SOMERSET SOLAR, LLC

MATTER NO. 22-00026

§900-2.16 Exhibit 15 Revised

Appendix 15-A – Agricultural Plan

CONTENTS

ACRONYM LIST

Applicant	Somerset Solar, LLC
EM	Environmental Monitor
Facility	Somerset Solar Facility
Facility Site	The approximately 700-acre limit of disturbance associated with the Facility
Facility Substation	Somerset Collector Substation
Guidelines	New York State Department of Agriculture and Markets guidance document "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands", dated October 2019
HDD	Horizontal Directional Drilling
MSG	mineral soil group
NYSAGM	New York State Department of Agriculture and Markets
Project Site	The approximately 1,396 acres of the Project Parcels under lease agreement between the Applicant and the landowner, in which the Applicant has performed diligence, surveys and assessments in support of Facility design and layout.
USDA	United States Department of Agriculture

1 Introduction

The following Agricultural Plan was developed by Somerset Solar, LLC (the Applicant), to mitigate for potential construction impacts on existing agricultural lands associated with the proposed Somerset Solar Facility (Facility), a proposed solar energy generating facility in the Town of Somerset, Niagara County, New York. The Agricultural Plan covers the following stages of the Facility: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. A Preliminary Co-Use Plan for sheep grazing is provided as Appendix 15-E of the Section 94-c Siting Permit Application. Post-Construction Restoration of temporarily impacted agricultural areas includes establishment of meadow habitat and continued farming practices that includes sheep grazing on a rotational basis throughout the growing season within the Facility Site. The Agricultural Plan is consistent with the New York State Department of Agriculture and Markets (NYSAGM) Guidelines for Solar Energy Project – Construction Mitigation for Agricultural Lands dated 20191 (the Guidelines) noted in §900-15.1(s)(1)(i) and (ii). These Guidelines apply to areas of the Facility that are subject to ground disturbance within existing agricultural lands including:

- Areas of active agricultural production defined as active for 3 of the last 5 years within New York State Agricultural Land Classified Mineral Soil Groups (MSGs) 1–4;
- Lands where the proposed solar development will be returned to agricultural use upon decommissioning (typically those lands inside of the developed Facility's security fence); and
- The Facility's limit of disturbance (Facility Site, totaling approximately 700 acres) during construction under review pursuant to Section 94-c regulations.

This Agricultural Plan will guide the Facility's development plans and applications for permitting and approval in cases where there is an impact to agricultural lands. At the time of Facility decommissioning, if it is determined that land is to return to agricultural production, land will be restored to conditions suitable for such production. If the Facility's Environmental Monitor (EM) determines that there is any conflict between this Agricultural Plan and the requirements for Facility construction that arise out of the Facility's permitting process, the Applicant and its EM, will notify the NYSAGM, Division of Land and Water Resources, and seek a reasonable alternative.

1 New York State Department of Agriculture and Markets. 2019. NYS DAM Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019). Available online at: https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf. Accessed July 2022.

2 Areas of Active Agriculture Production

Parcels on the Project Site with active agriculture production in 3 of the past 5 years have been identified from data available from the United State Department of Agriculture (USDA) National Agricultural Statistics Service and confirmed with the landowner (Figure 15-5). Within the Facility Site, approximately 538 acres (78%) of agricultural soils are classified as New York State Agriculture Land Classification's MSGs 1–4. Permanent impacts to MSGs 1–4 for the inverter pads, access roads, and the Facility Substation footprint total approximately 11.2 acres. Temporary impacts to MSG 1–4 soils from all other activities are approximately 441 acres (Figure 15-9).

Approximately 368 acres[2] of disturbance to active agricultural land is anticipated to occur within the Facility Site. Of these 368 acres, only approximately 6 acres will be permanently impacted by construction of access roads, inverter pads, and fenceposts. Facility components that will result in approximately 368 acres of temporary disturbance to agricultural lands due to general disturbances (i.e., foot and vehicle traffic, general construction activities), installation of PV racking, laydown yards, tree/shrub clearing and grubbing, stormwater filter strips, and fencing.

3 Existing Water Management

Research conducted to identify locations of drain tiles on the Project Site identified one area within the Facility Site that has the potential to have one or more drain tiles present. The communications log provided in Appendix 15-C includes documentation of the outreach and research conducted and includes a copy of a historical sketch of the area located in between development Areas 4 and 5 of the Facility Site where drain tiles were documented. This information was provided by the USDA Natural Resources Conservation Service Niagara County office, which maintains drain tile data for the county. Appendix 5-A, Sheets PV-C.02.04 and PV-C.02.05, and Figure 15-7 shows the approximately location within the Facility Site where drain tiles could be encountered during construction. Although not anticipated to impacted by construction, these engineering drawings and figure also identify a potential location of drain tiles off-site and outside the Facility Site, between Area 4 and Area 5.

To address any potential impacts to drain tiles that occur during construction, the Applicant will implement the Drainage Remediation Plan provided as Appendix 15-B. During construction, any existing drain tiles located within the Facility Site will be checked for damage, and damaged drain tiles will be repaired or replaced as specified in Applicant's Drainage Remediation Plan (Appendix

[2] - Based on field-verification estimates of land cover types.

15-B). Drain tiles must meet or exceed the American Association of State Highway and Transportation Officials M-252 specifications. Repair of subsurface drain tiles should be consistent with the NYSAGM's details for "Repair of Severed Tile Line." The Applicant will coordinate with the landowners to continue to monitor drain tiles during operations to ensure repairs are properly functioning. The EM hired to oversee the construction and restoration activities will also be responsible for follow-up monitoring of repaired drain tiled systems.

4 Construction

Before any topsoil is removed, representative soil samples will be obtained from the agricultural areas to be disturbed. The soil sampling will be consistent with USDA soil testing guidelines, and samples will be submitted to a laboratory for testing pH, percent organic material, cation exchange capacity, phosphorus/phosphate (P), and potassium/potash (K). The results will establish a benchmark to be measured against at decommissioning.

Appendix 5-A, Sheet PV-C.08.01, Detail 5 contains an engineering detail for topsoil stripping and stockpiling measures to be followed. Where possible and as feasible, stripped topsoil will be stockpiled from work areas and kept separate from other excavated material (rock and/or sub-soil) until the completion of the Facility for final restoration. For proper topsoil segregation, at least 25 feet of additional temporary workspace will be provided along "open-cut" underground utility trenches. Excavations will be backfilled with native material and the segregated topsoil will be placed on top. Where possible and feasible, topsoil will be stockpiled as close as practical to the area where stripped/removed to be used for restoration on that area. Topsoil stockpile areas and topsoil disposal areas will be clearly designated in the field and on construction drawings; changes or additions to the designated stockpile areas may be needed based on field conditions in consultation with the EM. Sufficient LOD area (as designated on the site plan or by the EM) will be allotted to allow adequate access to the stockpile for topsoil replacement during restoration. The EM will verify and record locations of stripped topsoil. Any topsoil removed from permanently converted agricultural areas (e.g., permanent roads, etc.) will be spread in adjacent agricultural areas within the Facility Site in a manner consistent with the Facility grading and drainage plan. No permanent topsoil stockpile areas are proposed.

The additional measures described below will be followed for the construction of the Facility to comply, to the maximum extent practicable, with the NYSAGM Guidelines.

- Topsoil stockpiles on agricultural areas left in place prior to October 31 will be seeded with Aroostook winter rye or equivalent at an application rate of three bushels (168 pounds) per acre and mulched with straw mulch at rate of 2 to 3 bales per 1,000 square feet.
- Topsoil stockpiles left in place between October 31 and May 31 will be mulched with straw at a rate of 2 to 3 bales per 1,000 square feet to prevent soil loss.

Culverts and waterbars will be installed to maintain the natural drainage patterns. Vehicles or equipment will not be allowed outside the planned LOD without the EM seeking prior approval from the landowners (and/or agricultural producer), and associated permit amendments as necessary. All vehicle and equipment traffic, parking, and material storage will be limited to the access road and/or designated work areas, such as laydown areas, with exception of the use of low ground pressure equipment. Where repeated temporary access is necessary across portions of agricultural areas outside the security fence, preparation for such access will consist of either stripping/stockpiling all topsoil linearly along the access road, or the use of timber matting. Proposed permanent access roads will be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM. Any extra topsoil removed from permanently converted areas (e.g., permanent roads, equipment pads, etc.) will be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the Facility's LOD. This will be completed in such a way to not significantly alter the hydrology of the area.

When open-cut trenching is proposed, topsoil will be stripped and segregated from other materials and subsequently graded on top of the backfilled native material when closing a trench. Horizontal directional drilling (HDD) or equivalent installation techniques that do not disrupt the soil profile will be used wherever practicable. Trencher or road saw-like equipment will not be allowed for trench excavation in agricultural areas, as the equipment does not segregate topsoil from subsoil. HDD installations, primarily designed to avoid impacts to wetlands and an existing pipeline, will also help to minimize agricultural ground disturbances. Any HDD drilling fluid inadvertently discharged will be removed from agricultural areas per the Facility's Spill Prevention Control and Countermeasures Plan (to be developed and approved by the Office of Renewable Energy Siting prior to construction). Narrow, open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, will be considered exempt from topsoil segregation.

Electric collection, communication, and transmission lines installed above ground can create long-term interference with mechanized farming on agricultural land. Thus, interconnect conductors outside the security fence are proposed to be buried in agricultural fields wherever practicable.

The overhead utility lines that are required (limited to a 159-foot interconnection line connecting the Facility Substation to the point of interconnection at New York State Electric and Gas Company's Kintigh Substation), will be installed within the Facility Site. The proposed interconnection line does not cross farmland, or result in agricultural impacts.

All buried utilities will have a minimum depth of 18 inches of cover if buried in a conduit or a minimum depth of 24 inches of cover if directly buried (e.g., not routed in conduit).

The following requirements will apply to all buried utilities located outside the Facility security fence. When buried utilities are located outside of the Facility security fence, electric conductors will have a minimum depth of 48-inches of cover in cropland, hay land, and improved pasture. In areas where the depth of soil over bedrock is less than 48-inches, the electric conductors will be buried below the surface of the bedrock if friable, or as near as possible to the surface of the bedrock.

Areas within the Facility Site that will contain unimproved grazing areas or on land permanently devoted to pasture, the minimum depth of cover will be 36 inches.

Where electrical conductors are buried directly below the Facility's access roads or immediately adjacent (at road edge) to the access road, the minimum depth of cover will be 24 inches. Conductors will be close enough to the road edge as to be not subject to agricultural cultivation/subsoiling.

Should buried utilities alter the natural stratification of soil horizons and natural soil drainage patterns, the Applicant will rectify the effects with measures such as subsurface intercept drain lines. The Applicant will consult with the Niagara County Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the conductor installation zone and adjacent areas. The Applicant will install and/or repair all drain lines according to Natural Resources Conservation Service conservation practice standards and specifications. Drain tiles will meet or exceed the AASHTO M-252 specifications. Repair of subsurface drains tiles will be consistent with the NYSAGM's details for "Repair of Severed Tile Line" and a detail sheet for drain tile repair is included in Appendix 5-A, Sheet PV-C.08.03.

In pasture areas, it may be necessary to construct temporary fencing (in addition to the Facility's permanent security fences) around work areas to prevent livestock access to active construction areas and areas undergoing restoration. For areas returning to pasture, temporary fencing will be erected to delay the pasturing of livestock within the restored portion of the LOD until pasture

areas are appropriately revegetated. Temporary fencing including the Facility's required temporary access for the associated fence installations will be included within the LOD as well as noted on the construction drawings. The Applicant will be responsible for maintaining the temporary fencing until the EM determines that the vegetation in the restored area is established and able to accommodate grazing. At such time, the Applicant will be responsible for removal of the temporary fences.

5 Monitoring and Remediation

The Applicant will hire or designate an EM to oversee the construction, restoration, and follow-up monitoring in agricultural areas. Construction activities located on agricultural lands will be monitored by the EM to ensure impacts to agricultural lands are minimized to the extent practicable, to ensure agricultural lands can be restored to their former use during decommissioning, if desired by the landowners at that time.

The EM will have a confident understanding of normal agriculture practices and be able to identify how construction of the Facility may affect applicable agricultural practices in the future. The EM also will have experience with, or understanding of, the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Facility permits and/or construction duties if the agricultural workload allows. The EM will provide the pertinent, site-specific agricultural information as outlined in this Agricultural Plan for Facility development related to construction (and eventually decommissioning) through field review and direct contact with Project Site landowners and NYSAGM. The EM will maintain regular contact with appropriate onsite Facility construction supervisors and inspectors, and landowners (as necessary) throughout the construction phase. The EM will be on site whenever construction or restoration work requiring or involving ground disturbance is occurring on agricultural land and shall notify NYSAGM of the Facility's activity. The purpose of the agency coordination is to assure that the mitigation measures of this Agricultural Plan are met. The Applicant intends to coordinate with NYSAGM to schedule inspections in a manner that avoids delays to construction. During inspections, NYSAGM personnel will be required to follow all Facility safety and security protocols and shall be escorted by a Facility representative other than the EM.

6 Decommissioning

When operation of the Facility is permanently discontinued (decommissioned), all above ground structures (including panels, racking, signage, equipment pads, and security fencing) and underground utilities of less than 48-inches deep will be removed per the Facility's Site

Restoration and Decommissioning Plan (Appendix 23-A). Racking support structures and foundation support posts are expected to be salvaged for steel (non-ballasted racks). Steel piles will be completely removed. Other foundation structures and below-ground concrete will be fully removed from the ground, or to a depth of 4 feet below grade, whichever is more cost effective at the time of removal. The affected area will be backfilled with native soil or gravel removed from the Facility (e.g., access roads, substation area, inverter pads).

All underground direct buried electric conductors and conductors in conduit and associated conduit will be removed per the Facility's Site Restoration and Decommissioning Plan (Appendix 23-A). Below ground conduit and cable will be removed from the ground if the cabling is less than 4 feet below ground surface; otherwise, conduit and cable greater than 4 feet below ground surface will be left in place. Associated electrical cabling will be removed from the conduit, if practical. Remaining conduit will be capped or filled with a fine construction material.

Access roads in areas planned for agricultural production post-decommissioning will be removed, unless otherwise specified by the landowner. If an access road is to be removed, topsoil will be returned from previously recorded locations of excess native topsoil disposal areas, if present (stockpiled during construction),for recycling or reuse or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site. Underlying geotextile fabric will be collected for offsite disposal. All areas intended for agricultural production, according to recommendations by the current landowner or leasing agricultural producer, as required by any applicable permit, the local Soil and Water Conservation District, and NYSAGM will be restored. Section 4.2 of Appendix 23-A details the decommissioning plan for all Facility components.

Environmental monitoring and restoration requirements in accordance with the prior sections of this Agricultural Plan, will be followed for decommissioning restoration activities. NYSAGM will be given notice before the Applicant undertakes restoration and/or decommissioning within the Facility Site.