's renewables mandates. The Project will contribute significantly to these goals by providing emissions-free, low-cost, renewable energy to New York's energy market. The Project will also create job opportunities, support economic growth, and help the State reduce greenhouse gas emissions. The Project will produce enough zero-emissions energy to power more than 67,000 homes in New York State.

The construction and operation of the facility will serve public interest: The Project will serve the public interest of those living within the Project Area and beyond throughout construction and operation. The Applicant is committed to hiring locally whenever possible and has already employed over 25 people from the State to assist with the development of the Project. Additionally, as described in Exhibit 27, the Project is anticipated to employ 227.9 local jobs during construction including equipment operators, truck drivers, laborers, and electricians, in addition to creating approximately three permanent operation and maintenance jobs throughout the 30-year expected life of the Project as well as the hiring of local contractors for site maintenance including landscaping and snow removal services. In addition, the Project will contribute significant revenue to New York State through in-state payroll to those employed through the Project as well as construction expenditures in the state.

In addition to jobs in the State, the Applicant intends to contribute significant revenue to the community. The Applicant and the Town of Conquest are discussing a Host Community Agreement and PILOT agreement that will contribute significant revenue to the County, Town, and school districts for up to 20 years. The Project is anticipated to generate millions of dollars in payments to landowners that are participating in the Project, money that will benefit the local community and economy. The public interest will also be served by reducing greenhouse gas emissions, as discussed above.

Adverse environmental effects of the construction and operation of the Project will be minimized or avoided to the maximum extent practicable: As demonstrated and discussed within this Application, the Applicant has conducted numerous studies and analyses to assess and avoid or minimize environmental effects due to construction and operation of the Project, to the maximum extent practicable. The studies and analyses include, but are not limited to:

- Wetland surveys have been conducted and Project Components have been moved to avoid the vast majority of wetlands in the Project Area. BMPs will be applied to non-State-mapped wetlands. Direct impacts to State-mapped wetlands within the Project Area have been minimized to the extent practicable;
- Wildlife and habitat research has been conducted and Project Components have been sited and adjusted to minimize impacts;
- Sound studies have been conducted and noise producing equipment has been moved or sound barriers proposed to avoid, minimize, or mitigate potential impacts to local residents;
- Extensive cultural analysis has been conducted to avoid impacting any historic and/or archaeological resources at the Project Area;
- The Applicant will use BMPs and implement mitigation measures, such as dust control, during construction to minimize impacts. Post-construction decommissioning and restoration will return the Project to as close to pre-construction conditions as possible.

The Applicant has spent years and millions of dollars on the supporting materials contained herein. The Project and Application have been structured to avoid and minimize impacts and ultimately build a solar project that will be a benefit to the community and the State of New York.

The Applicant will avoid, offset, or minimize the impacts caused by the Project upon the local community: Significant and adverse environmental impacts to the local community will not occur as a result of the Project. As detailed in the Application, the Project will avoid, offset, or minimize the impacts resulting from the Project to the maximum extent practicable. The Applicant intends to execute Host Community and PILOT agreements that will significantly benefit the community for the next 30 years and will outweigh the relatively minor impacts associated with the Project.

Except where noted otherwise, the Project is designed to operate in compliance with applicable state and substantive local laws and regulations: As discussed in Exhibits 31 and 32, the Project was designed and will operate in compliance with applicable state and substantive local laws and regulations.

2(f) Major Project Documents

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