



**RIVERSIDE SOLAR, LLC**

**Matter No. 21-00752**

**900-2.3 Exhibit 2**

**Overview and Public Involvement**

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## Acronym List

AC	alternating current
Act	Accelerated Renewable Energy Growth and Community Benefit Act
AES	The AES Corporation, Inc.
APE	area of potential effects
BBS	breeding bird survey
bgs	below ground surface
BMPs	Best Management Practices
CES	Clean Energy Standard
CLCPA	Climate Leadership and Community Protection Act
CWA	Clean Water Act
DC	direct current
Geronimo	Geronimo Energy, LLC, A National Grid Company
HCA	host community agreement
HDD	horizontal directional drilling
IFP	Issued for Permit
kV	kilovolt
MW	megawatt
NCBP	net conservation benefit plan
NEC	National Electrical Code
NERC	North American Electric Reliability Corporation
NPCC	Northeast Power Coordinating Council
NRHP	National Register of Historic Places
NYCRR	New York Codes, Rules and Regulations
NYISO	New York Independent System Operator
NYNHP	New York Natural Heritage Program
NYSAGM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
NYSDPS	New York State Department of Public Service
NYSRC	New York State Reliability Council
ORES	Office of Renewable Energy Siting
OS/OW	over-sized/overweight

PILOT	payment in lieu of taxes
PIP	Public Involvement Program
PSL	Public Service Law
PV	photovoltaic
RTE	rare, threatened, and endangered
RUA	Road Use Agreement
SEP	State Energy Plan
SHPO	New York State Historic Preservation Office
SPC	Spill Prevention, Containment, and Control
SPDES	State Pollutant Discharge Elimination System
SSC	species of special concern
STP	shovel test pit
SWPPP	Stormwater Pollution Prevention Plan
USCs	Uniform Standards and Conditions
USFWS	U.S Fish and Wildlife Service
VIA	Visual Impact Assessment
WRS	winter raptor survey

## Glossary Terms

<b>Ancillary features</b>	The proposed components of the Facility which are constructed to supplement energy collection and distribution at the Facility, including haul roads, fencing, and the proposed interconnection line between the proposed collection substation and the existing National Grid Lyme Tap Line off the Thousand Islands – Coffeen St. 115 kV transmission line #4.
<b>Applicant</b>	Riverside Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State Executive Law.
<b>Facility</b>	The proposed components to be constructed for the collection and distribution of energy for the Riverside Solar Project, which includes solar arrays, inverters, electric collection lines, and the collection substation.
<b>Facility Site</b>	The parcels encompassing Facility components which totals 1,168 acres in the Towns of Lyme and Brownville, Jefferson County, New York (Figure 2-1).
<b>Limits of Disturbance</b>	The area to which construction impacts will occur, totaling approximately 628 acres.
<b>Study Area</b>	In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 79,169 acres, inclusive of the 1,168-acre Facility Site.
<b>Towns</b>	The Towns of Lyme and Brownville, Jefferson County, New York.

## **Exhibit 2: Overview and Public Involvement**

This Exhibit provides information required in accordance with the requirements of §900-2.3 of the Section 94-c Regulations.

As shown throughout this Application, the Applicant anticipates the Facility will help the State 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. Construction of the Facility is expected to produce minimal traffic through the Towns of Lyme and Brownville (Towns), Jefferson County, New York, which will only occur during construction periods. The Applicant believes 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. These transactions will directly contribute millions of dollars to the Towns, Jefferson County, and to school and fire districts in the form of payment in lieu of taxes (PILOT) agreements and/or host community agreements (HCA). Additionally, the Applicant has conducted various surveys throughout the 94-c process and the previous Article 10 process to assess environmental and community impacts, as well as aesthetic and visual impacts to the area surrounding the Facility Site. 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.

### **2(a) Brief Description of the Proposed Facility & Material Facts Analysis**

The Riverside Solar Project (Facility) will have a generating capacity of 100 megawatts (MW) alternating current (AC) and will be located on land leased and/or purchased from owners of private property in the Towns (Figure 2-1). Proposed Facility components include commercial-scale solar photovoltaic (PV) arrays, access roads, inverters, fencing, electric collection lines, and electrical interconnection facilities. The Applicant intends to construct, own, operate, and maintain all components of the Facility. The solar module specification is included as Appendix

2-1 and the solar array locations and related infrastructure are included as Appendix 5-1 within Exhibit 5 (Issued for Permit [IFP] Design Drawings). The collection substation will collect the power generated from the solar modules via collection lines located throughout the Facility. A new proposed interconnection line will originate from the collection substation and extend from the Facility Site to the existing National Grid Lyme Tap Line off the Thousand Islands – Coffeen St. 115 kV transmission line #4.

Additional details regarding the proposed Facility components to be installed are included below.

**Solar Arrays and Racking System:** The Applicant intends to use a solar module similar to the Jinko Solar Tiger Pro 72HC-TV 530W Bifacial Module with 3.2 mm Anti-Reflection Coating. The Facility proposes to install solar modules on a tracker racking system similar to the ArrayTech DuraTrack® HZ v3 system. A specification sheet for these module and racking systems is included as Appendices 2-1 and 2-2. The maximum height of the solar array panels is anticipated to be 8 feet, 11 inches from finished grade, inclusive of the racking system.

**Collection Lines:** The 34.5 kV collection lines will connect the solar arrays with the Facility collection substation. The total length of the collection lines being included as a part of the Facility is approximately 5.5 miles. Collection lines will be installed underground at a depth of approximately 3 to 5 feet below ground surface (bgs). Specific installation methods, as well as collection line arrangement, are shown on the IFP Design Drawings (Appendix 5-1).

**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. Cables from the solar modules are run to the inverters using a CAB© cabling system or underground lines. From the inverters, underground collection lines convey electricity to the Facility collection substation and ultimately to the existing electric transmission system. The Applicant intends to use a Sungrow SG3600UD-MV inverter, or a similar inverter.

**Collection Substation:** The 34.5 kV collection lines within the Facility Site will gather power from the solar arrays and transport it to a new collection substation that will step up the voltage to 115 kV. The collection substation is approximately 0.70 acres in size and will be located adjacent to solar panels in the central portion of the Facility Site. Access to the collection substation will be via a new access road from Case Road.

**Interconnection Facilities:** Power from the collection substation will be connected to the existing National Grid Lyme Tap Line off the Thousand Islands – Coffeen St. 115 kV transmission line #4 via a new interconnection line. This interconnection line will consist of three adjacent overhead 115 kV lines spanning 330 linear feet each, extending off the Facility Site.

**Access Roads:** New permanent access roads, referred to as haul roads on the IFP Design Plans in Exhibit 5, are proposed within the Facility Site to access Facility components. These haul roads will be gravel surfaced and 20 feet wide. The total length of haul roads to be installed for the Facility is approximately 3.44 miles.

**Fencing:** Security fencing will be placed around the perimeter of Facility components, inclusive of the collection substation. Fencing will be chain-link and will be seven feet in height, as required by National Electrical Code (NEC), and in compliance with the Town of Lyme Zoning Ordinance and Town of Brownville Large Solar Photovoltaic Energy System Code. The fence will be topped with barbed wire only around the perimeter of the new collection substation.

The definitions and descriptions noted above will be used throughout the Exhibits, Appendices, and Figures which make up the Section 94-c 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 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 16,500 New York State households. The Facility's size, location, and interconnection make it an economical resource, allowing Riverside Solar to provide New York State with affordable, renewable energy. The Facility is compatible with New York State policies mandating the generation of electricity from renewable energy, including the 2015 New York State Energy Plan (SEP), the Clean Energy Standard (CES), and the Climate Leadership and Community Protection Act (CLCPA) of 2019. The Facility aligns with the energy policies of New York State 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 of this Application



(Consistency with Energy Planning Objectives) includes further discussion of the Facility's compatibility with state regulations and energy goals.

Riverside Solar has worked continuously with the Towns to minimize costs to the municipalities 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 communities, which includes landowners directly involved with the Facility and landowners of nearby parcels, emphasizes the Applicant's commitment to balance the needs of the community with providing a high-quality renewable energy source to New York State. 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 Section 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 Uniform Standards and Conditions (USCs) (Subpart §900-6 of the Section 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 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 (NPCC), the New York State Reliability Council (NYSRC), and the North American Electric Reliability Corporation (NERC). In the unlikely event of any incident related to facility malfunction or interconnection issues, the Applicant will communicate with the New York State Department of Public Service (NYSDPS) Emergency Line, ORES, NYISO, and National Grid, as appropriate.

As required under Section 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 Facility Site as well as specified Study Area distances in accordance with Section 94-c (five-mile radius of Facility Site unless otherwise noted).

**Ecology and Land Use:** The Applicant focused on siting panels on land already disturbed by agricultural activities and on contiguous parcels in order to minimize fragmentation of habitats and land use types, avoid unnecessary interference with continuing agricultural operations, and reduce the total area that comprises the Facility. As a result, the overall ecological impacts are limited to temporary and minor permanent impacts to agricultural land (pasture and row crops), forested land, and successional shrubland. Areas that are temporarily impacted will be restored to their original condition following the completion of construction. Tree clearing is focused in the eastern and western areas for the siting of solar arrays, fencing, access roads, and inverter pads. By focusing clearing efforts in these areas, fragmentation of forested habitat will be limited and impacts to forestland will not be widespread. In addition, the Applicant left existing hedgerows and vegetative barriers where possible.

Avoidance and minimization of impacts to vegetative communities and ecological communities onsite and offsite will also occur through implementation of the Facility's Stormwater Pollution Prevention Plan (SWPPP); included herein as Appendix 13-1 of Exhibit 13 (Water Resources and Aquatic Ecology), Best Management Practices (BMPs) for construction of solar facilities, the USCs associated with siting permits under Section 94-c, and implementation of an onsite Environmental Monitor 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 New York State Department of Agriculture and Markets (NYSAGM) *Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands* (Revised October 18, 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.

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 and vegetative clearing will be kept to a minimum and conducted appropriately; and trainings will be conducted to educate crews about invasive species, and how to report them to the New York State Department of Environmental Conservation (NYSDEC).

**Wetland and Water Resources:** Impacts to delineated resources are limited to 0.03 acres of disturbance at Culvert 2 in wetland W-BF-5 (PV-C.01.07). Per USC §900-6.4 (q)(5) and (6),

installation and construction techniques will minimize disturbance of wetland soil profiles by minimizing tree clearing and by using helical screws and driven H-piles with no backfilling for solar arrays sited in wetlands.

Certain construction activities have potential to result in direct and/or indirect impact to surface waters. These activities include the installation of haul roads, installation of collection lines, and the development of temporary staging areas and workspaces around the solar arrays. Impacts related to the construction of haul 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 six locations where horizontal directional drilling (HDD) will be employed to avoid impacts to five sensitive resources and one road crossing. In addition, the SWPPP will avoid or minimize impacts 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. Due to the minor amount of impact to wetlands and lack of impacts to streams onsite, the Facility will not require compensatory mitigation.

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 (CWA) 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 (SPC) 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 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, 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 Per 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 Public Involvement Program (PIP) Plan originally consisted of 2,600 acres being considered for solar development. Through continued outreach and siting efforts, the Applicant was able to reduce and refine the “Project Area” to the current Facility Site, which totals 1,168 acres in size.

Since ORES determined on May 27, 2021 that a net conservation benefit plan (NCBP) was required for the short-eared owl, northern harrier, and Henslow’s sparrow, 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 0.4 acres of mitigation for every acre of occupied grassland bird breeding habitat determined to be taken and 0.2 acres of mitigation for every acre of occupied grassland bird wintering habitat determined to be taken. Currently, the Applicant is actively pursuing a potential mitigation site. Appendix 12-5 includes further discussion of the NCBP.

ORES determined on May 27, 2021 that since an active bald eagle nest is located 0.6 mile south of the facility boundary, construction will adhere to the USCs (see § 900-6.4 (o)(6)(i) and (ii)). Therefore, if an active bald eagle nest or roost is identified within the Facility Site, the NYSDPS and the Office will be notified within 48 hours of discovery and prior to any disturbance of the nest or immediate area. A 0.25 mile radius for nests without a visual buffer and 660 feet in radius for nests with a visual buffer from the nest tree will be posted and avoided to the maximum extent practicable until notice to continue construction at that site is granted by the NYSDPS and the Office. In addition, tree removal will not be conducted within 660 feet of an active nest during breeding season (January 1 to September 30), within 0.25 mile of an important winter roost during the wintering period

(December 1 to March 31), and overstory trees will not be cleared within 330 feet of an active nest.

A revised determination on occupied habitat, incidental take, and net conservation benefit letter was received on June 25, 2021 indicating that the majority of the Facility Site is within 5 miles of a northern long-eared bat (*Myotis septentrionalis*) hibernaculum and the Facility Site is within 2.5 miles of Indiana bat (*Myotis sodalis*) maternity roost sites. Therefore, construction will adhere to the USCs (see (§900-6.4(o)(4)(iii) and (§900-6.4(o)(4)(iv))). No tree clearing activities will occur at any time within 150 feet of any known northern long-eared bat maternity roosts, 500 feet of any known Indiana bat maternity roosts, or within 0.25 mile of any known northern long-eared bat or Indiana bat hibernaculum. All tree clearing activities (except for hazard tree removal to protect human life or property) occurring within 1.5 miles of a northern long-eared maternity roost site, 2.5 miles of an Indiana bat maternity roost site or 5 miles of a hibernaculum site (but not within 150 feet/500 feet of maternity roosts or 0.25 of hibernacula), shall be conducted during the hibernation season (between November 1 and March 31) without further restrictions, unless otherwise approved by ORES . This limitation does not include trees less than or equal to four inches in diameter at breast height (DBH) for both bat species, or locations above 300 meters in elevation for Indiana bats. For Indiana bats and northern long-eared bats from April 1 to October 31, tree clearing within 2.5 miles of a maternity roost site or hibernaculum site is limited to trees less than or equal to 4 inches in DBH or locations above 300 meters in elevation. Additionally, no Facility components are sited within 150 feet of any known northern long-eared bat maternity roosts, within 500 feet of any known maternity roosts, or within 0.25 mile of any known northern long-eared bat or Indiana bat hibernaculum.

The avoidance and/or minimization of Facility related impacts to NYS-listed species will be accomplished through continued careful site design, implementation of BMPs, adherence to the USCs under Section 94-c, and construction monitoring. Site design practices avoid sensitive habitats by siting solar arrays primarily in agricultural fields, minimizing construction disturbances to the extent practicable, adhering to designated construction limits and species-specific time of year restrictions (as applicable), and avoiding off-limit sensitive areas. During construction and restoration, all observations of NYS T&E species will be recorded in accordance with USC §900-6.4 (o)(7) and (8). Exhibit 12 includes further discussion of these studies and their results.

**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 impacts to public health and safety that may occur during construction and operation. 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 seven feet, and a self-locking gate, in order to prevent unauthorized access. See Exhibit 6 for further discussion of public health, safety, and security. 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 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 (CRIS) database indicated that portions of the Facility Site are located within an archaeologically sensitive area, and the Applicant completed a Phase IA and Phase IB survey as requested by OPRHP. The Phase IB archaeological survey was conducted following the OPRHP's *New Guidelines* for Phase IB archaeological survey for large solar facilities (October 2020) Phase IB 100 percent survey provision to determine whether archaeological sites are located in OPRHP-defined areas of high sensitivity. The Phase IB survey resulted in

one site (Site TRC-RS-8) which will be avoided per the OPRHP-approved Avoidance Plan. In its August 9, 2021 project review letter the OPRHP stated it had no further archaeological concerns and thus no Phase II studies would be necessary.

A Historic Architecture Survey was also prepared for the Facility. TRC concludes that the potential effects of visible infrastructure from the solar development will not be adverse because the Facility will not significantly affect the NRHP qualifying characteristics of any NRHP-recommended eligible architectural resources in the APE.

Given the results of the Phase IB archaeological survey and ongoing consultations with OPRHP regarding architectural resources TRC anticipates that consultations with OPRHP will result in a consolidated finding and determination by OPRHP of no adverse effects to significant cultural or archaeological resources within the APE. 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 state, 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, however, local traffic flow should not be significantly impacted during construction. Delivery of the substation transformer will require an over-sized/overweight (OS/OW) vehicle, but the Applicant does not anticipate that there will be any need for improvements to roadways, including the identified haul routes for construction and delivery of equipment. See Exhibit 16 for further discussion of transportation.

The roadway system in the vicinity of the Facility Site is adequate to accommodate oversize and overweight vehicles without additional mitigation. If a proposed oversize/overweight route is not feasible, then the condition and load rating of the roadway will be checked during the haul route evaluation. The Applicant anticipates entering into Road Use Agreements (RUAs) with the Towns and County concerning repairs to any roads damaged by construction of the Facility.

**Communication:** An analysis of the Facility's potential to interfere with broadcast patterns, lines-of-sight, underground utilities, or co-located lines was conducted. The Facility is not



expected to have any adverse impact on major communication systems such as aboveground or underground utility lines or fiber optic lines. The Applicant's onsite communications system will be inspected and maintained throughout the life of the Facility and provide information to the AES Control Center. See Exhibit 20 for further discussion of communications.

**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 Section 94-c of the New York State Executive Law. See Exhibit 24 for a further discussion of local laws regarding noise.

Adverse noise impacts were avoided or minimized through careful siting of Facility components. The noise emitted by a solar project is limited to daytime periods only for the majority of the components. In accordance with USC §900-6.4 (k), functioning mufflers will be maintained on all transportation and construction machinery, noise and vibration complaints will be addressed in accordance with the complaint resolution protocol, and the Facility will comply with local laws, as applicable. No mitigation is required at any of the central inverters across the Facility or the substation under the current design. See Exhibit 7 for further discussion of noise impacts from the Facility.

**Visual:** The viewshed analysis contained in Appendix 8-1 of Exhibit 8 makes it clear 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 potential impacts. The Applicant is proposing to install landscaping along portions of the Facility to provide nearby residences with screened views towards the Facility. In accordance with USC §900-6.4 (l), the Applicant will implement the Visual Impacts Minimization and Mitigation Plan, including visual contrast minimization and mitigation measures, a lighting plan, solar glare mitigation requirements, and screen planting plans.

Per USC §900-6.3 (a), throughout the design process, the Applicant maintained the local laws of the Towns or 94-c requirements regarding setback requirements from parcel boundaries, roads, other structures, and natural resource review. Maintaining the local laws ensures important resources are minimally impacted, studies considering the impacts of solar energy



generation onto the community are conducted, and decommissioning plans are written to restore the Facility Site to the natural landscape once the life of the Facility ends.

## **2(b) Brief Description of Local Engagement and Outreach**

The Applicant initially commenced permitting efforts under Article 10 of the Public Service Law (PSL) through filing of a PIP Plan with the NYSDPS on December 30, 2019 (Case No. 19-F-0781). At the time of filing, the Article 10 process was the avenue through which electric generating facilities greater than 25 MW in size were evaluated and permitted in New York State.

Since that time, and as described further below, the State of New York passed the Accelerated Renewable Energy Growth and Community Benefit Act (Act) which created ORES and required the enactment of new regulations for the siting of renewable energy facilities by April of 2021 (one year since creation of the Act). ORES issued the draft regulations and USCs under Section 94-c of the Executive Law (Chapter XVIII, Title 19 of New York Codes, Rules and Regulations [NYCRR] Part 900) for public comment on September 16, 2020 and the final regulations were adopted on March 3, 2021.

The following sections describe the Applicant's local engagement and public outreach efforts under the Article 10 process and subsequently, under the Section 94-c process.

### **Previous Outreach Efforts under Article 10 of the Public Service Law (PSL)**

As stated above, the Applicant filed a PIP Plan for the Facility with the NYSDPS on December 30, 2019 (Case No. 19-F-0781). At that time, Riverside Solar, LLC was a subsidiary of Geronimo Energy, LLC, A National Grid Company (Geronimo). The Facility was proposed as a 100 MW AC solar energy generation facility in the Towns, as it remains.

The original PIP Plan for the Facility outlined the Article 10 process and highlighted key components of public involvement and stakeholder participation. The goals of the PIP Plan were to identify and consult with stakeholders and members of the public with a potential interest in the proposed Facility. The PIP Plan encouraged public involvement in the Article 10 process for the Facility through stakeholder engagement and descriptions of the Article 10 permitting process.

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Initial outreach activities were outlined in the PIP Meeting Log attached to the PIP Plan. Outreach efforts were performed beginning in December 2019 to engage with the local communities and stakeholders and to meet the requirements of the Article 10 regulations. As required under Article 10, the NYSDPS provided comments on the PIP Plan and the Applicant filed a revised PIP Plan on February 27, 2020.

The Applicant's efforts relating to language access, identification of any environmental justice areas, and the use of document repositories are outlined in the PIP Plan, which can be found on the Facility's website and on the NYSDPS Document and Matter Management website at: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-F-0781&submit=Search>.

The Applicant held online information sessions with community members to discuss the Facility and the Article 10 permitting process on May 11 and 12, 2020. The sessions were originally intended to be in person open house events; however, with the implementation of an Executive Order in New York State due to COVID-19 in March 2020, it was transitioned to a virtual setting. In early May 2020, the Applicant circulated a notification to stakeholders, including all host and adjacent landowners, advising them of and inviting them to attend the virtual information sessions on May 11 and 12, 2020. A total of 14 community members attended the information sessions. The meeting provided information about the Facility to stakeholders, discussed 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 beyond the initial input assembled with the PIP Plan. Presentation materials and a summary of presentation questions raised during pre-application meetings are provided as Appendix 2-3 and Appendix 2-4 in this Exhibit.

On February 12, 2021, the Applicant submitted written notice to the Secretary to the Commission of the NYSDPS indicating that the Applicant was electing to proceed with development under the 94-c process, and on March 30, 2021, the Applicant filed Notice of Intent to File an Application and was assigned Matter No. 21-00752 under Section 94-c. By opting in to the 94-c process, the Facility development most accurately aligns with New York State's goals of accelerated generation of renewable energy and expedites the review process for the Facility applications. Additionally, the Applicant has voluntarily opted to continue implementing a Revised PIP Plan, which has been modified to account for the Section 94-c Process, and to continue public engagement in accordance with the plan and through updating the PIP Meeting

Log. The most recent PIP Meeting Log is included herein as Appendix 2-5 and is posted on the Facility website.

**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. 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, public interest groups, and airports and other transportation services. Over time, the Applicant has applied consistent effort to ensuring the Towns have 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 (see 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 Article 10 and Section 94-c process for the Facility are summarized in the most recent version of the PIP Meeting Log included as Appendix 2-5. In addition, outreach efforts will continue to be documented and posted on the Facility-specific webpage (<https://www.aes.com/riverside-solar-project>). The Applicant looks forward to continuing public engagement throughout the remainder of the Section 94-c process. As noted in Exhibit 1, the Facility's primary public contact is Eric Will (Senior Manager, Development) who may be reached via phone at (866) 757-7697 or via email at [riversidesolar@aes.com](mailto:riversidesolar@aes.com).

***(1) Local Agencies***

Local agencies were invited to attend a pre-application meeting for the Facility. The meeting was held on Friday, February 26, 2021, and local agencies were given two weeks' notice of the meeting. The following agencies and organizations were invited to attend: Towns officials, Jefferson County officials, State of New York officials, Brownville Central School District, Lyme

Central School District, local first responders and fire departments, adjacent municipalities, utility providers, and local interest groups. The purpose of this meeting was to provide information about the Facility, the Section 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.

## ***(2) Community Members***

Community members were invited to attend the virtual community meeting for the Facility on Tuesday, March 2, 2021. The meeting was listed on the Riverside website and on other community resources two weeks before taking place. Community members in attendance included current Facility Site landowners and neighboring landowners within one mile of the Facility Site. Forty-nine people attended the community meeting. The purpose of the virtual community meeting was to introduce AES and the Facility to the Lyme and Brownville community, to provide information on the New York State 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 meeting, community members raised questions regarding Facility Site and final design, Facility setbacks from roads and adjacent land parcels, Facility decommissioning, and impacts on recreation activity in the community. A full summary of community questions and the Applicant's answers is available on the Facility website and is included in Appendix 2-4.

## **Conclusions**

Exhibit 2 provides an overview of the proposed Facility, descriptions of its components, and key studies and areas of analyses. These include any potential 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. The exhibit also provides a description of local engagement and outreach to date. Initial local engagement was conducted under Article 10 of the PSL, but engagement efforts have since been aligned with the requirements of the Section 94-c process. The Facility has been designed to comply with 19 NYCRR § 900-2.3 and the USCs.