



SOMERSET SOLAR, LLC

MATTER NO. 22-00026

§900-2.3 Exhibit 2

Overview and Public Involvement

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ACRONYM LIST

§	Section
AC	alternating current
AES	The AES Corporation, Inc.
APE	Area of Potential Effect
Applicant	Somerset Solar, LLC
Application	Somerset Solar Section 94-c Application for a Siting Permit
BMPs	best management practices
CEP	Community Engagement Plan
DC	direct current
Facility	Somerset Solar Facility
Facility Site	Approximately 696-acre limit of disturbance required for the construction of the Somerset Solar Facility
Facility Substation	Somerset Collector Substation
HDD	horizontal direction drilling
kV	kilovolts
NCBP	Net Conservation Benefit Plan
NOI	Notice of Intent
NRHP	National Register of Historic Places
NYCRR	New York Codes, Rules and Regulations
NYISO	New York State Independent System Operator
NYS	New York State
NYSDOT	New York State Department of Transportation
NYSDPS	New York State Department of Public Service
NYSEG	New York State Electric and Gas Corporation
OPRHP	Office of Parks, Recreation and Historic Preservation
ORES	Office of Renewable Energy Siting
PV	photovoltaic
SWDA	Solid Waste Disposal Area
SWPPP	Stormwater Pollution Prevention Plan

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Tetra Tech	Tetra Tech, Inc.
Town	Town of Somerset, New York
USCs	Uniform Standards and Conditions
xDSL	digital subscriber line

Glossary Terms

Applicant	Somerset Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility Site from the Office of Renewable Energy Siting (ORES) under Section (§) 94-c of the New York State Executive Law.
Application	Application under §94-c of the New York State Executive Law for review by the ORES for a Siting Permit.
Facility	The proposed components to be constructed for the collection and distribution of energy for the Somerset Solar Facility, which includes solar arrays, inverters, electric collection lines, and the collection substation.
Facility Site	The limit of disturbance (LOD) that will be utilized for construction and operation of the Facility, which totals about 696 acres on the Project Parcels in the Town of Somerset, Niagara County, New York (Figure 2-1).
Project Parcels	The parcels that are currently under agreement with the Applicant and Landowner, totaling about 1,784 acres in the Town of Somerset, Niagara County, New York, on which the Facility Site will be sited (Figure 3-1).
Project Site	The acreage of the Project Parcels under agreement between the Applicant and the Landowner, consisting of approximately 1,396 acres, in which the Applicant has performed diligence, surveys and assessments in support of Facility design and layout.

EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT

This exhibit addresses the requirements specified in New York Codes, Rules and Regulations (NYCRR) Section (§) 900-2.3.

As shown throughout Somerset Solar's Application for a Siting Permit (Application) pursuant to NYS Executive Law §94-c, the Somerset Solar Facility (Facility) will help New York State (NYS) reach its climate goals and will have minimal negative impact on neighboring landowners, nearby communities, and surrounding landscapes. The proposed Facility will be relatively low in height, will not emit air or water pollution, will have no odors, and will produce minimal noise.

The Facility will also use a variety of fencing, screening, and landscape strategies to preserve existing viewsheds and maintain the rural character of the surrounding area. The proposed Facility will repurpose portions of the former coal plant (Somerset Station) and enhance viewsheds, through replacing industrialized infrastructure that has been a dominant feature of the regional viewshed for the past four decades, with solar infrastructure that will largely be screened from view with visual screening. Construction of the Facility is expected to produce minimal traffic through the Town of Somerset (Town), Niagara County, New York, which will only occur during construction periods. The Facility will support stakeholders and the local community by deploying clean, renewable energy and enhancing economic development. Specifically, stakeholders within the region will receive economic benefits from the Facility through construction, operation, and maintenance jobs, as well as expenditures for supplies and materials, lease payments to participating landowners, and tax payments to local communities. Additionally, Somerset Solar, LLC (Applicant) has conducted various surveys throughout the §94-c process to assess environmental and community impacts, as well as aesthetic and visual impacts to the area surrounding the Facility. As described throughout the Application, the Applicant has confirmed that minimal costs, both economic and environmental, will be incurred by the local community during the construction and lifespan of the Facility and will be outweighed by the benefits of the Facility.

This exhibit provides an overview of the proposed Facility, descriptions of its components, and key studies and areas of analyses. These include any impacts and minimization or mitigation for ecology and land use; wetland and water resources; wildlife and habitat; public health and safety; cultural, historic, and recreational resources; transportation; communication; noise; and visual. This exhibit also provides a description of local engagement and outreach conducted to date. The Facility has been designed to comply with 19 NYCRR §900-2.3 and the Uniform Standards and Codes (USCs).

2(a) Brief Description of Proposed Facility and Material Components Analysis

The Facility will have a generating capacity of 125 megawatts alternating current (AC) and will be located on lands for which the Applicant has secured leasehold interest for the approximately 1,396-acre Project Site. This Project Site is located within the larger area defined by the five Project Parcels totaling approximately 1,783 acres (Exhibit 4 and Figure 2-1). Proposed Facility components include utility-scale solar photovoltaic (PV) arrays, access roads, inverters, fencing, electric collection lines, electrical interconnection facilities, and the proposed Somerset Collector Substation (Facility Substation). The Applicant intends to construct, own, operate, and maintain all components of the Facility. The solar module specification is included as Appendix 2-A and the solar array locations and related infrastructure are included as Appendix 5-A (civil drawings) and Appendix 5-B (electrical drawings, including the Facility Substation) in Exhibit 5. The Facility Substation will collect the power generated from the solar modules via above-ground and underground collection lines located throughout the approximately 696-acre limit of disturbance (Facility Site). A new proposed gen-tie transmission interconnection line will originate from the Facility Substation and extend approximately 159 feet to the existing Kintigh Substation (point of interconnection) and to NYS Electric and Gas Corporation's (NYSEG's) Somerset to Rochester 345-kilovolt (kV) transmission line.

Facility layout details are provided on Figure 3-1 and Figure 3-11. Additional details regarding the proposed Facility components to be installed are included below.

Solar Arrays and Racking Systems: The Applicant intends to use a solar module similar to the BYD MLTK-36 540W Bifacial Module. The Facility proposes to utilize the NEXTracker DuraTrack HZ v3 array tracking system, or similar, which will be installed with minimal ground disturbance via driven posts. Specification sheets for the proposed solar modules and racking systems (includes both fixed tilt and single axis-tracking systems) have been included as Appendix 2-A (modules) and Appendix 2-B (racking). The fixed tilt panels on ballasted racking systems that are included in the Facility design will be used in the coal storage pile and landfill (Solid Waste Disposal Area [SWDA] II) areas of the former coal plant, as these areas contain an underground liner for protection of groundwater, where pile-driven systems cannot be used. Fixed tilt arrays will have a maximum panel height of 7.1 feet, and tracker system panels will have a maximum height at full tilt of 10.2 feet. The Facility has been designed to comply with the Town's Solar Law (Part II, General Legislation, Zoning, Article XXII Solar Energy Systems) (Exhibit 24), such that the maximum height of the solar arrays will not exceed 13.5 feet from finished grade.

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Collector System: The 34.5-kV collection lines will connect the solar arrays with the Facility Substation. The total length of the collection lines being included as a part of the Facility is approximately 13.4 miles and includes approximately 66,160 feet of underground collection lines, and approximately 4,502 feet of above-ground collection lines installed as cabling situated on sleeper trays. The above-ground collection lines are located in the areas of the existing coal storage pile and SWDA II landfill and require surface installation to ensure the groundwater protective liner is not damaged. With the exception of where cabling will be installed above-ground on sleepers, the remainder of the underground collection lines will be installed via trenching. The underground collection system also includes 21 areas where horizontal directional drilling (HDD) techniques will be employed to avoid impacts to sensitive resources and for road crossings. Direct burial involves the installation of bundled cable (electrical and fiber optic bundles) directly into a narrow trench in the ground. The narrow cut disturbs an area approximately 2-3 feet wide with bundled cable installed to a minimum depth of about 24-48 inches in most areas. Appendix 5-B, Sheets PV-E.01.09, PV-E.08.01 and PV-E.08.02 include details on the collection system and installation information.

Inverters: Inverters will be located within the Facility Site, interspersed throughout the solar arrays. Their purpose is to convert direct current (DC) electricity generated by the solar modules into AC electricity. The Facility DC solar source circuits will include a messenger cable type hanger system, or conduit on sleepers for the above-ground cabling system, or where feasible, an underground system to connect the solar module strings to the inverters and ultimately to the medium voltage collection system which will route back to the Facility Substation. The Applicant intends to use central inverters from Sungrow, models SG3600UD-MV and SG3150U-MV, or a similar inverter, for this Facility. Specification sheets for these inverters are included in Appendix 5-C.

Collector Substation: The 34.5-kV collection lines within the Facility Site will gather power from the solar arrays and transport it to the new Facility Substation that will step up the voltage to 345 kV. The Facility Substation footprint, including the access road, fencing, and substation footprint is approximately 1.35 acres in size and will be located adjacent to the existing NYSEG Kintigh Substation for connection to the grid. The Facility Substation will be accessible via an existing, private access road located off NYS Route 18/Lake Road. All Facility Substation facilities are located within the Facility Site.

Interconnection Facilities: Power from the Facility Substation will be connected to the existing NYSEG Kintigh Substation and Rochester to Somerset 345-kV transmission line via a new, gen-

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tie transmission interconnection line. Interconnection facilities required for the Facility include an approximately 159-foot overhead, three-phase AC, double-bundled 345-kV interconnection gen-tie line which will tie the energy produced within the Facility Site to the existing NYSEG Kintigh Substation and 345-kV transmission line. All of the interconnection facilities, including the Kintigh Station, are located within the Project Site.

Access Roads: New permanent access roads are proposed within the Facility Site to access Facility components. The Facility includes construction of new access roads, including 19 new access entrances. Site entrances are shown in Appendix 5-A, Sheets PV-C.02.00–PV-C.02.10; road profiles are shown in Appendix 5-A, Sheets PV-C.06.01–PV-C.06.04; and site entrance improvement details are included on Appendix 5-A, Sheets PV-C.07.01 and PV-C.07.02. Use of existing access roads, with limited upgrades required, have been incorporated into the design. In addition, 15-foot and 20-foot wide non-graveled access corridors will be maintained throughout the PV array areas. Proposed permanent access road widths vary throughout the Facility, with the majority designed at 20 feet wide, which is consistent with local fire code. The Facility contains a total of approximately 5.1 miles of permanent access roads. Additional 15-foot-wide grassed, access corridors are dispersed throughout the Facility arrays to provide operations and maintenance access.

Fencing: Security fencing will be placed around the perimeter of Facility components, inclusive of the Facility Substation. The security fencing for the array will consist of a 7-foot tall chain link fence, with no barbed wire, surrounding the Facility as shown on Appendix 5-A, Sheets PV-C.09.01–PV-C.09.04. Locked gates will be included at each access point, and only be accessible by the Applicant's authorized employees and emergency responders through use of Knox Boxes (Knox Box is a registered trademark and commonly used to refer to small, wall-mounted safes that contain access keys for emergency responders to enable access to the site during emergency situations). A gate schedule is provided in Appendix 5-A, Sheet PV-C.09.05. Fencing details specific to the Facility Substation is shown on Sheets PV-C.09.03. Facility Substation fencing will be 7 feet in height with an additional 1 foot of barbed wire for additional security. The locations of Facility fencing are shown on Appendix 5-A Sheets PV-C.02.01–PV-C.02.10.

The definitions and descriptions noted above will be used throughout the exhibits, appendices, and figures which make up this Application for the Facility. The following subsections include a material facts analysis which summarizes relevant sections of the Application and specific findings. This summary is intended to provide a clear, concise analysis of the potential impacts of

the Facility to be considered by the Office of Renewable Energy Siting (ORES) when evaluating the suitability of issuing a siting permit for the Facility.

Material Facts Analysis: The Facility is estimated to generate enough renewable green energy to power approximately 25,002 NYS households (Solar Energy Industries Association 2022). The Facility's size, location, and interconnection make it an economical resource, allowing the Facility to provide NYS with affordable, renewable energy. The Facility is compatible with NYS policies mandating the generation of electricity from renewable energy, including the 2015 NYS Energy Plan, the Clean Energy Standard, and the Climate Leadership and Community Protection Act of 2019. The Facility aligns with the energy policies of NYS and will contribute to lowering greenhouse gas emissions, which directly aids in efforts to end climate change and improve overall environmental well-being. Exhibit 17 includes further discussion of the Facility's compatibility with NYS regulations and energy goals.

The Applicant has worked continuously with the Town to minimize costs to the municipality and ensure the Facility complies with local laws to the maximum extent practicable and that the requests for waivers from local law requirements was the minimum necessary. This continuous involvement with the local community, which includes landowners directly involved with the Facility, emphasizes the Applicant's commitment to balance the needs of the community with providing a high-quality renewable energy source to NYS. Additionally, the Applicant is committed to developing and maintaining a high-quality, efficient, and up-to-date Facility as proposed herein. The Applicant's commitment to providing high quality renewable energy and effectively communicating with local representatives makes the Facility well suited for certification under the §94-c process. Overall, although the construction and operation of the Facility will result in some environmental impacts, the Applicant has designed the Facility to minimize and avoid those impacts to the maximum extent practicable.

The Applicant will further minimize, avoid, and mitigate impacts by adhering to the USCs (Subpart §900-6 of §94-c regulations) as discussed in the following sections. Per USC §900-6.5, the Facility will be inspected annually, and any equipment replacement or updates to interconnection/Facility agreements will be subject to review and approval of the ORES. In addition, the Applicant will comply with all applicable regulations, rules, guidelines, and standards set forth by the New York Independent System Operator (NYISO), the Northeast Power Coordinating Council, the NYS Reliability Council, and the North American Electric Reliability Corporation. In the unlikely event of any incident related to facility malfunction or interconnection issues, the Applicant will

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communicate with the NYS Department of Public Service (NYSDPS) Emergency Line, the ORES, NYISO, and NYSEG, as appropriate.

As required under §94-c, the Applicant has prepared the relevant and appropriate studies and analyses to inform the completion of the 25 exhibits and associated figures and appendices which comprise this Application and which demonstrate that the Applicant has designed the Facility to minimize and avoid impacts to the maximum extent practicable. These analyses were performed within the Project Site as well as specified study area distances in accordance with §94-c regulations (5-mile radius of Facility Site unless otherwise noted).

Ecology and Land Use: The Applicant focused on siting panels on land already disturbed by the former coal plant and within open agricultural fields to minimize fragmentation of habitats and land use types, minimize forest clearing to the extent practicable, avoid unnecessary interference with continuing agricultural operations in adjacent areas to the Project Site, and reduce the total area that comprises the Facility. Additionally, the location of an existing substation on the Project Site (Kintigh Substation), allows for minimum space required for interconnection (transmission line length is limited to approximately 159 feet to connect to the point of interconnection). As a result, the overall ecological impacts are limited to temporary and permanent impacts to agricultural land (primarily used to grow corn, soybeans and hay on a rotational schedule for at least three of the past five years), forested land, and successional shrubland. Furthermore, linear Facility components (e.g., access roads and electrical trenches) have been collocated to the extent practicable, and previously disturbed areas, such as existing access roads and areas of the former coal plant, have been incorporated into the Facility design where practicable. With the proposed design placing solar panel arrays almost entirely within previously disturbed industrial areas (including SWDA II and the coal storage pile areas) and open fields currently being used for agriculture, tree/shrub clearing and grubbing has been limited to approximately 12% of the Facility Site (approximately 82.3 acres). While tree/shrub clearing and grubbing areas are distributed throughout the Facility Site, the majority of these activities are located in the northwestern and southwestern portions of the Facility Site (Appendix 5-A, Sheets PV-C.02.01–PV-C.02.02, Area 1 and Area 2). Selective tree/shrub cutting totals approximately 10.6 acres and is primarily located in Area 2 and Area 4 of the Facility Site (Appendix 5-A, Sheets PV-C.02.01 and PV-C.02.04) and is limited to those areas where necessary to prevent shading of solar panels. Tree/shrub clearing and grubbing and selective cutting within the Facility Site occurs in areas needed to site solar arrays, fencing, access roads, and inverter pads. By focusing tree/shrub clearing and grubbing and selective tree/shrub cutting efforts in these areas, fragmentation of

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forested habitat will be limited and impacts to forestland and wildlife corridors will not be widespread. In addition, the Applicant left existing hedgerows and vegetative barriers where possible, in part to provide natural vegetation screening from public roadways and local residences.

Avoidance and minimization of impacts to vegetative communities and ecological communities onsite and offsite also will occur through implementation of the Facility's Stormwater Pollution Prevention Plan (SWPPP) (Appendix 13-B), best management practices (BMPs) for construction of solar facilities, the USCs associated with siting permits under §94-c, and employment of an Environmental Monitor that will be onsite during construction and restoration activities. Per USC §900-6.4 (b)(1), the Environmental Monitor will perform regular inspections of construction work sites and issue regular reporting and compliance audits, in consultation with the NYSDPS. The Facility will also employ an Agricultural Monitor to oversee construction activities in agricultural land and ensure compliance with the NYS Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (NYS Department of Agriculture and Markets 2019). Per USC §900-6.4 (s)(1)(ii), the qualified Agricultural Monitor will be hired from a third party and will oversee compliance with agricultural conditions and requirements, including those outlined in the Facility's Agricultural Plan (Appendix 15-A) and Drainage Remediation Plan (Appendix 15-B).

Per USC §900-6.4(m), construction disturbances will not occur beyond the Facility Site, soil stabilization measures will be biodegradable, all vehicles and equipment will have a spill kit, construction debris will be disposed of appropriately, tree/shrub clearing and grubbing will be kept to a minimum area necessary and conducted appropriately, and trainings will be conducted to educate crews about invasive species and how to report them to the NYS Department of Environmental Conservation.

Wetland and Water Resources: A total of 43 wetlands representing approximately 272.27 acres, and 18 streams were delineated within the Project Site. NYS-regulated wetlands on the Project Site total approximately 238.95 acres. Approximately 2.0 acres of Fish Creek were delineated within the Project Site, with two segments (SB-2 and SB-3) identified as NYS-protected waterbody as they are navigable and therefore under ORES' jurisdiction (Exhibit 13). The ORES jurisdictional determination for wetlands and waterbodies on the Project Site are provided in Appendix 13-C. The Facility design process used information from the wetland and waterbody delineation to place components where they would avoid and/or minimize impacts to NYS jurisdictional wetlands (and their 100-foot adjacent areas) wherever possible. Permanent fill of NYS-jurisdictional wetlands is

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anticipated to be limited to approximately 0.05 acres (Exhibit 14). A conceptual wetland mitigation and restoration (for creation of 0.05 acres of wetland) plan has been developed in accordance with §900-2.15(g) for compensatory mitigation for the permanent fill of 0.05 acres of NYS-jurisdictional wetlands and is included as Appendix 14-C. Per USC §900-6.4 (q)(5) and (6), installation and construction techniques will minimize disturbance of wetland soil profiles by minimizing tree/shrub clearing and grubbing activities within wetland buffers and adjacent areas, and by using driven piles with no backfilling for solar arrays sited in wetlands where allowed. Due to careful siting and consideration of environmental resources, the Facility has been designed to avoid any direct impacts to the stream segments within the Facility Site, including those that are NYS-jurisdictional.

Certain construction activities can result in direct and/or indirect impact to surface waters. These activities include the installation of access roads, installation of collection lines, and the development of temporary staging areas and workspaces around the solar arrays. Impacts related to the construction of access road and collection line crossings will be minimized to the maximum extent practicable using existing crossings and by crossing at narrow locations where feasible. Collection lines will be installed underground via trenching with the exception of locations where cabling will be installed above-ground on sleeper trays (limited to areas where the cables cross the coal storage pile and SWDA II), and 21 areas where HDD will be employed to avoid impacts to sensitive resources and at road crossings. In addition, the SWPPP will avoid or minimize impacts to surface waters to the maximum extent practicable.

The need for stream crossings has been avoided through careful siting of Facility components, including access roads, and through implementation of HDD where aquatic resources must be crossed. In addition, the SWPPP will avoid or minimize the potential for offsite turbidity or discharges related to construction to the maximum extent practicable.

To ensure the protection of water resources at the Facility Site and in the vicinity of the Facility, and in compliance with USC §900-6.1(e), the Applicant will obtain a Water Quality Certification under Section 401 of the Clean Water Act prior to commencement of construction activities. Areas where construction has been completed will be restored promptly in accordance with the General Permit requirements. In addition, the Applicant will implement a Facility-specific Spill Prevention, Containment, and Control Plan to minimize the potential for the release of hazardous chemicals during construction and operation of the Facility. Per USC §900-6.4(p), wetlands, waterbodies, and streams will be more than 100 feet from all concrete washouts and equipment storage, refueling, washing, maintenance, and repair; and more than 300 feet from all fuel or other

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chemical storage. In addition, all fill will be clean, turbid water will not be allowed to enter wetlands, waterbodies, or streams; and HDD will be employed to the extent practicable.

Construction of the Facility will not require blasting, and no significant impacts to groundwater quality or quantity are anticipated to result from the Facility. Per USC §900-6.4(n)(2), no pier and post driving activities are proposed within 100 feet of any existing, active drinking water well (none identified on the Project Site), and the Applicant will engage a third party to conduct pre- and post-construction water quality testing Per USC §900-6.4(n)(iii). All construction activities completed within wetlands or adjacent areas will adhere to the requirements set forth in USC §900-6.4(q).

Wildlife and Habitat: The Applicant performed the relevant field studies requested by the agencies in the “Project Area” to evaluate the potential for listed species and/or their habitat to exist onsite. The “Project Area” which was evaluated as part of the Community Engagement Plan (CEP) consists of the 1,396-acre Project Site being considered for solar development. Through continued outreach and siting efforts, and site-specific survey efforts, the Applicant has designed the Facility Site to maximize use of previously disturbed and open areas, in a manner that minimizes impacts to existing vegetative communities and wildlife habitats.

To address ORES’ determination received by the Applicant on June 23, 2022 that a net conservation benefit plan (NCBP) is required for impacts to approximately 114.8 acres of occupied wintering habitat for northern harrier (*Circus hudsonius*) identified by ORES, the Applicant is proposing a NCBP involving Applicant-implemented grassland bird habitat conservation in lieu of payment of a mitigation fee per §900-6.4(o)(3)(ix). To comply with the USC, mitigation will be implemented at a ratio of 0.22 acres of mitigation for every acre of occupied wintering habitat determined to be taken for northern harrier. Currently, the Applicant is actively pursuing a potential mitigation site that would conserve 25 acres of suitable wintering habitat for northern harrier. Appendix 12-F includes further discussion of the Preliminary NCBP developed for the Facility. Consultation with landowners of the proposed mitigation site is ongoing, and the exact location of the mitigation site has not yet been identified.

ORES determined on June 23, 2022 that since an active bald eagle (*Haliaeetus leucocephalus*) nest is located within 0.25 mile of the Facility (Appendix 12-D). Construction of the Facility will adhere to the USCs (§900-6.4(o)(6)(i) and (ii)).

The determination of occupied habitat, incidental take and NCBP letter received from ORES on June 23, 2022 (Appendix 12-D) also confirmed the Facility is not located within 1.5 miles of any maternity roosts, or within 5 miles of a hibernaculum site for northern long-eared bat (*Myotis*

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septentrionalis). This letter also determined the Facility is not located within 2.5 miles of bat maternity roost sites, or within 2.5 miles of a hibernaculum site for Indiana bat (*Myotis sodalis*). The letter did not identify any other known state-listed species occurrences within the Facility Site. Based on these determinations from ORES, no specific construction or operation measures for protection of northern long-eared bat or Indiana bat are required for the Facility.

The avoidance and/or minimization of Facility-related impacts to NYS-listed species has been accomplished through continued careful site design, implementation of BMPs, adherence to the USCs under §94-c, inclusion of construction monitoring and development of a Preliminary NCBP. Site design practices avoid sensitive habitats by siting solar arrays primarily in previously disturbed industrial areas and open agricultural fields, which will minimize construction disturbances to the extent practicable. During construction and restoration, all observations of NYS threatened or endangered species will be recorded in accordance with USC §900-6.4(o)(7) and (8). Exhibit 12 includes further discussion of threatened and endangered species surveys and results obtained for the Facility.

Public Health and Safety: The Facility is expected to result in a positive public health benefit in that it will contribute towards fighting global climate change and it is not expected that the Facility will result in any public health or safety concerns, because solar facilities do not pose significant risks to public health and safety.

While some pollutant emissions are expected during construction of the Facility (through the generation of dust on dry days as well as the use of diesel- and gasoline-powered equipment and vehicles), BMPs will be employed to reduce any impacts associated with these emissions to the extent practicable, in accordance with USC §900-6.4(j). These include prohibiting generator idling, implementing dust control procedures, using electric motors where feasible, and disposing of cleared vegetation in a way that minimizes greenhouse gas emissions.

The Applicant has developed various health and safety plans to respond to any potential public health and safety events that may occur during construction and operation. The Town exempts construction noise from 7:00 a.m. until 11:00 p.m. through Chapter 131(l) (Exhibit 7, section 7(n)). Per USC §900-6.4(a), construction and routine maintenance of the Facility will be primarily limited to 7 a.m. to 8 p.m. Monday through Saturday and 8 a.m. to 8 p.m. on Sundays and national holidays. Per USC §900-6.4(i), all mechanical equipment will be enclosed by fencing with a minimum height of 7 feet, and self-locking gates, to prevent unauthorized access. Exhibit 6 provides further discussion of public health, safety, and security, and includes a Site Security Plan

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(Appendix 6-A) and a Safety Response Plan (Appendix 6-B). Visual and noise impacts are discussed in separate sections below.

Cultural and Historic Resources: Per USC §900-6.4(u), the Applicant will develop a Cultural Resources Avoidance, Minimization and Mitigation Plan as part of a pre-construction compliance filing. This plan will demonstrate the minimization or mitigation of Facility construction and operation impacts to cultural resources.

The Office of Parks, Recreation, and Historic Preservation (OPRHP) Cultural Resources Information System database indicated that portions of the Facility Site are located within an archaeologically sensitive area, and the Applicant completed a Phase IA (Appendix 9-C) and Phase IB surveys (Appendix 9-E) as requested by OPRHP. The Phase IB archaeological survey was conducted following OPRHP's approval of a revised work plan describing proposed Phase IB testing within anticipated areas of significant ground disturbing activities that overlapped the modeled zone of high archaeological sensitivity. The Phase IB survey completed in July 2022 identified one historic period archaeological resource within the Facility Site, located within an area of proposed tree/shrub clearing and grubbing south of NYS Route 18/Lake Road and east of Fish Creek. Based on the absence of stratigraphic separation within the culture-bearing soil layer, Tetra Tech, Inc. (Tetra Tech) recommended the site did not possess potential research value and therefore was not eligible for listing in the National Register of Historic Places (NRHP) or State Register of Historic Places. Tetra Tech further recommended that no additional archaeological investigations of the site were warranted. Concurrence was received from OPRHP on November 9, 2022 on the results and recommendations included in the Phase IB survey report and that no further archaeological studies were required Appendix 9-A).

A Historic Architecture Survey was completed for the Facility in February and March 2022, which identified 82 architectural resources in the area of potential effect (APE). Tetra Tech Architectural Historians surveyed 10 previously identified resources and 72 newly identified resources. Of the previously documented properties, none were NRHP-listed, four were NRHP-eligible, and six were unevaluated. Of the 82 identified architectural resources aged 50 years old or older in the Zone of Visual Influence, Tetra Tech recommends eight are NRHP-eligible or maintain their previously determined NRHP eligible/listed status. No National Historic Landmark historic properties are present in the Zone of Visual Influence. Tetra Tech concludes that while the Facility has no potential to physically affect any historic architectural properties, there may be some positive visibility of the Facility from historic architectural properties within the APE. However, the potential effects of visible infrastructure from the solar development will not be adverse because

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the Facility will not significantly affect the NRHP qualifying characteristics of any NRHP-recommended eligible architectural resources in the APE. OPRHP requested additional information on the proposed views of the Facility Site from the Smith House (located along NYS Route 18/Lake Road west of the Project Site), the Babcock House (a participating property on the Project Site and a NYS and NRHP-eligible property), and visual screening and landscaping proposed for the Babcock House on August 23, 2022. On October 26, 2022, OPRHP provided an additional request for information on site alternatives related to their opinion that the Facility would have a significant visual impact on the setting of the Babcock House. The Applicant provided response packages to OPRHP for these requests in October 2022 and January 2023. The Applicant has proposed mitigation to address the potential significant visual impact on the Babcock House, including incorporation of enhanced visual landscaping around the Babcock House parcel, a monetary donation to sponsor three Somerset Historical Society community events, and allocation of a 2-acre non-paved parking area¹. The Somerset Historical Society has agreed to provide a letter of support for the Facility, which will be provided to ORES and OPRHP upon receipt. A concurrence from OPRHP on the Historic Architecture report and proposed mitigation plan (with conditions) for the Babcock House was received on February 15, 2023. All relevant correspondence with OPRHP for the Historic Architecture report, requests for information and proposed mitigation is provided in Appendix 9-A. The Facility has been designed to comply with 19 NYCRR §900-2.10 and the USCs and impacts related to cultural resources have been avoided and minimized to the maximum extent practicable.

Transportation: Per USC §900-6.3(c), the Applicant will coordinate with NYS, Niagara County, and local highway agencies to respond to and apply applicable traffic control measures to any locations that may experience any traffic flow or capability issues. Traffic-related impacts associated with the Facility will occur during the site preparation and construction phase when there may be a temporary increase in vehicle traffic on area roadways. Because the existing traffic volumes are relatively low, local traffic flow should not be significantly impacted during construction. The Facility includes construction of 18 new access entrances. Site entrance improvement details are included on Appendix 5-A, Sheets PV-C.07.01 and PV-C.07.02. The Facility Site has been divided into 10 discrete development areas (Appendix 5-A, Sheet PV-C.02.00), each with their own access point, which further ensures construction traffic will not be

¹ The proposed 2-acre parking area is not shown on the March 2023 version of the layout and will be incorporated into a future iteration of the layout.

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continuously concentrated at one or two access points. Except for the delivery of the transformer, the delivery of solar components and construction materials are not anticipated to require oversize or overweight transport vehicles. The transformer delivery is expected to require use of a conventional semi-trailer (WB-67) and require a Special Hauling Permit from the NYS Department of Transportation (NYSDOT) for an oversize/overweight vehicle. The transformer will require two deliveries: one for the transformer radiators and one for the body of the transformer. These deliveries are expected to be oversize/overweight requiring Special Hauling Permits from NYSDOT. Given that only two deliveries to the Facility are expected to be oversized or overweight, the need to enter into a Road Use Agreement with the Town is not anticipated to be required (Exhibit 16).

A Road Opening Permit will be required for all work performed in the public right-of-way from NYS Department of Transportation and Niagara County (for the proposed Facility driveways on NYS Route 18/Lake Road and County Route 108 [Hartland Road] and HDD locations along public roadways) and a Highway Work Permit will be required from the NYSDOT for work performed in the NYS right-of-way at the five proposed NYS Route 18/Lake Road driveway locations. The NYS Highway Work Permit and County permits have similar provisions for a road use agreement in which the Applicant provides a bond to allow for restoration for any damages within the right-of-way after the Facility is completed; however, these are not anticipated to be required.

Communication: An analysis of the Facility's potential to interfere with broadcast patterns, lines-of-sight, underground utilities, or co-located lines was conducted. A Verizon easement and existing underground telecommunications line is located on the Facility Site (Figure 20-1). A portion of the Verizon underground telecommunications line lies in an area targeted for arrays in the Facility design and will be relocated within the Facility Site to provide communication service to the Facility Substation. An additional Verizon easement is located in the northern portion of the Facility Site and will require an easement for crossing of an access road (Exhibit 3). Establishment of an easement and crossing agreement for the activities proposed will ensure construction of the Facility does not negatively affect Verizon's underground telecommunications line or easements. The proposed location for construction of a new Verizon cellular tower to support the existing Lake Mariner Data Center is located outside the Project Site and will not be impacted by the Facility (Figure 20-1).

The Applicant will verify all utility locations in the Facility Site during preconstruction and the Applicant and/or Engineering Procure and Construct contractor also will submit a request for location information to Dig Safely New York prior to the commencement of construction. Using

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the information compiled on current fiber optic and/or underground cables through public review, consultation with Verizon and Project Site landowners and completion of a site survey for the Facility Site, the Applicant will avoid interference, or minimize interference where avoidance is not possible.

Two asymmetrical digital subscriber lines (xDSL) and a cable modem line (DOCSIS 3.0) were identified within the 1-mile study area, including an asymmetrical xDSL located along NYS Route 18/Lake Road adjacent to the Facility Site, an asymmetrical xDSL located along West Somerset Road and County Route 65/Hosmer Roads within 1-mile south of the Facility Site, and a cable modem line located along NYS Route 18/Lake Road adjacent to the Facility Site (Figure 20-1). A review of NYS ITS GIS Program Office data also identified that the entire study area is covered by broadband wireless service.

No adverse impacts to communications systems as a result of the Facility are anticipated. Communications equipment electronics will be installed and tested to ensure compliance with manufacturer's installation standards. If Verizon elects to install a fiber optics cable and telecommunication tower on the Project Site, the construction and operations of these facilities are not expected to impact operations of the Facility, and likewise, the operation of the Facility is not anticipated to impact the construction or operations of the proposed telecommunications tower.

The communications lines mapped in the vicinity of the Project Site are located along existing roadways that are adjacent to the center and other areas located outside of the Project Site and Facility Site. Figure 20-1 identifies the road crossings where medium voltage electrical lines are proposed to cross the NYS Route 18/Lake Road utilizing HDD techniques at five locations (Appendix 5-A, Sheet PV-C.02.00). Prior to initiating construction activities within public roadways, the Applicant will coordinate with the communication line owners (Verizon New York Inc. and Time Warner Cable LLC), obtain the required road crossing permits from the NYS Department of Transportation and Niagara County, and obtain an 811 clearance ("call before you dig") just prior to initiating construction within any public rights-of-way. Obtaining the road crossing permits and the 811 clearance, and use of HDD installation methods will ensure existing communication lines will not be impacted from construction of the Facility. The interconnection design will be completed by a professional engineer and conform to engineering standards and procedures. In the unlikely event that the interconnection does impact other communication systems, the Applicant will take appropriate steps to review and respond to any complaints.

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The Applicant's onsite communications system will be inspected and maintained throughout the life of the Facility and provide information to The AES Corporation, Inc.'s (AES') Control Center (Exhibit 6 and Exhibit 20).

Noise: A study was conducted to confirm that any noise and vibrational impacts resulting from the construction and operation of the Facility will not exceed the design goals listed within the regulations of §94-c of the NYS Executive Law (Exhibit 7 and Exhibit 24).

Adverse noise impacts were avoided or minimized through careful siting of Facility components. Potential noise exceedances identified in the noise modelling and assessment completed for the Facility, include noise levels for the Facility Substation transformer and for two inverters located in Area 5. These potential noise exceedances have been addressed through incorporation of a sound wall at the Facility Substation (Appendix 5-B, Sheets HV-P.01.01, HV-PV02.01 and HV-P.02.02) and two acoustic sound walls located along the eastern property line of Area 5 of the Facility Site (Appendix 5-A, Sheet PV-C.02.05). The noise emitted by a solar project during operations is limited to daytime periods only for the majority of the components. During construction and in accordance with USC §900-6.4(k), functioning mufflers will be maintained on all transportation and construction machinery. To address any potential noise and vibration complaints received during construction, the Applicant will provide an ORES-approved Complaint Management Plan. As designed the Facility will comply with the Town's Noise Ordinance and the Uniform Standards and Conditions at 19 NYCRR §900-2.8 (Exhibit 7).

Visual: The viewshed analysis contained in Appendix 8-A determined that there is minimal expected visibility within the visual study area, but there would be limited areas from which the Facility would be visible and, in contrast, a multitude of areas from which it would not be seen. The existing topography and vegetation surrounding the Facility will block such views. There are also significant attributes of the design of this solar project and its relationship to its particular surroundings that would minimize impacts. The Applicant is proposing to install landscaping along portions of the Facility to provide the Babcock House (a NRHP-eligible property and participating property located on the Project Site) and nearby residences with screened views towards the Facility. In accordance with USC §900-6.4(l), the Applicant will implement a Visual Impacts Minimization and Mitigation Plan, including visual contrast minimization and mitigation measures, a lighting plan, and screen planting plans.

A glare analysis has been completed for the Facility (Appendix 8-A, Attachment 8, Appendix A), and was completed using a ForgeSolar software update that allows for obstructions to be included in the model. The analyses used this tool to model areas of dense forest and tree lines found

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within the Project Site and surrounding area as obstructions. A total of 10 obstructions were used to simulate the natural vegetation buffer, using an average height of 30 feet. Results of the glare analysis did not identify the need for additional mitigation to address glare. No yellow or red glare was predicted to occur. Based on the model results, the accumulated instances of green glare is for less than 25 minutes per day, either between the hours of 6:00 AM and 7:00 AM, or 6:00 PM and 7:00 PM during various periods from March to September. The glare analysis does not account for varying ambient conditions (i.e., cloudy days, precipitation), atmospheric attenuation, or proposed landscaping to be included. The use of existing natural screening along various sides of each PV Array Area provides partial to substantial natural vegetative buffering between the Facility and non-participating property lines, which appear to be mainly undeveloped and vacant. In addition to maintaining existing vegetative buffering, a landscape and screening plan has been developed along portions of NYS Route 18/Lake Road, County Route 108/Hartland Road and Haight Road, which is further detailed in the Landscaping Plan (Appendix 5-A, Sheets PV-C.05.01 through PV-C.05.04). The landscaping plan is expected to minimize any remaining views of the project by non-participating occupied residences located along NYS Route 18/Lake Road, County Route 108/Hartland Road, and Haight Road. In the case of this Facility, existing topography and intervening structures and vegetation are expected to reduce the potential for glare at all of the observation points and roadway segments.

Per USC §900-6.3(a), throughout the design process, the Applicant maintained the §94-c requirements regarding setback requirements from parcel boundaries, roads, other structures, and natural resource review to minimize visual impacts.

2(b) Brief Description of Local Engagement and Outreach

The Applicant initially commenced permitting efforts under §94-c regulations through filing of an initial Notice of Intent (NOI) to file a §94-c Application with ORES on January 6, 2022 (Case No. 22-00026). The Facility's [website](#) (Somerset Solar, LLC 2023) contains materials and open house meetings that the Applicant has held with the Town and local community, and the NYSDPS Document and Matter Management [website](#) (NYSDPS 2023) contains records for all filings related to the Facility's case number.

The following sections describe the Applicant's local engagement and public outreach efforts completed under the §94-c process.

Outreach Efforts Conducted under Section 94-c of the Executive Law:

The Applicant initiated outreach with the Town through introducing the project to the Town Board at a Somerset Town Hall meeting in May 2021 (Appendix 2-D). The Applicant held an in-person Open House with community members on June 16, 2021. Prior to the Open House, the Applicant circulated a notification to stakeholders, including all host landowners, landowners within a 3-mile radius of the Somerset Station coal stack, and all authorities having jurisdiction, advising them of and inviting them to attend the Open House. Notice of the Open House was also published in The Buffalo News, Lockport Union-Sun & Journal, and Niagara Gazette prior to the Open House. The Open House was held in two segments, an afternoon and an evening session, so as to increase accessibility of attendance for stakeholders. A total of 62 community members attended the Open House between the afternoon and evening sessions. The Open House provided information about the Facility to stakeholders, communicated the impacts the Facility will have on the community, discussed the §94-c process, and gave members of the community an opportunity to voice their opinions and concerns about the Facility, and to connect with and hear directly from the Facility representatives. This Open House had an open format, with informational poster boards displayed throughout the meeting venue, with Facility representatives from AES, Young / Sommer LLC and Tetra Tech available at poster board 'stations' to answer questions. A total of 18 Facility representatives and subject matter experts (12 from AES) were present, which enabled the Applicant to provide a significant amount of personal attention to the stakeholders in attendance. Feedback forms were provided at the Open House to solicit additional feedback and input from attendees, and feedback and questions received were addressed on an individual basis. Following the Open House, personalized follow-up postcards, emails or phone calls were made to all attendees who provided contact information. Presentation materials and other documentation regarding this Open House are provided in Appendix 2-C.

On December 15, 2021 the Applicant held a Virtual Community Meeting, which included a question and answer session. This community meeting also served the purpose of updating the community on the status of the Facility in the §94-c process and to provide additional information obtained since the June 2021 Open House. This Virtual Community Meeting fulfilled the pre-application community meeting requirement for §94-c. Notice of the Virtual Community Meeting was provided in advance, in the same manner as described for the Open House. A total of 19 viewers attended the Virtual Community

Meeting. Shortly following this meeting, a video recording of the meeting, the Microsoft PowerPoint presentation slides, and a transcript of the meeting question and answer session were posted on the Facility website. Presentation materials for this meeting, the results of the question-and-answer session and other documentation of this virtual community meeting are provided in Appendix 2-C.

In addition to these community meetings and meetings with local officials, the Applicant first met with three key stakeholder groups during the Fall of 2020 (Table 2-1).

Table 2-1. Key Stakeholder Groups, Fall 2020

Date	Type of Communication and Stakeholder
September 22, 2020	Zoom meeting with Save Ontario Shores
October 14, 2020	Phone call with IBEW Union President
October 15, 2020	Zoom meeting and conference call with Building Trades President

On January 6, 2022, the Applicant filed an initial NOI to file an Application and was assigned Matter No. 22-00026 under §94-c. However, due to modifications to the engineering design and other factor, the Application was not submitted in 2022. A 60-day NOI to file for this Application was filed with ORES on January 31, 2023. The Applicant will continue the public engagement process in accordance with the CEP plan and will continue to update the CEP and Meeting Log throughout the Application review and §94-c process. The most recent CEP and Meeting Log are included as Appendix 2-D.

Current Outreach Efforts under Section 94-c of the Executive Law

The Applicant continues to engage with stakeholders, including groups and individuals with a potential interest in the Facility. The Applicant met with Town representatives to discuss how the Facility will comply with local law requirements and the Town’s Solar Law (Exhibit 24) and to review the proposed mitigation plan that would mitigate for potential adverse visual impacts to the Babcock House, as well as conducted outreach with the Somerset Historical Society to discuss mitigation to minimize potentially significant visual impacts to the Babcock House identified by the OPRHP during the consultation process (Appendix 2-D and Appendix 9-A). The Applicant also has conducted outreach to local emergency responder representatives to request review and discussion of the Facility’s Safety Response Plan (Appendix 6-B). Several requests to meet with emergency

responder representatives has been initiated by the Applicant (Appendix 2-D). Continued consultation with stakeholders has provided a platform for open dialogue to distribute Facility information, discuss potential avoidance and minimization efforts, and solicit local input from community members, including participating and non-participating landowners, local governments, and public interest groups. Over time, the Applicant has applied consistent effort to ensuring the Town has an opportunity to communicate concerns and questions regarding the Facility and its impacts on the community.

Materials to encourage public involvement throughout the §94-c process such as presentations from community meetings and information sessions, and educational materials are included on the Facility website. Updates to public involvement materials occurring after this filing will be posted on the Facility website throughout the §94-c process (Exhibit 1, section 1(b)).

Information regarding intervenors seeking funds from the local agency account was presented during the community meeting and can be found online on the Facility website.

In addition to the public outreach and engagement described herein, consultations performed throughout both the §94-c process for the Facility are summarized in the most recent version of the CEP and Meeting Log included as Appendix 2-D. The Applicant looks forward to continuing public engagement throughout the remainder of the §94-c process. As noted in Exhibit 1, the Facility's primary public contact is Mario Rice (Development Manager) who may be reached via phone at (866) 757-7697 and via email at somersetsolar@aes.com.

i. Local Agencies

Local agencies were invited to attend the June 16, 2021 Open House and December 15, 2021 Virtual Community Meeting held to provide information about the proposed Facility and the §94-c process. Local agencies were given notice of the meeting. The following agencies and organizations were invited to attend: Town and Niagara County officials, NYS legislators, Barker Central School District, local first responders and fire departments, adjacent municipalities, utility providers, and local interest groups. A list of the local agency meeting attendees is provided in Appendix 2-C. The purpose of the Open House and Virtual Community Meeting were to provide information about the Facility, the §94-c process, and unique aspects of the site and local community, to receive and discuss stakeholder interests and issues, to show the Facility layout at the time of the meeting, and to discuss the status of completed and anticipated studies.

Presentation materials used during these local agency meetings are included in Appendix 2-C.

Community Members

Community members were invited to attend the Open House and Virtual Community Meeting for the Facility held on June 16, 2021 and December 15, 2021, respectively. Both meetings were listed on the Facility website, noticed via individually mailed notifications and noticed in local publications. Notification of the Open House and Virtual Community Meeting was provided in the following publications:

- Open House (June 16, 2021)
 - Lockport Union-Sun & Journal and Niagara Gazette, June 12 and June 15, 2021
 - Lake County Pennysaver, June 13, 2021
 - The Buffalo News, June 13 and June 14, 2021
- Virtual Community Meeting (December 15, 2021)
 - Lockport Union-Sun & Journal and Niagara Gazette, November 23, 2021

Postcards providing specific Facility information were mailed to landowners within the Project Site and those within 3 miles (Open House) and 1 mile (Virtual Community Meeting) of the Project Site notifying them of the upcoming meeting dates. Representatives from the press also were invited to these meetings. The postcard notification and affidavits of service regarding the notification of the community meetings held on June 16, 2021 and December 15, 2021 are included in Appendix 2-C.

Community members in attendance included current landowners and neighboring landowners within a 1 mile radius of the Project Site. A total of 60 community members attended the in-person Open House and 32 persons attended the Virtual Community Meeting. As noted above, the purpose of these community meetings was to introduce AES and the Facility to the Town, to provide information on the §94-c permitting process, to inform the community about next steps in Facility development, and to inform the community about how to get involved. During the meetings, community members raised questions regarding Facility Site and final design, Facility capacity factor, landscaping plans, setbacks from a known bald eagle nest, hunting impacts,

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schedule, the §94-c and previous Article 10 processes and permits, job generation expectations, the CEP, local law, community benefits, battery storage, noise levels, and visual resources. A full summary of community questions and the Applicant's answers are available on the Facility website and are included in Appendix 2-C.

References

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).

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FIGURES

