NORTH SENECA
SOLAR PROJECT

North Seneca Solar Project

ORES Permit Application No. 23-00036

900-2.3 Exhibit 2

Overview and Public Involvement

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EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT

(a) Brief Description of the Proposed Facility

North Seneca Solar Project, LLC (the Applicant) proposes to construct the North Seneca Solar Project, an up to 90-megawatt alternating current solar energy generating facility located within the Towns of Waterloo and Junius, Seneca County, New York (the Facility). The regional Facility location is depicted in Figure 2-1. The Facility Site will be located on private lands that are primarily rural in nature and will encompass approximately 940 acres, of which approximately 390 acres will be occupied by Facility infrastructure for the life of the Facility (i.e., approximately 35 years; Figure 2-2). Key terms used frequently in this Application to describe the North Seneca Solar Project are defined below:

- Project: Collectively refers to permitting, construction and operation of the Facility, as well as proposed environmental protection measures, and other efforts proposed by the Applicant.

- Facility Site: The boundary of parcels or portions of parcels proposed to host the Facility components and associated facilities.

- Facility: The proposed major renewable energy facility as defined at §900-1.2(ag) of the 94-c regulations. The proposed components of the Facility will include linear rows of photovoltaic (PV) modules mounted on racking/support systems (PV arrays); inverters; security fencing and gates around each individual PV arrays or groups of PV arrays; access roads; temporary construction laydown areas; a storage trailer; underground collection lines; a collection substation; point of interconnection (POI) switchyard; and a short length of overhead transmission tap line that will connect the Facility to the high voltage electrical grid. All components associated with the Facility are shown in Figure 2-2.

(1) Brief Overall Analysis

As required by Title 19 New York Codes, Rules and Regulations (NYCRR) §900-2.3(a), this section includes an overall analysis of the relevant and material facts established in this Siting Permit Application, addresses each required finding, determination, and consideration that the Office of Renewable Energy Siting (ORES) shall evaluate in its decision, and provides the basis for why the Siting Permit should be granted. Specifically, this section includes information and analyses from the supporting studies regarding the nature of the probable impacts of the construction and operation of the Facility on (i) ecology, wildlife, and wildlife habitat, (ii) wetlands and surface waters, (iii) geology and groundwater, (iv) land use and agriculture, (v) public health and safety, (vi) cultural, historic, and visual resources, (vii) transportation, utilities and other infrastructure, and (viii) compliance with local laws and ordinances.

The parcels that are currently proposed to host the Facility (i.e., the Facility Site) represent multiple landowners who are willing and interested in participating in the Project, but only under specific circumstances that are compatible with landowner preferences. Parcels outside the Facility Site were

not available for development and therefore it was not possible to shift PV arrays or other Facility components to these areas, even if they would otherwise be suitable or allow for further avoidance or minimization of impacts. Landowners agreeing to host PV arrays typically have very specific requirements regarding where the solar infrastructure can and cannot be located on their land. Similarly, some landowners may be willing to host certain Facility components, but not PV arrays. Additionally, even if landowners are amenable to a shift in Facility components, such a change is often not possible given the setbacks and local zoning requirements established by the Town of Waterloo (one of the host municipalities), which reduces flexibility for Facility design shifts. Regardless, in some instances the Applicant removed parcels or portions of parcels from the final Facility Site boundary and shifted Facility components within the Facility Site multiple times during the iterative design process as additional constrains were identified in order to avoid sensitive resources documented in the vicinity of the Facility Site. The Facility layout presented in this Application (Figure 2-2) is the culmination of an ongoing effort undertaken by the Applicant to avoid and minimize impacts to sensitive resources. Potential site design constraints were identified through various studies and consultations and are described in greater detail in the various exhibits and figures throughout this application. The collective design constraints that were factored into the Facility layout are depicted in Figure 2-3. This figure demonstrates not only the constraints to siting components within the current Facility Site boundary, but also depicts the Facility Site boundary as originally proposed, demonstrating how the Facility footprint was reduced in a way that avoids and minimizes impacts to environmentally sensitive resources. Additionally, given the numerous iterations of the Facility Site, various pre-application studies may present slightly different study areas based on buffer distances applied to earlier versions of the Facility Site boundary.

New York State policy and laws advocate for and require the development of renewable energy projects to significantly increase generating capacity from renewable sources, meet clean energy goals, and combat climate change (CLCPA, 2020). As summarized below, the Facility has been designed to avoid and minimize impacts to sensitive resources, while also making a meaningful contribution (up to 90 MW) to renewable energy generation in New York and advancing well-established policy and legislative goals.

(i) Ecology, Wildlife, and Wildlife Habitat

As described in Exhibit 11 (Terrestrial Ecology), the Applicant defined the boundaries of plant communities within the Facility Site and within 100 feet of the proposed limits of construction activity[1] by utilizing data collected in the field while conducting various ecological surveys (e.g., breeding bird survey, wintering raptor survey, a targeted wildlife habitat assessment, and wetland and stream delineations) and evaluating recent aerial imagery from 2022. As determined through this evaluation, the dominant plant communities found within the Facility Site include agricultural communities (64%) forestland (26%).

[1] The outer boundary of where construction will occur.

In general, the plant communities found within the Facility Site are relatively common in the region and New York State and although consultation with the New York Natural Heritage Program (NYNHP) identified several significant natural communities in the vicinity of the Project, none are located within the Facility Site. A targeted rare plant survey was conducted from July 25 to 26, 2023 to identify **BEGIN CONFIDENTIAL INFORMATION<** [redacted] **>END CONFIDENTIAL INFORMATION**

Avoidance, minimization, and mitigation of impacts to vegetation associated with the plant communities at the Facility Site has been and will be accomplished through careful site planning. Tree clearing and impacts to forested wetlands have been avoided and minimized to the extent practicable, and access roads have been sited on open uplands and agricultural lands to further minimize the need for tree and vegetation clearing where feasible. However, as described in Exhibit 11(b) and depicted in Figure 11-1, the construction and operation of the Facility will result in temporary and permanent impacts to plant communities including approximately 380 acres of agricultural lands, 74 acres of forestland, 20 acres of brushy cleared land, 3 acres of successional shrubland, 2 acres of developed or disturbed lands, and less than 1 acre of successional old field within the Facility Site. The construction and operation will not result in any significant reduction, fragmentation, or eradication of plant communities or wildlife habitat.

The majority of the Facility Site and anticipated plant community impacts are comprised of row cropland which does not provide high-quality habitat for wildlife. Agricultural lands generally provide limited or seasonal habitat for wildlife due to regular modification by human activities, such as tilling, planting, cultivating, or mowing. Maintained early successional areas under PV arrays are expected to provide habitat for a number of wildlife species including pollinators and other invertebrates, small mammals, reptiles, amphibians, and avian species that utilize old field and grassland habitat. Converting these areas out of active agricultural use could provide a benefit to these species by providing a more dense, diverse ground cover than that found in areas used for agricultural production. Additional information regarding impacts to plant communities and the Applicant's planned avoidance and minimization strategies are presented in Exhibit 11 (Terrestrial Ecology).

The Applicant prepared a Wildlife Site Characterization (WSC) Report (Appendix 12-A) for the Project in accordance with 19 NYCRR § 900-1.3(g)(1), summarizing existing public information on bird, bat, and other wildlife species at the proposed Facility Site, and additional areas that were under consideration at that time, and in the surrounding area. Information reviewed in the WSC Report suggests that the Facility Site's wildlife community consists of relatively common species that are typically found in agricultural and forested habitats. The *WSC Report* also identifies state-listed

threatened, endangered, or special concern species documented in the vicinity of the Facility Site within the last five years. The *WSC Report* and associated shapefiles and mapping were provided to the ORES on April 15, 2022, in accordance with §900-1.3(g)(2). The Applicant participated in an initial meeting with ORES and the New York State Department of Environmental Conservation (NYSDEC) on May 17, 2022, to discuss findings of the *WSC Report* and required surveys for state-listed threatened, endangered, or special concern species.

The Applicant conducted surveys and submitted reports for the Breeding Bird Survey (Appendix 12-C), Winter Grassland Raptor Survey (Appendix 12-D) and **BEGIN CONFIDENTIAL INFORMATION**<[redacted]>**END COINFIDENTIAL INFORMATION** to ORES and NYSDEC. After review of the survey results and several consultations with the Applicant, ORES issued a final Determination of Occupied Habitat, Incidental Take, and Net Conservation Benefit (Appendix 12-F) on August 24, 2023, which estimates the Project would modify approximately **BEGIN CONFIDENTIAL INFORMATION**<[redacted]>**END CONFIDENTIAL INFORMATION**, a state-listed threatened species.

As further explained in Exhibit 12, the Facility has been designed to avoid and minimize impacts to environmental resources to the greatest extent practicable, while also making a meaningful contribution (up to 90 MW) to renewable energy generation in New York and furthering well-established policy goals. However, due to the ORES determination of occupied **BEGIN CONFIDENTIAL INFORMATION**<[redacted]>**END CONFIDENTIAL INFORMATION** the Applicant has developed a Net Conservation Benefit Plan (NCBP) for the Facility (Appendix 12-G) in accordance with the requirements of §900-6.4(o) of the Section 94-c regulations. To achieve a net benefit to NYS threatened and endangered species, the Applicant is proposing specific avoidance and minimization measures and best management practices, as well as to preserve and manage approximately 84.3 acres of grassland habitat for the life of the Facility (approximately 35 years). See Exhibits 11 (Terrestrial Ecology) and Exhibit 12 (NYS Threatened and Endangered Species) for more information regarding ecology, wildlife, and wildlife habitat at the Facility Site.

(ii) Wetlands and Surface Waters

As described in Exhibit 14 (Wetlands) and Appendix 14-A (Wetland and Stream Delineation Report), Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) delineated wetlands and streams within the Facility Site and within 100 feet of areas to be disturbed by construction between July and November 2022 (Appendix 14-A). A functions and values assessment was performed for each of the identified wetlands (Exhibit 14(c) and Appendix 14-B).

On behalf of the Applicant, EDR coordinated with ORES, to conduct a site visit to review the boundaries of delineated features in support of determining state jurisdictional status of the

wetlands and streams within the Facility Site. As a result of this process and the associated consultations conducted in accordance with 19 NYCRR §900-1.3(e), a final jurisdictional determination was issued by ORES on August 24, 2023, which identifies 20 delineated wetlands that are state regulated under Article 24 of the Environmental Conservation Law (ECL) (Appendix 14-C). None of the delineated streams were determined to be state regulated under Article 15 of the ECL (Appendix 13-E). Final federal jurisdictional determinations for all wetlands and streams must be made by the U.S. Army Corps of Engineers (USACE).

The Applicant has largely achieved an avoidance of impacts to state-regulated wetlands and adjacent areas throughout the design process, which considered wetland boundaries and regulated adjacent areas at various stages of development. Specifically, the PV array layout, inverters, collection substation, POI switchyard and storage trailer completely avoid state-regulated wetlands. Access roads and collection lines and their associated temporary work areas were shifted throughout the design process to avoid and minimize wetland impacts; however, a single crossing location of one state-regulated wetland and several crossings within state-regulated adjacent areas were unavoidable and will result in minimal impacts that will require mitigation. See Exhibit 13 (Water Resources and Aquatic Ecology), Exhibit 14 (Wetlands) and Figure 14-1 for a detailed description of state-regulated wetlands and streams. See Appendix 14-D (Wetland Restoration and Mitigation Plan) for information on proposed wetland mitigation to compensate for unavoidable impacts to state-regulated wetlands and adjacent areas.

To avoid impacts to surface waters within the Facility Site during construction and operation of the Facility, the Applicant will implement a Storm Water Pollution Prevention Plan (SWPPP), a draft of which is appended to this Application (Appendix 13-B). The SWPPP will detail the best management practices to implement protections for wetlands, waterbodies, and streams and includes a description of the anticipated stormwater management practices, including temporary and permanent erosion and sediment control measures, anticipated construction activities, waste management, and proposed site inspection and maintenance measures. The Applicant will conduct the detailed engineering necessary to prepare a final SWPPP, in accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The final SWPPP will be submitted as a compliance filing.

(iii) Geology and Groundwater

On behalf of the Applicant, Terracon conducted a preliminary geotechnical investigation to obtain and review subsurface soil and groundwater conditions and provide geotechnical recommendations for the proposed structures within the Facility Site. Based on geotechnical report findings, the Facility Site is suitable for the proposed development. The results of the investigation are summarized in the Preliminary Geotechnical Engineering Report (Appendix 10-A).

As indicated in Exhibit 10 and Appendix 10-A, groundwater levels at the Facility Site may fluctuate due to seasonal variation, the amount of rainfall, soil permeability, and other factors. Based on

subsurface investigations, shallow/perched groundwater may be encountered on site, at which time, any construction impacts will be addressed through typical engineering measures and construction techniques, including dewatering, which will avoid and minimize the potential for groundwater to cause erosion and sedimentation. Any discharge from dewatering locations will take place in accordance with the Facility SWPPP (Appendix 13-C). The determination of any long-term dewatering (if necessary) will be addressed during final geotechnical investigations to be conducted following issuance of the Siting Permit.

As described in Exhibit 13 (Water Resources and Aquatic Ecology), portions of the Facility Site overlap principal aquifers. The Applicant identified locations of known public and private water wells through consultation with state and local agencies and results of landowner surveys. Based on this information, there are no known active water wells within 100 feet of any proposed collection lines or access roads. Several identified water wells are located within 500 feet of locations proposed for horizontal directional drilling operations. Two water wells are located within 200 feet of proposed PV arrays. The locations of private and public water sources within 1,000 feet of the Facility Site are depicted on Figure 13-1 (Groundwater Well Offsets) and Figure 13-2 (Groundwater Aquifer and Recharge Areas).

The Facility is not anticipated to result in any significant impacts to groundwater quality or quantity, or to any public or private drinking water supply wells, aquifer protection zones, or groundwater aquifers. The Applicant will consult with landowners to field verify all wells within participating parcels and in proximity to proposed Facility components during final design. Pile or post driving activities will not be permitted within 100 feet of any existing, active drinking water supply well in accordance with 19 NYCRR §900-6.4(n)(2)(i). Excavations for the access roads, collection substation, POI switchyard, inverter foundations, and underground collection lines are expected to be shallow (i.e., less than 10 feet deep) and would not be expected to impact underlying aquifer resources. If shallow or perched groundwater is encountered during the construction of these foundations, common engineering practices, such as dewatering, will be employed.

(iv) Land Use and Agriculture

As outlined in Exhibit 3 (Location of Facilities and Surrounding Land Uses), publicly available data from the Seneca County Real Property Tax Offices and the classification codes of the New York State Office of Real Property Services indicate that land uses of participating parcels within the Facility Site are dominated by agriculture (80%), commercial (17%), and vacant land (2%). Construction and decommissioning of the Facility are not anticipated to substantively affect the capacity for current land use practices, including agriculture, which is anticipated to resume following decommissioning.

As further discussed in Exhibit 11 (Terrestrial Ecology) and Exhibit 15 (Agricultural Resources), the Applicant delineated specific plant communities within the Facility Site based on observations from on-site surveys and the results of agricultural landowner surveys which requested information

about active agricultural use on site. Based on this detailed mapping, the Facility Site is comprised of approximately 600 acres (64%) of active agricultural lands, of which approximately 422 acres occur within Mineral Soil Groups 1-4 (i.e., prime farmland soils). The Applicant consulted with participating landowners early in the Project planning process to avoid and minimize impacts to active agriculture production. As described in Exhibit 15(b)(3), several parcels or portions of parcels were excluded from the Facility Site where landowners have elected to continue agricultural operations undisturbed. In addition, several parcels have landowner-imposed development restrictions to allow only for the construction of underground collection lines on their parcels. While some areas of active agricultural use will be impacted by construction and operation of the Facility, the Applicant worked closely with landowners to ensure that the siting of components on their agricultural land would be agreeable to the landowner and would not hinder any planned future agricultural uses. All areas outside of the Facility's security fencing would remain open for agricultural production. Agricultural operations within the Facility fence line will be taken out of production during Facility operation; however, this may benefit future agricultural production by allowing the soils to "rest" during the Facility's useful life (approximately 35 years). Upon decommissioning and restoration of the Facility, agricultural uses would be able to begin again at the discretion of the landowner. To minimize and mitigate impacts to active agricultural land and farming operations, Facility construction will comply with NYSDAM agricultural protection guidelines to the maximum extent practicable (see Exhibit 15 [Agricultural Resources] for a full analysis of the Facility's impacts to agricultural land and the various measures the Applicant will implement to protect and restore agricultural lands and farming operations within the Facility Site).

To assess the potential for drainage systems within 5 miles of the Facility Site boundaries (5-mile Study Area), the Applicant consulted with participating landowners to obtain specific information on the location of sub-surface agricultural drainage systems and utilized a dataset from the National Center for Atmospheric Research to supplement data from the landowner surveys. Agricultural drainage features were identified on three participating parcels within the Facility Site. The Applicant has developed a Drainage Tile Remediation Plan (Appendix 15-C), to avoid, minimize, and remediate potential impacts to surface drainage systems and subsurface agricultural drainage features to ensure that farming drainage patterns are improved or maintained as a result of Facility construction.

(v) Public Health and Safety

With proper siting, design, construction, and operation practices, solar facilities typically do not pose a risk of significant impacts to public health and safety; rather, solar facilities provide benefits to public health by reducing greenhouse gas (GHG) and wastewater emissions associated with conventional energy production. The Facility will be constructed in accordance with applicable health and safety standards and the Applicant is committed to developing and operating the Facility in a safe and environmentally responsible manner. Overall, the Facility will have numerous public health and safety benefits associated with reducing GHG emissions and providing the State and local

community with socioeconomic benefits (Exhibit 18 [Socioeconomic Effects] and Exhibit 6 [Public Health, Safety and Security]).

The public health and environmental benefits of transitioning to renewable energy cannot be understated; those benefits have been a key driver of New York energy policy for decades and were a central component of the Climate Leadership and Community Protection Act (CLCPA) (NYSCAC, 2019). The State anticipates that the CLCPA's renewable energy generation targets will result in improved air quality and increased health benefits across the State. The Facility will contribute up to 90 MW of renewable energy generation, supporting the CLCPA objectives. Therefore, the Facility is not only consistent with New York State energy policy, but more importantly, its clean energy contribution results in net positive public health outcomes for the State and region (Exhibit 17 [Consistency with Energy Planning Objectives]).

Public health and safety concerns associated with construction of the Facility are primarily limited to common risks associated with commercial construction projects, such as increased noise levels during construction, increased traffic, and the potential release of construction-related contaminants into the environment. These common risks are generally not associated with significant impacts to public health and safety, and will be avoided, minimized, and mitigated by the Applicant's adherence to the 94-c Uniform Standards and Conditions. Once constructed, the presence of electrical equipment both within the arrays and at the substation carries some risk of shock or combustion hazard. These areas will have perimeter controls (i.e., security fencing, signage) as required by local law and the National Electrical Safety Code (NESC) to prevent potential injury. The Applicant prepared a Pre-Construction Noise Impact Assessment (Exhibit 7) to assess the potential sound impacts from Facility construction and operation on neighboring residences and other sensitive receptors. As further discussed in Exhibit 7, adverse noise impacts are avoided or minimized through siting of Facility components and the construction of a sound barrier wall on the south side of the collection substation. Impacts related to construction noise will be temporary and are not expected to result in significant impacts to sensitive receptors.

As the Public Service Commission (PSC) stated when it adopted the Clean Energy Standard (CES) in 2016, "one of the primary benefits" of the State's transition to renewables will be "a reduction in total emissions of air pollutants resulting from fossil fuel combustion. Increased use of renewable energy sources leads to improved air quality and societal benefits from reduced health impacts and increased employee productivity. For example, as air quality improves, state health care expenditures for treatment of asthma, acute bronchitis, and respiratory conditions may be reduced. Reduced exposure to fine particulates may avoid other health problems such as increased morbidity and exacerbation of respiratory and cardiovascular ailments." Further, the PSC added, "inaction in addressing air pollution and climate change is not an option, for "it is certain... that the consequences of inaction on air pollution and climate change are not acceptable."

It is within this broader context that ORES must consider any limited potential public health impacts associated with construction and operation of a solar facility like the North Seneca Solar Project.

Potential public health impacts associated with construction of this Facility are limited to typical risks associated with any commercial construction project. Once constructed, the presence of electrical equipment within the arrays and at the substation carries some risk of an electrical shock. Generally, however, these systems have been tested and proven to operate safely, and these areas will have perimeter controls (i.e., security fencing, signage) as is required by local law and NESC to prevent potential injury.

As further described in Exhibit 6, proper siting of the Facility, implementation of the Safety Response Plan (Appendix 6-A) and Site Security (Appendix 6-B), and adherence to health and safety standards all but eliminate the potential risks from these types of incidents. The Site Security Plan (Appendix 6-B) includes the following measures to be implemented during Facility operation: access controls, electronic security and surveillance facilities, security lighting, and a cyber security program. In addition, the Applicant's Safety Response Plan includes information regarding contingencies constituting an emergency, and identified measures for emergency response, evacuation, community notification, onsite equipment locations, fire emergencies, and includes information regarding training drills with local responders (Appendix 6-A).

(vi) Cultural, Historic, and Visual Resources

As described in Exhibit 9 (Cultural Resources), a Phase IA Archaeological Survey (Appendix 9-A) was developed and submitted to the New York State Historic Preservation Office (NYSHPO) (Appendix 9-B) for review and comment. To identify potential archaeological sites within the Facility Site, the Applicant completed the Phase IB Archaeological Survey between June and November of 2023 (Appendix 9-D) in accordance with the approved Phase IA archaeological survey and research design. The Phase IB archaeological survey identified a **BEGIN CONFIDENTIAL INFORMATION<** [redacted] **>END CONFIDENTIAL INFORMATION** These sites have not been evaluated for their eligibility to the S/NRHP. The proposed Facility layout as currently designed avoids and/or minimizes impacts to all archaeological resources (Appendix 9-F), so no Phase II site investigations are anticipated to be necessary.

In the event that unanticipated archaeological resources are encountered during construction, the Facility's Unanticipated Discovery Plan (Appendix 9-G) includes provisions to stop all work in the vicinity of the archaeological finds until those resources can be evaluated and documented by an archaeologist. With the adoption of these measures, and based on continued consultation with the NYSHPO, the proposed Project is not anticipated to impact any significant archaeological resources.

In accordance with the requirements of 19 NYCRR §900-2.10(b), the Applicant has engaged in ongoing consultation with the NYSHPO and has completed historic resources studies for the Facility. The Historic Resources Survey (Appendix 9-D) describes the potential impacts on historic

resources located within the APE for Indirect Effects, including potential visual and auditory impacts of the Facility. Historically significant resources are identified to include buildings, districts, objects, structures, and/or sites that have been listed in the S/NRHP, as well as those properties that NYSHPO has formally determined are eligible for listing in the S/NRHP within 1 mile of the Facility Site. A total of 10 resources were evaluated as part of the Historic Resources Survey.

The Facility will have no direct physical impact on aboveground historic resources. Based on the analysis contained in Exhibit 7 (Noise and Vibration), there will be no significant adverse noise- or vibration-related impacts to S/NRHP-listed or eligible properties associated with operation of the Facility. The potential visual effect of the Facility relative to aboveground historic structures is limited to the overall effect on the traditional agricultural landscape that serves as the setting for historic properties in the region. The introduction of modern interventions such as arrays of PV modules enclosed in perimeter fencing in a formerly open agricultural space will alter the historic character of the visual setting. To help minimize these effects, the Applicant has developed a visual mitigation planting plan that mimics the general character or pattern of existing vegetation in the region, which will provide a visual buffer of natural vegetation forms and colors between the Facility and the viewer (see Appendix 8-B, Attachment 1).

A Visual Impact Assessment (VIA; see Appendix 8-A of the 94-c Application) was completed to evaluate potential visibility and visual impact of the proposed Facility within the 2-mile Visual Study Area. This assessment includes the identification and evaluation of potential Facility visibility and visual contrast from the various landscape similarity zones, distance zones, future land use areas, and visually sensitive resources. As part of the visually sensitive resource identification process, local zoning and regional planning documents were reviewed and outreach was conducted to agency and local stakeholders to assist in the identification of sensitive resources and land uses with the study area. The results of the VIA indicate that the greatest potential for Facility visibility occurs in the Agricultural/Rural Residential landscape similarity zone, areas where agriculture is the primary anticipated future land use, and the near-foreground and foreground distance zones (i.e., within 0.5 miles of the PV arrays). Potential visibility was very limited from locations beyond 0.5 miles and from the Forest, Village, Open Water, and Commercial landscape similarity zones. The visual contrast evaluation results indicate that greater levels of contrast can be anticipated where open views of the PV panels are available at close distances. Conversely, contrast is reduced when the PV arrays are partially screened or viewed at greater distances. At viewing distances greater than approximately 0.3 miles from the Facility, insignificant to minimal/moderate visual contrast is anticipated. The visual effects analysis suggests the proposed Facility will result in negligible to minimal visual effects in views from most identified visually sensitive resources due primarily to the limited geographic extent of visibility, duration of view, and/or screening by existing topography and vegetation.

Measures proposed to avoid, minimize, and mitigate potential adverse visual impacts associated with the proposed Facility include extensive vegetative screening, undergrounding of electrical collection systems, and the use of non-specular conductors and non-reflective finishes. These and

other mitigation measures are discussed in the Visual Impact Minimization and Mitigation Plan (VIMMP; see Appendix 8-B of the 94-c Application).

(vii) Transportation, Utilities and Other Infrastructure

The Applicant conducted a route evaluation study that includes an analysis of existing road and traffic conditions in the vicinity of the Facility Site and the potential affect vehicle traffic generated from construction and operation of the Facility may have on existing traffic patterns including evaluating traffic volumes and accident frequency, school bus and emergency responder routes, and load-restricted bridges and culverts. Virtually all the traffic-related impacts associated with the Facility will occur during the site preparation and construction phase when there will be a temporary increase in vehicle traffic on area roadways. Once the Facility is commissioned and construction activities are concluded, traffic associated with Facility operation will be negligible and limited to occasional trips associated with routine maintenance activities. See Exhibit 16 for additional information on transportation and an assessment of potential transportation impacts.

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. As a result of such consultations and independent assessments, the Applicant has identified and mapped overhead and underground major facilities for electric, gas and telecommunications within 1-mile of the Facility Site (Figure 3-4), where such facilities exist. As detailed in Exhibit 20, it is not anticipated that the Facility will require new off-site telecommunication interconnections as the area is generally served by existing cellular and broadband services. The Applicant is working with National Grid to ultimately enter into an interconnection agreement which is further described in Exhibit 21. In addition, the Applicant commissioned Aletair, LLC to conduct a UAV-Magnetometer Survey to further assess the potential for oil and gas utilities within the Facility Site and the results are presented in Exhibit 3(u) and Appendix 3-B.

The Applicant will construct the Facility to avoid interference with existing above ground systems within the Facility Site by installing collection lines underground to the extent practicable. Impacts to existing infrastructure within the Facility Site will also be avoided through utilizing trenchless crossing methods such as horizontal directional drilling, within areas known to host infrastructure. Known underground utility locations will be marked prior to construction in these areas to avoid any impact to existing infrastructure. The Applicant will also become a member and follow the One Call process with UDig NY and contact all landowners within the zone of safe siting clearance, consistent with 19 NYCRR § 900-6.4(f) and (g) requirements to further minimize potential impacts to underground facilities during construction. Additional details regarding crossing or adjacent components are detailed in Exhibit 5 and Appendix 5-A. Impacts to existing utilities and infrastructure are not anticipated as a result of construction and operation of the proposed Facility.

(viii) Compliance with Local Laws and Regulations

The Facility has been designed to comply with federal and federally-delegated permits consistent with 19 NYCRR §900-2.25. Consistency with the local laws and ordinances of the Town of Waterloo has been achieved to the maximum extent practicable as outlined in Exhibit 24 (Local Laws and Ordinances). However, the Applicant is requesting a waiver of certain sections of local laws. The Town of Junius does not have any local laws or zoning applicable to the Project.

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

The Applicant initiated outreach and coordination with local and state agencies, and other stakeholder groups in early 2022. The goals of the initial public outreach efforts were to 1) establish community awareness of the Project, 2) provide an opportunity for local municipalities and constituents to participate in the Project review process, and 3) allow local stakeholders to supply valuable development feedback. Additionally, early coordination with landowners that were interested in participating in the Project begun in 2021 and included a general Project introduction establishing access agreements to support on-site survey efforts.

Consultations with local governmental officials of the host municipalities began in early 2023 with Project introduction meetings in the Town of Junius on January 6, 2023, and a phone call to the Town of Waterloo's supervisor on March 31, 2023. Additionally, the Applicant attended a Junius Planning Board Meeting on February 22, 2023 and a Waterloo Planning Board meeting on March 23, 2023 during which the Applicant shared a brief presentation about the proposed Project, welcomed feedback, and invited all members to attend the Project's first community open house on April 20, 2023. In addition to the April 2023 open house, the Applicant hosted a second community open house on September 20, 2023. Both public information meetings were planned and noticed in accordance with 19 NYCRR §900-1.3(a) and (b). These meetings were held more than 60 days prior to the Applicant's anticipated application filing date and notification of the meetings were posted in local papers (the Finger Lakes Times and the Seneca County Area Shopper [free publication]) two weeks prior to the events. Notice of the public meetings were also mailed to residents located within 1 mile of the Facility Site, ORES, and applicable members of the state legislature in accordance with §900-1.3(b). At least 12 people attended the April 2023 open house while at least eight people attended the September 2023 open house. Participants included several representatives of the host municipalities as well as some participating and non-participating adjacent landowners.

During the open houses, the Applicant presented poster boards with information on topics of interest, such as a description of the Project, information on PV solar facilities, details on the 94-c process (including the process for obtaining intervenor funds), study results, and how to contact the Applicant to obtain additional information. The attendees were also able to ask questions from relevant subject matter experts and representatives of the Project at the meeting. Appendix 2-A provides copies of the information shared during the local municipal meetings and public open houses

Frequently asked questions from community members included questions or concerns about the following key topics:

- Visual impacts: As described in the VIA (Appendix 8-A), EDR, as a representative of the Applicant, conducted outreach to agencies and stakeholders to assist in the identification of visually sensitive resources and locations that would be suitable for the development of photosimulations.
- Project decommissioning: As described in Exhibit 23, the Applicant is committed to decommissioning and restoring the Facility in a safe and environmental responsible manner, and the Applicant has put financial security in place to ensure the host community and landowners will bear no responsibility for Facility decommissioning or the associate restoration.
- Effects on electric system and cost of electricity: As described in Exhibit 21, the Facility will not impact the reliability of the electrical transmission system. In addition, the solar energy generated by the Facility can help reduce spikes in electricity prices since it does not consult any fuel and allows utilities to purchase energy at a stable long-term rate.
- Agricultural Resources: As described in Exhibit 15, EDR coordinated with participating landowners to site Facility components in locations agreeable to the landowner and permanent impacts to agriculture are anticipated to be minimal. At the end of the lease and when the Facility is responsibly decommissioned and restored, the landowner could resume farming the land. Furthermore, the ongoing annual lease payments will continue to go to the landowner, who will retain ownership of the land both during and after the lease.

Since the Project introduction meetings in early 2023, a local agency consultation meeting with representatives from the towns of Junius and Waterloo, Seneca County, and the North Seneca Solar Project team was held on September 11, 2023 to satisfy the pre-application conference requirements outlined in 19 NYCRR §900-1.3(a). The meeting agenda, slide deck, and attendees list is included in Appendix 2-A. During this meeting, the attendees discussed matters related to local zoning updates, the form of decommissioning bond, other large scale solar development efforts in the Project's vicinity, the impact of the Facility on the electrical grid, anticipated footprint of disturbance associated with construction and operation of the Facility, and prime farmland. the Applicant continued to attend town board meetings and engage with local officials and stakeholder groups, including the following key outreach and consultation efforts:

- Emails and phone calls requesting information on existing and proposed zoning and land uses within the host municipalities as well as other municipalities within 5-miles of the Facility Site. See Exhibit 3 (Location of Facilities and Surrounding Land Use) for more information regarding zoning and land uses.
- Consultation with the towns of Waterloo and Junius, and the local fire districts emergency responders regarding public health and safety of the Facility. The Applicant held a meeting with the host municipalities and local emergency responders on February 12, 2024, during which standard fire safety protocols for solar electric generating facilities were discussed. In addition, the Applicant coordinated with host municipalities and local emergency responders on the Project's Site Security and Safety Response Plans. See Exhibit 6 (Public Health, Safety, and Site Security) for more information.

- Meeting with both the Junius and Waterloo town supervisors on May 5, 2023 to discuss potential terms of payment in lieu of taxes (PILOT) agreements. For additional information on the PILOT agreements, please see Exhibit 18 (Socioeconomic Effects).
- A Project introduction email was also sent to the Waterloo Central School District Superintendent on January 8, 2024.
- The Waterloo Central School District's Transportation Supervisor was also contacted to identify and avoid and minimize impacts to the current bus routes during the construction period.
- The Applicant reached out to the host communities to consult the interpretation and the Facility's compliance with applicable local laws (see Exhibit 24 [Local Laws and Ordinances]).

Documentation on additional correspondence with host municipal representatives is included in Appendix 2-A to the extent written records are available. In addition, a comprehensive log of important pre-application consultations and outreach is provided in Appendix 2-B (Record of Activity).

In addition to local consultation efforts, the Applicant has consulted with state agencies on numerous occasions during the pre-application process (see Appendix 2-B), including but not limited to the following efforts:

- As described in Exhibit 6, the Applicant also submitted copies of the Site Security Plan and Safety Response Plans to the NYS Department of Homeland Security on January 4, 2024 and reached out to the Seneca County Emergency Management Department to introduce the Project and solicit feedback. The Applicant is committed to implementing site security measures such as fencing and setbacks, staff training, and health and safety procedures as well as working closely with local emergency responders.
- As described in Exhibit 8 and the VIA (Appendix 8-A), EDR, as a representative of the Applicant, conducted outreach to local planning representatives, ORES, NYSOPRHP, and representatives of the Cayuga Nation, the Seneca Nation of Indians, and the Tonawanda Seneca Nation to assist in the identification of visually sensitive resources and locations that would be suitable for the development of photosimulations
- As described in Exhibit 9, the Applicant initiated consultation with the NYSHPO as well as the Cayuga Nation, the Seneca Nation of Indians, and the Tonawanda Seneca Nation.
- As described in Exhibits 11 and 12, the Applicant consulted with the New York Natural Heritage Program, the NYSDEC, and ORES for information on rare plants and wildlife and during survey efforts related avian and ecological studies. The Applicant has continued coordination with the appropriate agencies to address wildlife concerns through studies, avoidance, and mitigation efforts.
- As described in Exhibits 13 and 14, the Applicant consulted with the NYSDEC, New York State Department of Health, ORES, and the USACE on groundwater and surface water resources and wetlands and to address any concerns.

In addition, the Applicant has a Project-specific website (https://www.northsenecasolarproject.com/) and an email address (info@NorthSenecaSolarProject.com) for stakeholders and other interested parties to communicate questions or comments. The Applicant has made efforts to respond directly to all substantive inquiries and comments submitted to the Facility contact within a reasonable timeframe. The Applicant will

provide notice on its website about commencement of construction dates, as required in 19 NYCRR §900-6.2 Notifications.

Lastly, the Applicant has complied with the ORES 60-day and 3-day notice requirements set forth in 19 NYCRR 900-1.3(d) and 900-1.6(c). Copies of these notices and proofs of service and publication, to the extent available at the time of this filing, have been provided to ORES with this Siting Permit Application.

REFERENCES

Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, DM. Hunt, and A.M. Olivero (editors). 2014. *Ecological Communities of New York State*. Second Edition: A Revised and Expanded Edition of Carol Reschke's *Ecological Communities of New York State* (1990). New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

Climate Leadership and Community Protection Act (CLCPA). 2020. *Climate Act Fact Sheet*. Available at: https://climate.ny.gov/ (Accessed October 2023).