



# **NORTH SIDE ENERGY CENTER**

**Case No. 17-F-0598**

**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 Stipulation 2, dated February 10, 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 North Side Energy Center (the Project) will have a generating capacity of 180 MW and will be located on land leased and/or purchased from owners of private property in the Towns of Massena, Brasher, and Norfolk, St. Lawrence County, New York. Proposed Project Components include commercial-scale solar arrays, access roads, buried electric collection lines, a Project collection substation, and electrical interconnection facilities. The Project Area totals 2,241 acres. The Project Limit of Disturbance (LOD) is approximately 1,100 acres, and the total fenced area for the Project is approximately 981 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 (REC) 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) existing Massena – Moses 230 kV transmission line (see Figure 2-1). The proposed interconnection facilities will include a 230-kV switchyard and two aboveground 230-kV interconnection lines, approximately 151 feet and 122 feet in length, respectively, that will be transferred to NYPA to own and operate.

**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 solar tracking array racking system such as the Gamechange Solar Genius Tracker™ System. Technical data sheets for this module and racking system have been included in Appendices 2-1 and 2-2, respectively.

It should be noted that the proposed height of the tracker racking system and solar module (13 feet at full-tilt) are based upon products that are currently commercially available. It is possible that additional products become commercially available between the time of this Application filing and product procurement prior to construction. These future product's dimensions may or may not vary from those that are presented above. If larger solar modules become available, they

would require a taller tracker racking system in order to provide adequate ground clearance. The Applicant anticipates this could result in a maximum height at full-tilt of up to 18 feet. And while there may be an increase in height, it is entirely possible that the solar module could also have a greater generating capacity which, in turn, could potentially lead to a reduction in the footprint required for siting the solar arrays. However, it is impossible to determine the specifics of these potential variations at this time until products become commercially available. Therefore, the Application has been based on those documented above and presented as appendices to Exhibit 2 with a maximum height of 13 feet. Regardless, the difference between a 13-foot maximum height and the potentially slightly taller 18-foot maximum height is not anticipated to significantly increase Project visibility given the height of existing vegetation and structures that screen visibility from further distances. Refer to Appendix 24-1 Visual Impact Assessment for further details Project visibility.

**Inverters:** 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 then convey electricity from the inverters underground to the Project collection substation and ultimately to the existing electric transmission system. The Applicant intends to use a Power Electronics HEM inverter, or a similar make/model. Refer to Appendix 2-2.

**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. Roads will be approximately 12 feet (3.66 meters) wide and will be constructed of 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 to accommodate larger vehicles required for construction and deliveries. The total length of permanent access roads proposed for the Project is approximately 6.95 miles.

**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 33 miles (53,092 meters). Collection lines will be installed underground (approximately 171,436 feet [52,254 meters]) via direct burial and horizontal directional drilling (HDD) (approximately 2,751 feet [838 meters]).

**Fencing:** Fencing will be placed around the perimeter of the arrays and associated structures as detailed in Appendix 11-1. Fencing will consist of seven-foot tall chain-link fencing in accordance with local regulations. 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 in the northeastern portion of the Project Area (see Appendix 11-1), will step up the voltage to 230 kV. The collection substation is anticipated to occupy approximately 2.19 acres (8,860 square meters) of currently forested land. This acreage is for the substation only, not including the switchyard which is an adjacent but separate area.

**Point of Interconnection Facilities:** Power from the collection substation will be transferred to the adjacent switchyard and then interconnected to the existing NYPA Massena – Moses 230 kV transmission line by two proposed aboveground 230 kV interconnection lines, approximately 151 feet and 122 feet in length, respectively. The switchyard and transmission line will be transferred to NYPA to own and operate.

## **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 the Table 2-1, below. For the purpose of this Application, the following definitions describe various areas, boundaries, or Components of the Project:

- **Applicant:** North Side Energy Center, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NextEra).
- **Project:** The proposed North Side Energy Center solar facility.
- **Project Area:** The 2,241-acre area encompassing all Project parcels located within the Towns of Massena, Brasher, and Norfolk as shown in Figure 2-1.
- **Study Area:** Typically, the 26,500-acre area within a 2-mile buffer of the currently proposed Project 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 exhibit.

- **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, electrical interconnection facilities, laydown areas, and fencing.

**Table 2-1. List of Exhibits and Supporting Documentation**

<b>Exhibit</b>	<b>Exhibit Title/General Description</b>	<b>Supporting Documentation</b>
<b>1</b>	<b>General Requirements</b>	<ul style="list-style-type: none"> <li>▪ Certificate of Formation</li> </ul>
<b>2</b>	<b>Overview and Public Involvement:</b> Brief overview of the Project, public communications, and rationale for why the Project should be granted a certificate.	<ul style="list-style-type: none"> <li>▪ Solar Panel Data Sheets</li> <li>▪ Inverter Data Sheets</li> <li>▪ PIP Meeting Log</li> <li>▪ Stakeholder List</li> </ul>
<b>3</b>	<b>Location of Facilities:</b> Maps and information on the location of the proposed Project.	<ul style="list-style-type: none"> <li>▪ Proposed Project Component Locations</li> </ul>
<b>4</b>	<b>Land Use:</b> 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"> <li>▪ Tax Parcels</li> <li>▪ Towns of Massena, Brasher, and Norfolk Zoning Maps</li> <li>▪ Existing and Proposed Land Use Maps</li> <li>▪ Specially Designated Areas Map</li> <li>▪ Recreational and Other Sensitive Land Uses</li> <li>▪ Existing Utility Locations</li> <li>▪ Aerial Photograph Overlays</li> <li>▪ Farmland Classification Maps</li> </ul>
<b>5</b>	<b>Electric Systems Effects:</b> 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"> <li>▪ System Reliability Impact Study (SRIS)</li> <li>▪ Collection Substation Design Criteria</li> <li>▪ Operations and Maintenance Plan</li> </ul>
<b>6</b>	<b>Wind Power Facilities</b>	Not Applicable
<b>7</b>	<b>Natural Gas Power Facilities</b>	Not Applicable
<b>8</b>	<b>Electric System Production Modeling:</b> Input data utilized to calculate facility emissions and generating capacity. Input data determinations confirmed through New York State Department of Public Service (NYSDPS) coordination.	<ul style="list-style-type: none"> <li>▪ Production Modeling Analyses</li> </ul>

**Table 2-1. List of Exhibits and Supporting Documentation**

<b>Exhibit</b>	<b>Exhibit Title/General Description</b>	<b>Supporting Documentation</b>
<b>9</b>	<b>Alternatives:</b> Analysis of applicable alternative facility and component layouts and suitability of existing environmental setting.	None
<b>10</b>	<b>Consistency with Energy Planning Objectives</b>	None
<b>11</b>	<b>Preliminary Design Drawings:</b> Facility Component drawings prepared by a professional engineer or architect licensed and registered in New York State (NYS). Comparison of preliminary design drawings to applicable engineering codes, standards, and guidelines.	<ul style="list-style-type: none"> <li>▪ Preliminary Design Drawings</li> <li>▪ Landscaping Plan</li> <li>▪ Lighting Plan</li> </ul>
<b>12</b>	<b>Construction:</b> Facility installation and monitoring procedures in conformance with applicable design, engineering, and installation standards and criteria.	<ul style="list-style-type: none"> <li>▪ NextEra Energy Major Duties &amp; Accountability Matrix</li> <li>▪ Complaint Resolution Plan</li> <li>▪ Quality Assurance and Quality Control Plan</li> </ul>
<b>13</b>	<b>Real Property:</b> Project Area property rights accessed via lease or easement agreements and description of tax property information.	<ul style="list-style-type: none"> <li>▪ Survey of Property Leased by Applicant</li> <li>▪ Demonstration that the Applicant has Obtained Rights in the Project Area</li> </ul>
<b>14</b>	<b>Cost of Facilities:</b> Description of the Project's capital costs.	<ul style="list-style-type: none"> <li>▪ Estimated Cost of Facilities</li> </ul>
<b>15</b>	<b>Public Health and Safety:</b> Discussion of potential adverse impacts posed by construction or operation of the facility.	<ul style="list-style-type: none"> <li>▪ Noise Analysis</li> <li>▪ Study Area Maps</li> </ul>
<b>16</b>	<b>Pollution Control Facilities</b>	Not Applicable
<b>17</b>	<b>Air Emissions:</b> Evaluation of the Project's pollution control technologies and plans to handle, store, and dispose of waste byproducts.	None
<b>18</b>	<b>Safety and Security:</b> Measures to ensure safe practices during construction and operation of the Project, including complaint resolution procedures.	<ul style="list-style-type: none"> <li>▪ Site Security Plan</li> <li>▪ Preliminary Emergency Response Plan (ERP)</li> </ul>
<b>19</b>	<b>Noise and Vibration:</b> Comprehensive analysis of Project acoustic effects.	<ul style="list-style-type: none"> <li>▪ Noise Impact Study</li> <li>▪ Noise Level Estimates</li> </ul>

**Table 2-1. List of Exhibits and Supporting Documentation**

Exhibit	Exhibit Title/General Description	Supporting Documentation
20	<b>Cultural Resources:</b> Research to determine if any cultural resources are impacted by the Project.	<ul style="list-style-type: none"> <li>▪ Phase I Archaeological Resources Study</li> <li>▪ Historic Architectural Survey and Effects Report</li> <li>▪ Cultural Resources-Related Correspondence</li> </ul>
21	<b>Geology, Seismology, and Soils:</b> 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"> <li>▪ Existing Slopes Map</li> <li>▪ Soil Types Map</li> <li>▪ Depth to Bedrock Map</li> <li>▪ Mines and Quarries Map</li> <li>▪ Oil and Gas Wells Map</li> <li>▪ Geotechnical Engineering Report</li> <li>▪ Preliminary Blasting Plan</li> <li>▪ Inadvertent Return Plan</li> </ul>
22	<b>Terrestrial Ecology and Wetlands:</b> Comprehensive study of plant and wildlife in the Project Area, potential impacts from the Project, and mitigation measures.	<ul style="list-style-type: none"> <li>▪ Plant and Wildlife Inventory List</li> <li>▪ Breeding Bird Survey Report</li> <li>▪ Winter Raptor Survey Report</li> <li>▪ Cumulative Breeding Bird Survey Analysis</li> <li>▪ Maps and Shapefiles depicting wetlands and streams</li> <li>▪ Wetland and Stream Delineation Report</li> <li>▪ Wetland Functions and Values Assessment</li> <li>▪ Invasive Species Management and Control Plan (ISMCP)</li> <li>▪ Net Conservation Benefit Plan (NCBP)</li> </ul>
23	<b>Water Resources and Aquatic Ecology:</b> Review of Project impacts to water resources in the area and plans to mitigate impacts.	<ul style="list-style-type: none"> <li>▪ Agency Correspondence</li> <li>▪ Private Water Well Survey and Responses</li> <li>▪ Shapefiles of Surface Water Data</li> <li>▪ Preliminary Stormwater Pollution Prevention Plan (SWPPP)</li> </ul>
24	<b>Visual Impacts:</b> Visual impact assessment of the Project, including photo simulations.	<ul style="list-style-type: none"> <li>▪ Visual Impact Assessment (VIA)</li> <li>▪ Glare Analysis</li> <li>▪ Viewshed Analysis and Viewshed Map</li> <li>▪ Photographic Simulations</li> </ul>
25	<b>Effect on Transportation:</b> Impact of the Project on transportation including during construction and operation.	<ul style="list-style-type: none"> <li>▪ Accident Data &amp; Applicable Transportation Analyses</li> <li>▪ Construction Worker Routing Map</li> <li>▪ Sight Distance Diagrams</li> <li>▪ New York State Department of Transportation (NYSDOT) Average Annual Daily Traffic (AADT) Volumes</li> <li>▪ Accident Summary Data</li> <li>▪ Highway Capacity Software (HCS) Level of Service Output</li> </ul>

**Table 2-1. List of Exhibits and Supporting Documentation**

<b>Exhibit</b>	<b>Exhibit Title/General Description</b>	<b>Supporting Documentation</b>
<b>26</b>	<b><i>Effect on Communications:</i></b> Analysis of Project impact on all types of communications in the Project Area.	None
<b>27</b>	<b><i>Socioeconomic Effects:</i></b> Analysis of the Project and its impact to the economy and jobs.	<ul style="list-style-type: none"> <li>▪ National Renewables Energy Laboratory Jobs and Economic Development Impact (JEDI) Model</li> </ul>
<b>28</b>	<b><i>Environmental Justice:</i></b> Air quality and health impacts on certain communities.	<ul style="list-style-type: none"> <li>▪ Environmental Justice Area Map</li> </ul>
<b>29</b>	<b><i>Site Restoration and Decommissioning:</i></b> Plans for site restoration upon Project decommissioning.	<ul style="list-style-type: none"> <li>▪ Decommissioning and Restoration Plan</li> </ul>
<b>30</b>	<b><i>Nuclear Facilities</i></b>	Not Applicable
<b>31</b>	<b><i>Local Laws and Ordinances:</i></b> Local laws pertinent to the Project.	<ul style="list-style-type: none"> <li>▪ Town of Massena Zoning Code (2009)</li> <li>▪ Town of Massena Local Law No. 2 of 2020</li> <li>▪ Town of Brasher Zoning Regulations (2020)</li> <li>▪ Code of the Town of Norfolk (2012)</li> <li>▪ Town of Norfolk Local Law No. 2 of 2020</li> </ul>
<b>32</b>	<b><i>State Laws and Regulations:</i></b> State laws pertinent to the Project.	None
<b>33</b>	<b><i>Other Applications and Filings:</i></b> Other state and federal applications and filings that are relevant to the Project.	None
<b>34</b>	<b><i>Electric Interconnection:</i></b> Description of Project electric systems	None
<b>35</b>	<b><i>Electric and Magnetic Fields:</i></b> EMF analysis for certain Project and Project-related electric systems.	<ul style="list-style-type: none"> <li>▪ Electric and Magnetic Field (EMF) Study</li> </ul>
<b>36</b>	<b><i>Gas Interconnection</i></b>	Not Applicable
<b>37</b>	<b><i>Back-Up Fuel</i></b>	Not Applicable
<b>38</b>	<b><i>Water Interconnection</i></b>	Not Applicable
<b>39</b>	<b><i>Wastewater Interconnection</i></b>	Not Applicable
<b>40</b>	<b><i>Telecommunications Interconnection:</i></b> Description of communications network required for the Project.	None
<b>41</b>	<b><i>Applications to Modify or Build Adjacent</i></b>	Not Applicable

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

The Public Involvement Program (PIP) Plan was submitted to the New York State Department of Public Service (NYSDPS) on September 25, 2017. The PIP Plan was updated following the receipt of comments from the NYSDPS on October 25, 2017 and filed on November 24, 2017.

### ***(1) Public Involvement Program (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 ([www.northsideenergycenter.com](http://www.northsideenergycenter.com)) beginning on January 31, 2018. Information related to language access, identification of environmental justice areas, and the use of document repositories are outlined in the PIP Plan. The PIP Plan is available on the Project website and on the NYSDPS Document and Matter Management (DMM) website at <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=17-F-0598>.

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 dialogue discussions and attendance at numerous meetings with various groups and individuals including the Town of Massena Town Supervisor, Brasher Town Supervisor, Norfolk Town Supervisor, Town Boards and Highway Department, the St. Lawrence County Industrial Development Agency, adjacent landowners, and others as detailed in the PIP Meeting Log (see Appendix 2-3). 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, and the Project website.

### ***(2) Public Involvement Activities***

Notice of the Application submittal was served in accordance with 16 NYCRR § 1000.7 and to a Project mailing list consisting of the updated stakeholders list, 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.

### ***(3) Newspaper Publications***

In addition to mailing notices as required under 16 NYCRR § 1000.7, notices were published regarding the Application in four newspapers local to the Project and Study Areas - Daily-Courier-Observer, North Country This Week: Potsdam-Canton Edition, North Country This Week: Massena-Ogdensburg Edition, and the Watertown Daily Times, 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 COVID-19 pandemic, it was not possible to hold in-person open house events. Instead, the Applicant hosted two virtual open house events.

Prior to the scheduling of the virtual open houses, and in place of a planned pre-PSS open house that also could not be held due to public gathering restrictions, an informational mailer (Appendix 2-5) was mailed to the entire stakeholder list as well as all landowners within the 2-mile Study Area on May 18, 2020 to solicit further input from the public. The materials sent contained updated Project information and a map of the Project Area. The public was invited to submit comments within at least a 10-day period, via either the Project's toll-free number or the Project's email address. After the conclusion of the comment period, the Applicant posted on the Project's website and on the DPS DMM website for the Project, the relevant comments received and the Applicant's responses to them. The materials informed the public that they may view the comments and responses on these two websites. The Preliminary Scoping Statement (PSS) was then filed on June 5, 2020.

After the filing of the PSS and the completion of the regulatory comment period on the informational mailing, two virtual open houses were held on December 16, 2020 from 11 AM to 12 PM, and 5 PM to 6 PM. Notification was published in the Watertown Daily Times, North Country This Week: Potsdam-Canton Edition, North Country This Week: Massena-Ogdensburg Edition, and the Daily Courier-Observer approximately two weeks prior to the open houses. Postcards

were sent to the stakeholder list and all landowners within the 2-mile Study Area announcing the virtual open house. Approximately 89 people attended the virtual open houses in total.

Following the virtual open houses, comments on potential visual impacts, potential wildlife and wetland/water impacts, array location, local employment, decommissioning, and compatibility with existing community character were received. A recording of the virtual open house can be found on the Project website. The following actions regarding these comments were performed by the Applicant:

- Proposed vegetative screening to address concerns about views from residential receptors;
- Conducted extensive wildlife studies and minimized impacts to wetlands;
- Assessment of siting array locations within the Project Area;
- Proposed a Payment in Lieu of Taxes (PILOT) program to deliver economic benefits to the Towns of Massena, Brasher, and Norfolk local schools, and St. Lawrence County;
- Created a decommissioning plan including detailed information on the decommissioning process.

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 document repositories.

### ***(5) Outreach Events and Meetings***

The Applicant has mailed informational flyers to over 4,250 addresses on the Project Stakeholder List and property owners within the Project's 2-mile Study Area (prior to PSS filing and again prior to virtual open house events) and has 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. The Project website, email address, and telephone number continue to be available.

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 impacts to wildlife and wetlands;
- Potential impacts to agricultural land;
- Potential noise impacts to surrounding areas; and
- Potential visual impacts to surrounding areas.

The Applicant has conducted numerous studies related to the above listed concerns and has sited the Project such that impacts resulting 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 local municipalities, the Towns of Massena, Brasher, and Norfolk, and their respective points of contact: Towns of Massena, Brasher, and Norfolk Town Supervisors, St. Lawrence County Administrator, and the appropriate town or county clerks. The stakeholder list (Appendix 2-4) also includes municipal officials from adjacent communities within the two-mile Study Area. In addition to municipal officials, the stakeholder list includes the followings people/entities: county, state, and federal agencies, legislative representatives, highway departments, the local school district, emergency responders, utilities, public interest groups, and miscellaneous stakeholders identified during public outreach efforts.

Participating landowners (real property owners that have entered into lease or purchase agreements with North Side 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 2-4.

Stakeholders were notified at least three days prior to this Application being filed. Notifications were published in the Watertown Daily Times, North Country This Week: Massena-Ogdensburg Edition, North County This Week: Canton-Potsdam Edition, and Daily Courier-Observer newspapers 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.

## **2(d) Brief Description of the Public Involvement Program 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 participation in town board meetings in the Project Area as requested 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 which 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.

The most up-to-date stakeholder list is provided in Appendix 2-4 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 (23.48 percent), disturbed development (0.46 percent), forest land (43.48 percent), open water (0.56 percent), successional old field (22.55 percent), and successional shrubland (8.4 percent). No plant species listed as threatened, endangered, candidate, rare, or significant ecological communities were identified in the Project Area. Therefore, Project construction and operation are not expected to result in adverse impacts to protected plants or significant adverse impacts to ecological communities.

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 84.30 acres of vegetation will be temporarily impacted. Concurrently, only up to 14.62 acres will be permanently displaced due to the siting of Project Components. Although the siting of Project Components will result in the minimal loss of plant community acreages, no specific plant community will be significantly reduced in population as a result of the Project. The plant community most impacted will be agricultural crop land, successional old fields, 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. The Project Components have been located to reduce disturbances to the maximum extent practicable.

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; and employing best management practices during construction, operation, and maintenance.

**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 Countermeasure (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 the summer of 2017, spring of 2019 and spring and summer of 2020. Project components have been sited to avoid impacts to terrestrial ecology and wetlands to the maximum extent practicable. No Project components or permanent impacts are proposed to occur within State mapped regulated wetlands. Through careful siting of Project components, only 7.33 acres of permanent wetland impacts are anticipated. The majority of wetland impacts will occur in non-State mapped wetland areas regularly disturbed by agricultural activities and areas previously cleared for logging purposes. 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, flood-flow alteration) during operation of the Project while some may even be improved, such as sediment retention and nutrient removal, 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 180 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 and substations. However, only a minimal amount of permanent impacts to surface water (approximately 28 square feet, or 0.0006 acres) will occur as a result of the Project. Potential temporary and permanent impacts will be minimized through the use of Best Management Practices (BMPs) as outlined in the Project's SWPPP.

In areas where Project Components are proposed within, adjacent to, or cross 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 collection lines via horizontal directional drilling under 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, U.S 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.

No federally-listed endangered or threatened species are known to occur in the vicinity of the Project Area. Several state and federally listed species were identified as having the potential to occur within the Project Area including bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), northern harrier (*Circus hudsonius*), Blanding's turtle (*Emydoidea blandingii*), sedge wren (*Cistothorus platensis*), short-eared owl (*Asio flammeus*), upland sandpiper (*Bartramia longicauda*), northern long-eared bat (*Myotis septentrionalis*), eastern sand darter (*Ammocrypta pellucida*), and Mooneye (*Hiodon spp.*). Of these species, only the bald eagle, golden eagle, northern harrier, sedge wren, short-eared owl, and upland sandpiper have been documented within the Project Area during field surveys conducted by the Applicant. As discussed in Exhibit 22, no direct impacts to these species are anticipated as a result of the Project. No direct take of a threatened or endangered species is anticipated from construction or operation of the Project.

Impacts to wildlife and their various habitats have been avoided and minimized to the extent practicable. However, some impacts will occur as a result of this Project. Indirect take through adverse habitat modification is likely to occur for northern harrier, sedge wren, and short-eared owl through the conversion of agricultural land and successional old fields to early successional grasslands and placement of Project Components. A preliminary Net Conservation Benefit Plan (NCBP) has been prepared pursuant to 6 NYCRR Part 182 and is provided as Appendix 22-9. The purpose of the NCBP is to describe mitigation actions to be undertaken to offset impacts resulting from Project development such that a net conservation benefit is achieved for each listed species impacted. However, as discussed in Exhibit 22, this same conversion of agricultural land to early successional grasslands has been shown to benefit grassland bird species (see Section

22(f)(6) of Exhibit 22) and may improve habitat quality for certain avian species at the Project Area..

Site design practices avoid sensitive habitats by siting solar arrays primarily in agricultural fields, minimizing construction disturbances to the extent practicable, and adhering to designated construction limits. Through initial impact analysis and careful site design, permanent habitat loss and forest fragmentation have been 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 to the maximum extent practicable.

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.

***Public Health and Safety:*** Solar energy generation facilities and 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 that 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 siting 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 airports. The analysis indicated no potential for glare as a result of the Project.

***Cultural, Historic, and Recreational Resources (Including Aesthetics and Scenic Values):*** Phase IA background research and a Phase IB field survey were completed to determine the potential impacts to archaeological resources resulting from the construction and operation of the Project.

The Phase IA study revealed that portions of the Project Area are located within an archaeologically sensitive area. OPRHP records confirmed that there are no National Register of Historic Places (NRHP) listed or eligible archaeological sites within the Area of Potential Effect (APE). The study indicated that nine archaeological investigations have been conducted within a

one-mile radius of the Project area, two of which include portions of the current Project Area. No archaeological sites have been identified within a one-mile radius of the Project Area. No known cemeteries are located within the Project Area.

An archaeological sensitivity analysis of the Project Area determined that approximately 401.9 acres (ac) of the 2,201.5-ac assessed for archaeological resources (approximately 18.3 percent) are considered to have high sensitivity for archaeological resources. Areas of moderate sensitivity constitute approximately 1,410.6 ac (approximately 64.1 percent) and 389.0 acres (approximately 17.7 percent) are considered to have low archaeological sensitivity. Areas of high sensitivity for historic resources include locations near historic roads and areas where structures have appeared on historic mapping. A Phase IB survey of the Project Area was conducted to determine whether archeological sites are located in areas of proposed ground disturbance for the Project. The Phase IB survey consisted of both systematic surface survey and shovel test pit (STP) surveys to locate all archaeological resources within the Project APE. In areas of high or moderate archaeological sensitivity, STPs were excavated at 15-meter intervals. In total, 3,947 STPs were excavated, resulting in the recovery of 389 artifacts from three newly recorded archaeological sites (TRC-NS-4, 5, and 10), seven non-site scatters (TRC-NS-1, 2, 3, 6, 7, 8, and 9), and 17 isolated finds (TRC-IF-1 through 17). Sites TRC-NS-4, 5, and 10 contain the remnants of historic structures and are recommended by TRC for avoidance or further study. These areas will be avoided and site avoidance plans have been provided to OPRHP. The seven non-site historic field scatters (TRC-NS-1, 2, 3, 6, 7, 8, and 9) are not recommended by TRC for avoidance or further study. The 17 isolated find spots (TRC-IF-1 through 17) are, by definition, considered ineligible for the National Register and are not recommended by TRC for further study. The Phase IB report has been submitted to OPRHP for their review of the findings and TRC's recommendations. 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 56 architectural resources in the APE of the Project. Of the 56 surveyed properties, seven are recommended NRHP eligible, consisting of one previously recorded resource whose NRHP eligibility was undetermined and six newly recorded resources. TRC did not identify any existing or potential historic districts during the survey. 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 Analysis (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 aggregate trucks, a construction crane, concrete trucks, and semi-trailers as described in Table 25-3 of Exhibit 25. A total of 1,205 trips, distributed over several months, are anticipated to support the delivery of equipment and materials, and construction of the Project. The construction workforce is anticipated to contribute an additional 247 daily trips to the existing traffic volumes. The Project's haul routes have been designed to minimize impacts to the maximum extent practicable. 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. No necessary roadway improvements were identified, and any roadway repairs needed due to damage caused by construction associated with the Project will comply with Road Use Agreements (RUAs) to be established with the Towns of Massena, Brasher, and Norfolk, and St. Lawrence County for the installation of collection lines, as applicable.

**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 to: 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.

### **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, the latest full iteration of which was issued in 2015. The 2015 State Energy Plan 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 State Energy Plan, including the solicitation of RECs from large/commercial scale solar projects via requests for proposals administered by NYSERDA. The North Side 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 (CL&CPA), which was signed into law in 2019, expands on the 2015 State Energy Plan'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 CL&CPA also requires programs be established to ensure that 6 gigawatts of solar generation be developed by 2025. The State Energy Plan was amended in April 2020 to include the CL&CPA'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 40,000 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 generate approximately 200 local jobs during construction including equipment operators, truck drivers, laborers, and electricians, in addition to creating up to 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 Towns of Massena, Brasher, and Norfolk are discussing payment in lieu of taxes (PILOT) agreements that will contribute significant revenue to the County, Towns, and school district 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 wetlands to the maximum extent practicable within the Project Area. BMPs will be applied to non-State mapped wetlands. There are no direct impacts to State--mapped wetlands proposed within the Project Area;
- Wildlife and habitat research has been conducted and Project Components have been sited and adjusted to minimize impacts and a Net Conservation Benefit Plan has been proposed to mitigate potential T&E species habitat loss;
- 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 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 PILOT agreements that will significantly benefit the community for the next 20 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 concerning, among other matters, the environment and public health and safety with the exception of eight substantive requirements. This includes four substantive requirements of the Town of Massena Local Law No. 2 of 2020, one substantive requirement of the Town of Brasher and two substantive requirements of the Town of Norfolk Local Law No. 2 of 2020. Waivers are being requested regarding the following:

- Minimum setbacks from property lines (Town of Massena Local Law No. 2 of 2020, Section 1-F(1)(a)(ii));
- Access road width (Town of Massena Local Law No. 2 of 2020, Section 1-F(1)(b)(V));
- Maximum panel height (Town of Norfolk Local Law No. 2 of 2020, Section 1-E(1-2)(a)(i));
- Decommissioning - inactive duration of 12 months (Town of Brasher Local Law No. 2 of 2020, Section 43, and Town of Norfolk Local Law No. 2 of 2020, Section 1-E(4(a)));
- Decommissioning - bond and escalator (Town of Massena Local Law No. 2 of 2020, Section F(2)(a)(i), Town of Brasher Local Law No. 2 of 2020, Section 43, and Town of Norfolk Local Law No. 2 of 2020, Section 1-E(4(a))); and
- Vegetation removal offset (Town of Norfolk Local Law No. 2 of 2020, Section 2(b)(i)).

As documented in Exhibit 31: Local Laws and Ordinances, the Applicant is requesting that the Siting Board elect not to apply these requirements as they are unreasonably burdensome in the view of existing technology, or consumer needs and would prevent the Project from being built.