

Attachment B

**Appendix 2-6. Local Agency
Meeting PowerPoint**



Riverside Solar Project

Section 94-c Local Agency Meeting

Towns of Lyme and Brownville,
Jefferson County, New York

February 26, 2021



Purpose

The purpose of today's meeting:

- Present project information and updates
- Provide information on the New York State 94-c permitting process
 - Review substantive laws
 - Fulfill the public engagement requirement of 94-c
- Information about next steps in project development

Introductions



Michael Farrell

Senior Manager
AES



Brett Hastings

Senior Manager
AES



Eric Will

Senior Manager
AES



Jim Muscato

Permitting Counsel
Young/Sommer



Samantha Kranes

Senior Project Manager
TRC

Agenda

1. About AES
2. Riverside Solar Project Overview
3. NYS Regulatory Overview
4. Update on Studies
5. Next Steps



S-POWER
An AES and AIMCo Company

sPower has merged with The AES Corporation's (AES)
US-based clean energy development business:
AES Clean Energy



- sPower had been jointly-owned by AES and Alberta Investment Management Corporation (AIMco) since 2017
- On December 10, 2020, sPower acquired the Riverside Solar Project from National Grid Renewables
- AES and sPower merged on January 4, 2021
- This merger does not impact the timeline of the project

About AES

MISSION

Accelerating the future of energy, together.

4

CONTINENTS

14

COUNTRIES

AES IS ENERGIZED BY A GLOBAL WORKFORCE OF APPROXIMATELY

8,200 PEOPLE

VALUES



Safety first



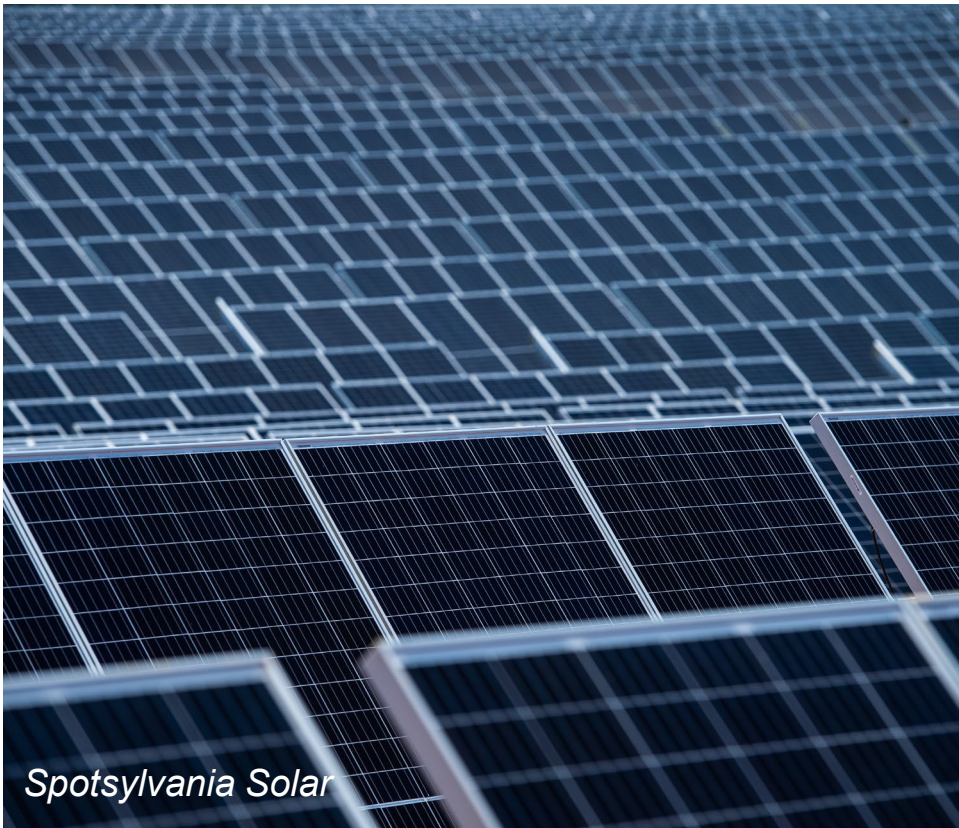
Highest standards



All together



Monroe County Solar



Spotsylvania Solar

AES Serves

2.5M

CUSTOMERS

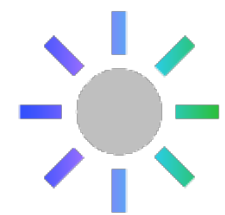
30.3_{GW} Operating Capacity

Capacity Under Construction 1.85_{GW}

AES Clean Energy

AES Clean Energy is leveraging solar, wind, and storage to deliver customizable renewable energy solutions

AES CE Operating Portfolio: 3.3 GW



2.0 GW



1.1 GW



224 MW

AES CE Development Portfolio: 12 GW

AES CE in NY:

Operating Portfolio: 161 MW

Development Portfolio: 1.43 GW

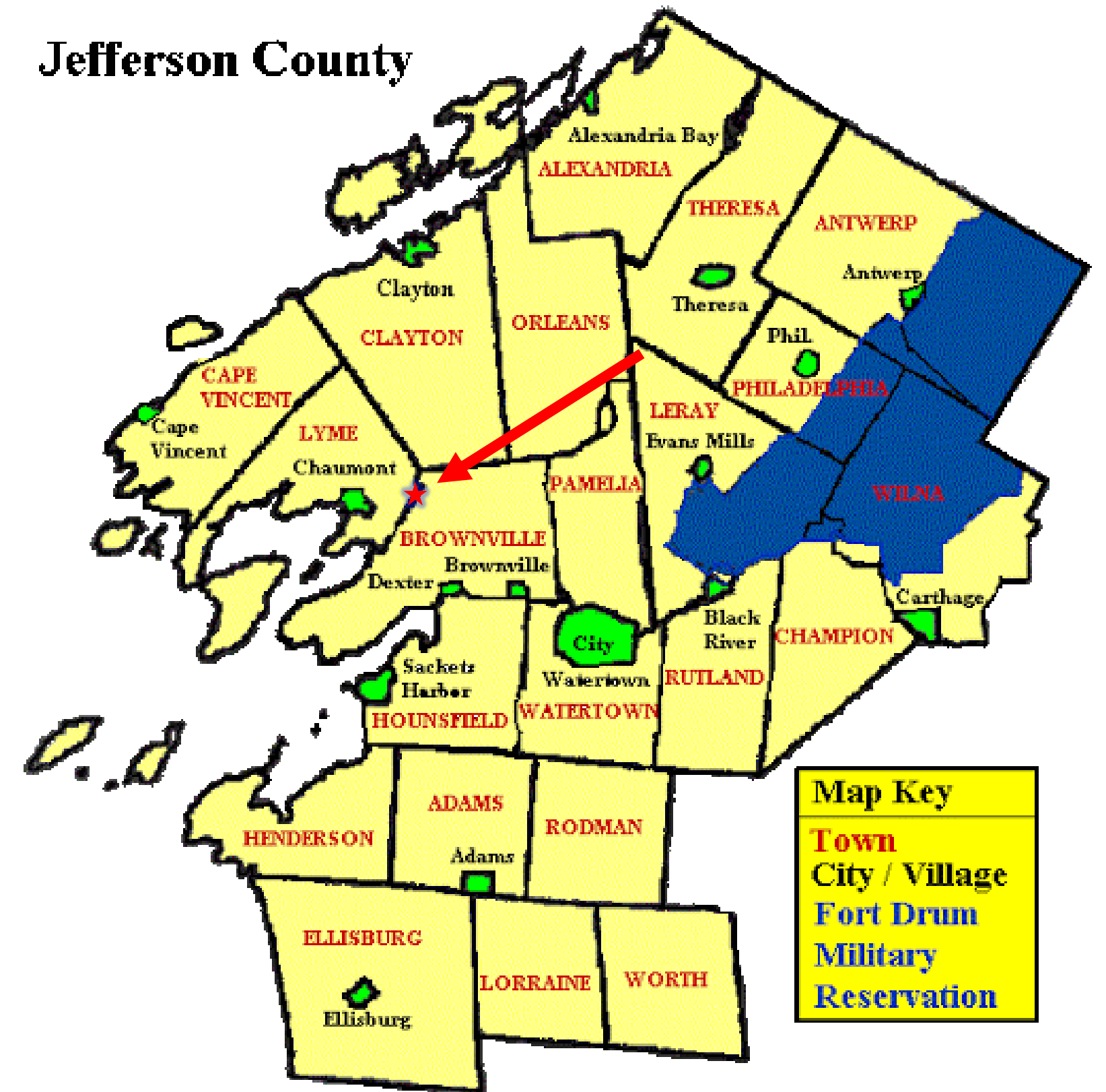


Riverhead I Solar

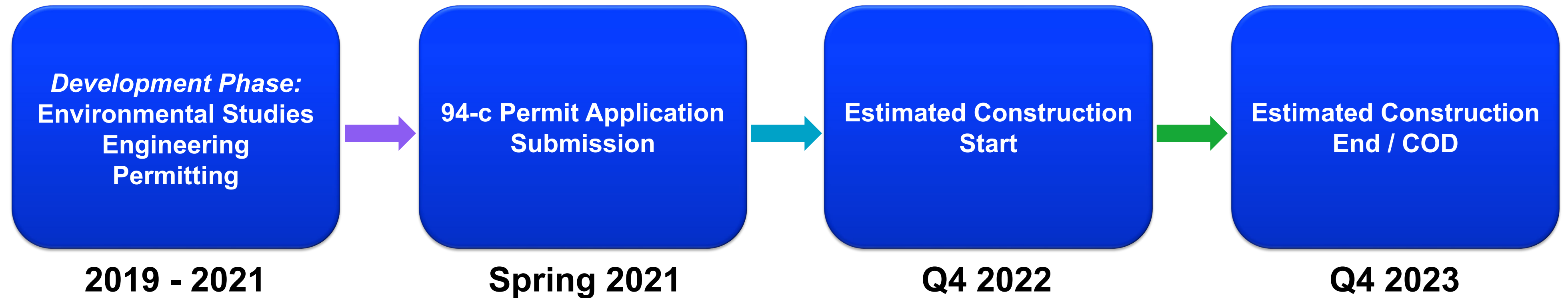
Riverside Solar Project Overview

Riverside Solar Project Overview

- **Nameplate Capacity:** 100 MW solar + 20 MW battery storage (adjacent to project substation)
- **Location:** Towns of Lyme and Brownville, Jefferson County, NY
- **Point of Interconnection:** Lyme to Lyme Tap 115kv line
- **Project Footprint:** ~1,000 acres
- **Env Benefits:** reduce CO₂ emissions by ~133,000 metric tons per year (equivalent to powering ~22,000 homes' electricity use per year)
- **Expected Commercial Operation Date (COD):** December 2023



Expected Project Timeline



Riverside Solar Preliminary Project Layout



LEGEND

- PIP SITE BOUNDARY
- PROJECT LEASE AREA
- DESIGN SETBACKS
(LOCAL AND STATE
REGULATORY)
- PV PANEL ARRAY
- ACCESS ROAD
CENTERLINE
- FENCE

Economic Benefits

- ~\$150 million in capital investment
- ~\$9 million in estimated tax over 20 years of operation to Jefferson County, the Towns of Lyme & Brownville, and the Lyme Central School District
 - Project does not require additional services, so no pressure on local services/resources
- \$500/MW per year electric utility bill credit
 - Electricity credits distributed among the residential utility customers within Lyme & Brownville for ten years (total of \$500,000)
- Host Community Agreement (HCA) with Towns of Lyme & Brownville
- 150+ jobs during construction
- 2-3 full-time equivalent jobs
- Increased local spending




AES as a Neighbor & Partner

- AES is committed to being a good neighbor by:
 - Developing, owning and operating Riverside Solar over the life of the project
 - Engaging local schools and the community through sponsorships, partnerships, presentations and site tours
 - Following our updated Public Involvement Plan (created within Art 10)
- We strive to support local initiatives, especially related to economic development, the environment, energy efficiency and STEM education.

Community Engagement

- Virtual open houses and community meetings in May 2020 and March 2021
- Meetings with:
 - Landowners
 - Lyme and Brownville Town Board Members
 - Jefferson County officials
 - Community stakeholders:
 - Thousand Islands Snowmobile Club
 - Member of Chambers of Commerce
 - Local Fire Departments and First Responders
 - Watertown International Airport
 - Fort Drum
 - IBEW Local 910
 - Development Authority of the North Country (DANC)

Community Engagement: Hearing from you!

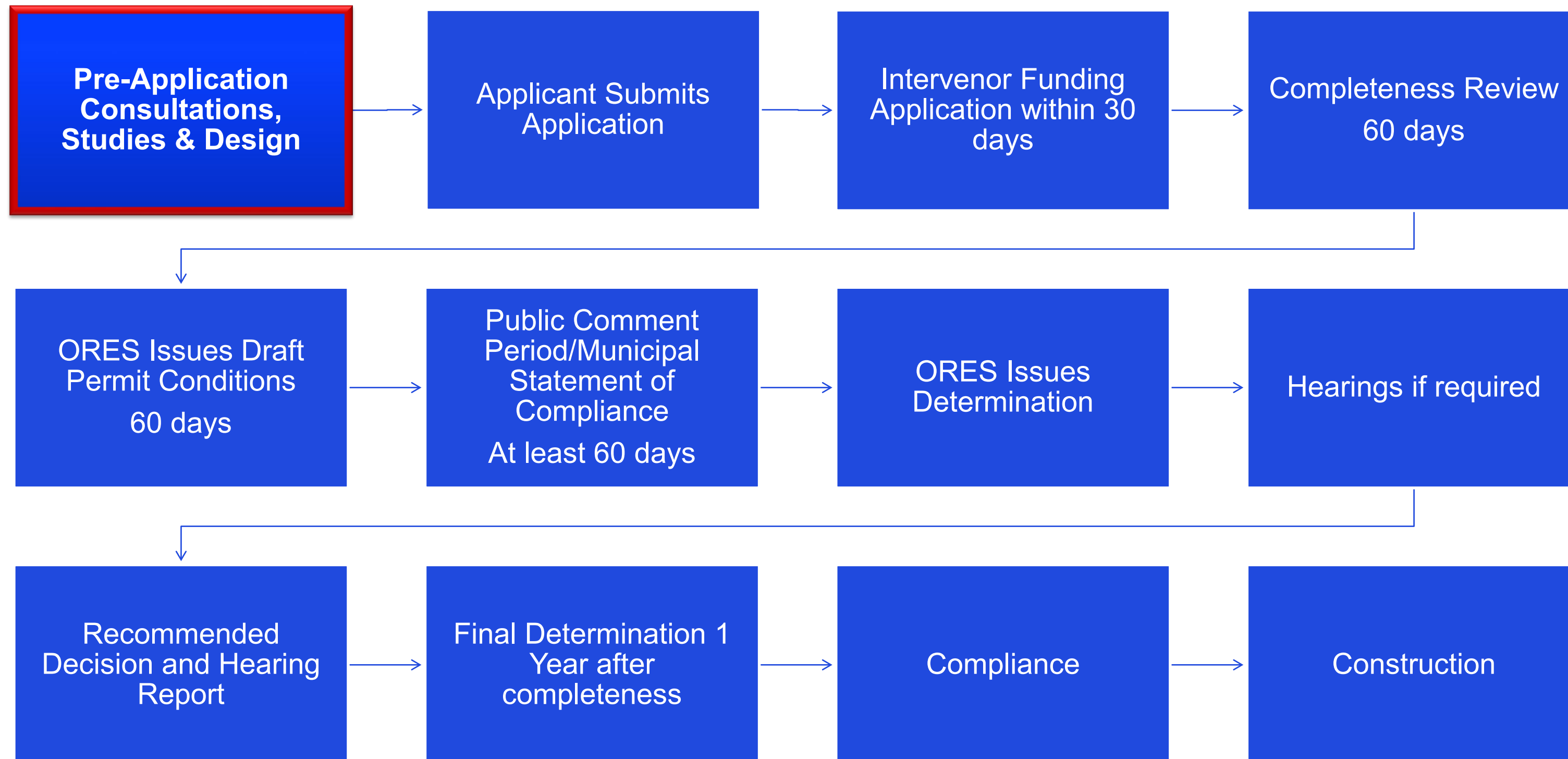
- We welcome suggestions on how to further engage with you
- You can contact us via our:
 -  **Toll-free number:** [866-757-7697](tel:866-757-7697)
 -  **Project Email:** riversidesolar@aes.com
 -  **Project Website:** www.aes.com/riverside-solar-project
- **Virtual Office Hours** via our toll-free number
 - Mondays: 11am - 1pm
 - Thursdays: 4pm - 6pm
- If you call outside of these hours, we will return your call ASAP

NYS Regulatory Overview

Overview of Section 94-c Process

- In 2020, New York State introduced a new permitting process for large scale renewable energy projects, the “Section 94-c” process.
- Review and decision will be made by the Office of Renewable Energy Siting (ORES) within the Department of State – draft Regulations and Uniform Standards and Conditions (USC) were issued by ORES on September 16, 2020, with a public comment period through December 6, and are anticipated to be final before April 2021.
- Provides for election to transition into process for existing Article 10 Projects.
- **Requires pre-application consultations with state agencies, host municipalities, and meetings with community members.**
- Uniform Standards and Conditions (“USCs”) outline design requirements for large scale projects to standardize design expectations regarding setbacks and potentially sensitive resources. Site specific requirements will also augment the USCs.
- Projects must be designed to avoid or minimize, to the maximum extent practicable, potentially significant adverse environmental impacts.

Section 94-c Schedule Overview



Overview of 94-c and Municipalities

- ORES must make finding that the project complies with applicable substantive local laws and regulations.
- Similar to Article 10, ORES can elect not to apply a local law that is unreasonably burdensome in view of CLCPA targets and environmental benefits of the project.
- Requires municipalities to submit a statement of compliance with local laws at least 60 days after issuance of the draft permit.
- Local community intervenors and host towns are able to seek intervenor funds (\$1,000/MW).
- 75% of funds reserved for municipalities.
- Must apply for funds within 30 days of application filing.
- Requires host community benefit.

Local Law Consultations

- Section 94-c supersedes local procedural requirements, such as permits and approvals which would otherwise be required by the host municipalities for construction and operation of the Facility (i.e., site plan, special use permit or variance approvals).
- Local substantive requirements (i.e., setbacks, height limits, lot coverage requirements) will still be applied to the Facility by ORES unless it elects to not apply the requirements because it finds them to be unreasonably burdensome.
- **94-c requires that applicants consult with local municipalities to determine what local substantive requirements apply to the Facility and whether design changes to the Facility can remove the need to request that ORES elect to not apply those requirements.**
- Riverside Solar has researched potentially applicable local ordinances, laws, resolutions, regulations, standards and other requirements of a substantive nature required for the construction or operation of the proposed Facility.
- Applicant is seeking to develop the facility in accordance with the substantive requirements of the local laws and expects to work closely with the Towns on these requirements going forward.

Local Law Substantive Requirements

Town of Lyme Zoning Ordinance (2019 amendment)

- Article VII: Specific Use Regulations
 - Section 776: Solar Energy Systems
 - E. Large Scale Solar Energy Systems
 - § 1 (a)-(b)
 - § 3 (a)-(j)
 - § 4
 - F. Solar Rights
 - § (1) and (2)

Town of Brownville Solar Energy Law (2019)

- Chapter 165 of the Town Code
 - Town of Brownville Zoning Law
 - § 165-34.7 Large Scale Photovoltaic Energy Systems
 - (1) – (19)

Local Law / 94c - Examples of Differences: Lyme

Town of Lyme Local Law

- 16 feet height limit above grade when oriented at maximum
- Setback from non-participating, adjoining properties is at least 60 feet
- Decom Requirements. A bond in the amount of 100% of the estimate established in the decommissioning plan (adjusted 3% per year for inflation, 20 years into the future after installation)
- Noise producing equipment such as inverters shall be located to minimize noise impacts on adjacent properties. Their setback from property lines should achieve no discernable difference from existing noise levels at the property line

94-c Regulations

- 20 feet height limit above grade when oriented at maximum
- Setback from non-participating, non-residential adjoining properties is at least 50 feet; non-participating residential adjoining properties is at least 100 feet
- Estimate shall include a fifteen (15) percent contingency cost. Letter(s) of credit or other assurances shall be updated one year of facility operation and every fifth year thereafter specifying changes (due to inflation or other cost increases)
- A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence or across any portion of non-participating property

Local Law / 94-c - Examples of Differences: Brownville

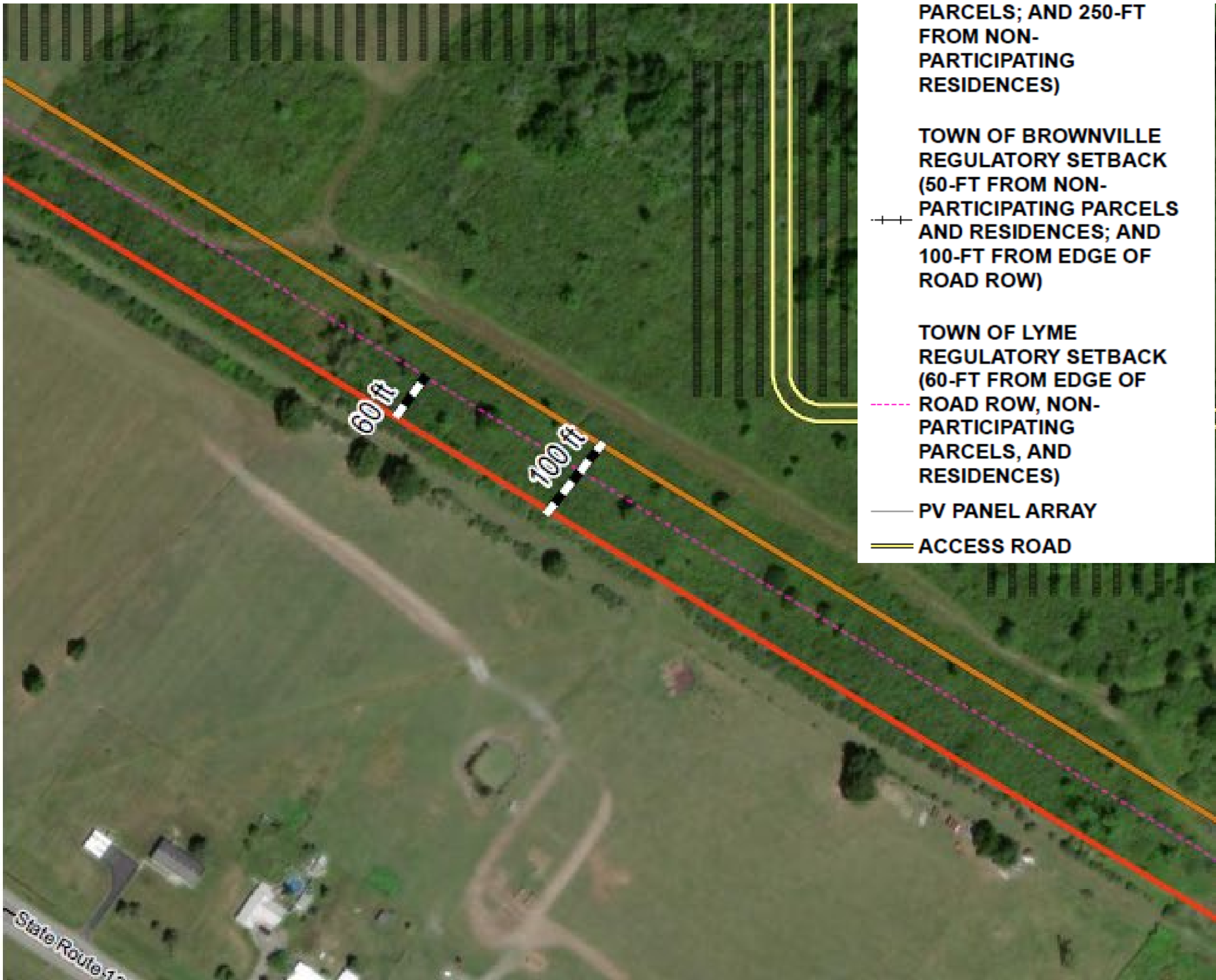
Town of Brownville Local Law

- Such systems shall be setback a minimum distance of 100 feet from any roadway or 50 feet from any side or rear line. If the solar panels face the roadway, or side or rear lines, the setback distance shall be doubled.
- Collection and transmission lines shall be buried. The same may be allowed overhead but only under exceptional circumstances with special exception from the Planning Board.

94-c Regulations

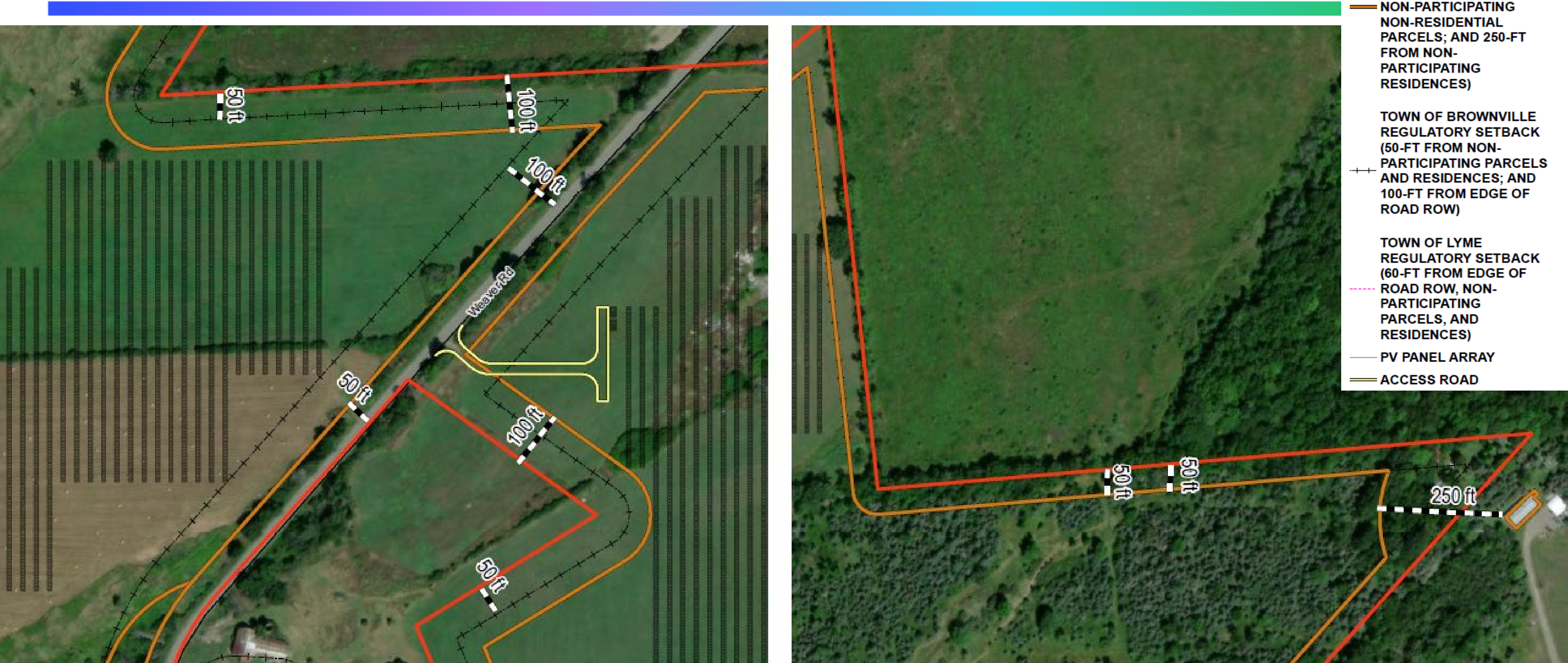
- 100 feet from non-participating residential property lines, 50 feet from non-participating non-residential property lines, 50 feet from centerline of roadway
- The electrical collection system shall be located underground, to the extent practicable. Structures shall only be constructed overhead for portions where necessary based on engineering, construction, or environmental constraints

Regulatory Setback Example: Lyme



- LEGEND**
- PROJECT LEASE AREA
 - 94C REGULATORY SETBACK (100-FT FROM NON-PARTICIPATING RESIDENTIAL PARCELS; 50-FT FROM CENTERLINE OF PUBLIC ROADS, AND NON-PARTICIPATING NON-RESIDENTIAL PARCELS; AND 250-FT FROM NON-PARTICIPATING RESIDENCES)
 - TOWN OF BROWNVILLE REGULATORY SETBACK (50-FT FROM NON-PARTICIPATING PARCELS AND RESIDENCES; AND 100-FT FROM EDGE OF ROAD ROW)
 - TOWN OF LYME REGULATORY SETBACK (60-FT FROM EDGE OF ROAD ROW, NON-PARTICIPATING PARCELS, AND RESIDENCES)
 - PV PANEL ARRAY
 - ACCESS ROAD

Regulatory Setback Example: Brownville



Other Consultations

- Land Use
 - Consult with local planning officials on proposed land uses in the study area.
- Visual Impact Assessment
 - Confer with municipality on selection of viewpoints.
- Cultural Resources
 - Consult with local historic preservation groups to identify sites or structures listed or eligible for listing in the State or National Register of Historic Places.
- Transportation
 - Consult with municipality on public roadways and routes for Facility operation and construction.
- Socioeconomic
 - Consult with municipality on any increase services during construction and operation of facility.
- Health and Safety
 - Consult with local emergency responders on health and safety plans.

Site Restoration and Decommissioning

- § 900-2.24 Exhibit 23: Site Restoration and Decommissioning
 - A Decommissioning and Site Restoration Plan detailing: Safety and the removal of hazardous conditions; Environmental Impacts; Aesthetics; Recycling; Potential future uses for the site; Funding; and Schedule.
 - A gross and net decommissioning and site restoration estimate.
- § 900-10.2 Pre-Construction Compliance Filings
 - A final Decommissioning and Site Restoration Plan and decommissioning and site restoration estimate will be provided as a Compliance Filing.

Local Agency Account Funds

What is Local Agency Account Funding:

Intervenor funding is money that Applicants such as Riverside make available to qualified, locally affected parties and municipalities to offset certain expenses they incur in participating in the state permitting process. These funds were created to encourage early and effective public involvement in project development and permitting.

94-c Application Intervenor Fund:

- Upon the filing of a 94-c Application, Riverside will post an intervenor fund (\$1,000/MW) which can be sought by local community intervenors and host towns. 75% of funds are reserved for municipalities.
- Must apply for funds within 30 days of Application filing:

Applications for Intervenor Funds to:

general@ores.ny.gov

or

New York State Office of Renewable Energy Siting

Attention: Request for Local Agency Account Funding

Empire State Plaza

240 State Street

P-1 South, J Dock

Albany, NY 12242

Update on Studies

Wetlands and Waterbodies

- Wetland and waterbody delineation performed onsite in growing season 2020.
 - USACE 1987 Delineation Manual/2012 Regional Supplement.
 - 23 wetlands (104.22 acres) were delineated within the Project Area, including 18 emergent wetlands, 9 scrub-shrub wetlands, 3 forested wetlands, and 3 ponds.
 - Nine streams were identified within the Project Area (one perennial).
 - Site visit performed with ORES Representatives; report submitted for review.
 - Avoid and minimize impacts to wetlands and water resources.
 - If required, Compensatory Mitigation Plan.



Delineated Wetlands and Waterbodies



LEGEND

- PROJECT LEASE AREA
- PV PANEL ARRAY
- ACCESS ROAD CENTERLINE
- FENCE
- DELINEATED STREAM LINE
- DELINEATED SURFACE WATER
- DELINEATED WETLAND

Rare, Threatened and Endangered Species

- **Breeding Bird Surveys**

- Surveys were performed from Spring/Summer 2020 in accordance with the *NYSDEC Protocol*
- Total of 83 point count surveys and 38 evening surveys.

- **Winter Raptor Surveys**

- Conducted in Winter 2020 in accordance with the *NYSDEC Protocol*
- A total of 36 stationary surveys and 66 driving route survey stops were completed.

- **Other Species**

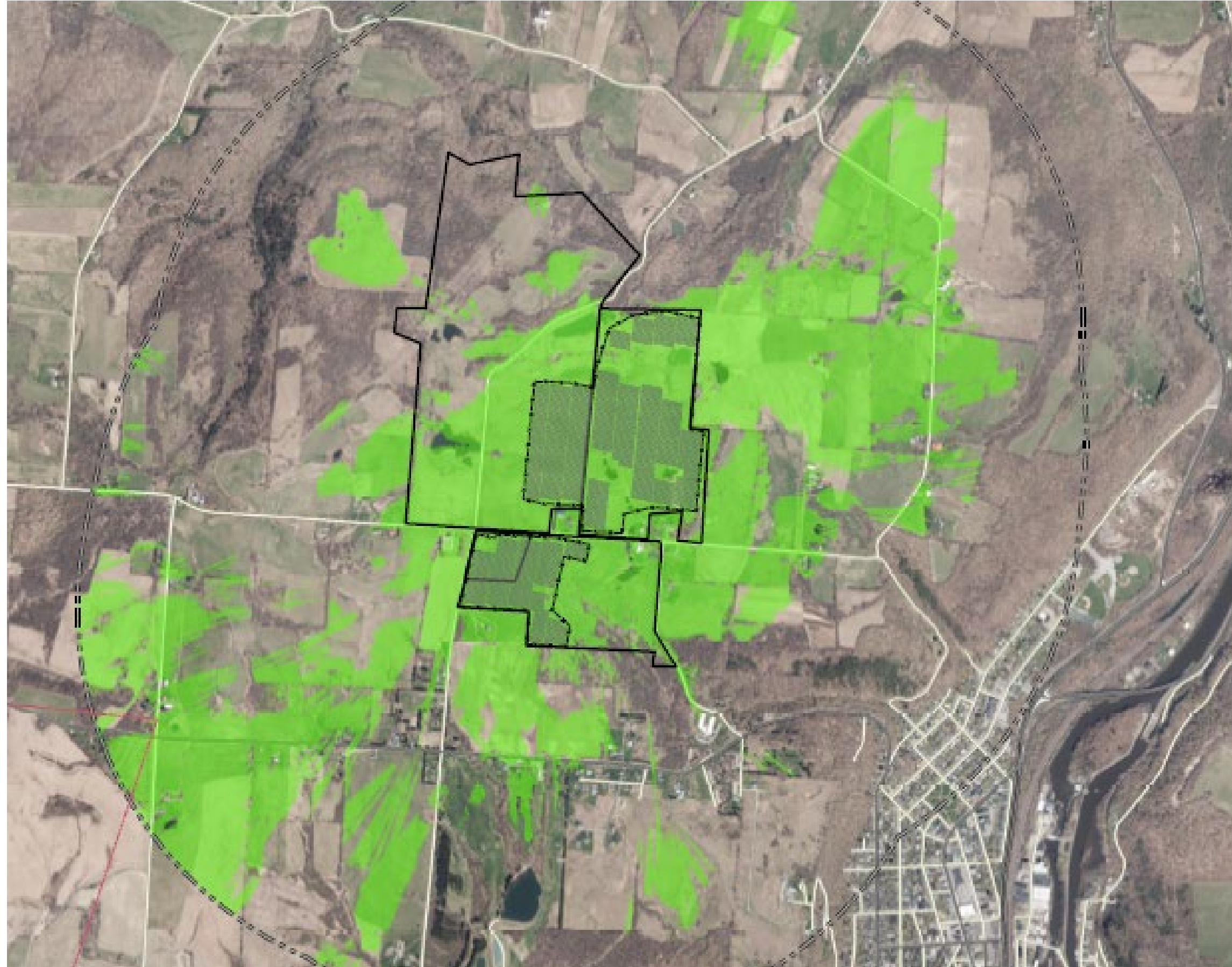
- Potential for bat habitat in the vicinity of the Project Area



Visual Resources & Landscaping

- Visual Impact Assessment (VIA) to determine extent and assess the significance of Project visibility using a two-mile Visual Study Area (VSA)
 - Identification of visually sensitive resources
 - Viewshed mapping
 - Visual Simulations
 - Prepared from public vantage points with representative Project views
 - Glare analysis
 - Visual Impact Analysis
- Landscaping plan will include:
 - Visual/vegetation mitigation and screening
 - Backdrop of plantings that primarily consist of an evergreen tree mix

Viewshed Mapping - *Example*



Representative Viewpoint - Case Road



Sound Studies

- Measure existing sound levels in the Project Area at multiple locations for a minimum of four days and nights
- Sound level modeling of construction and operational noise from solar facility, including collector substation
- Technical sound study report to support Exhibit 7 including maps of all sources and residences in the Project Area, modeling results, and a comparison to all Section 94-c criteria at residences and property lines



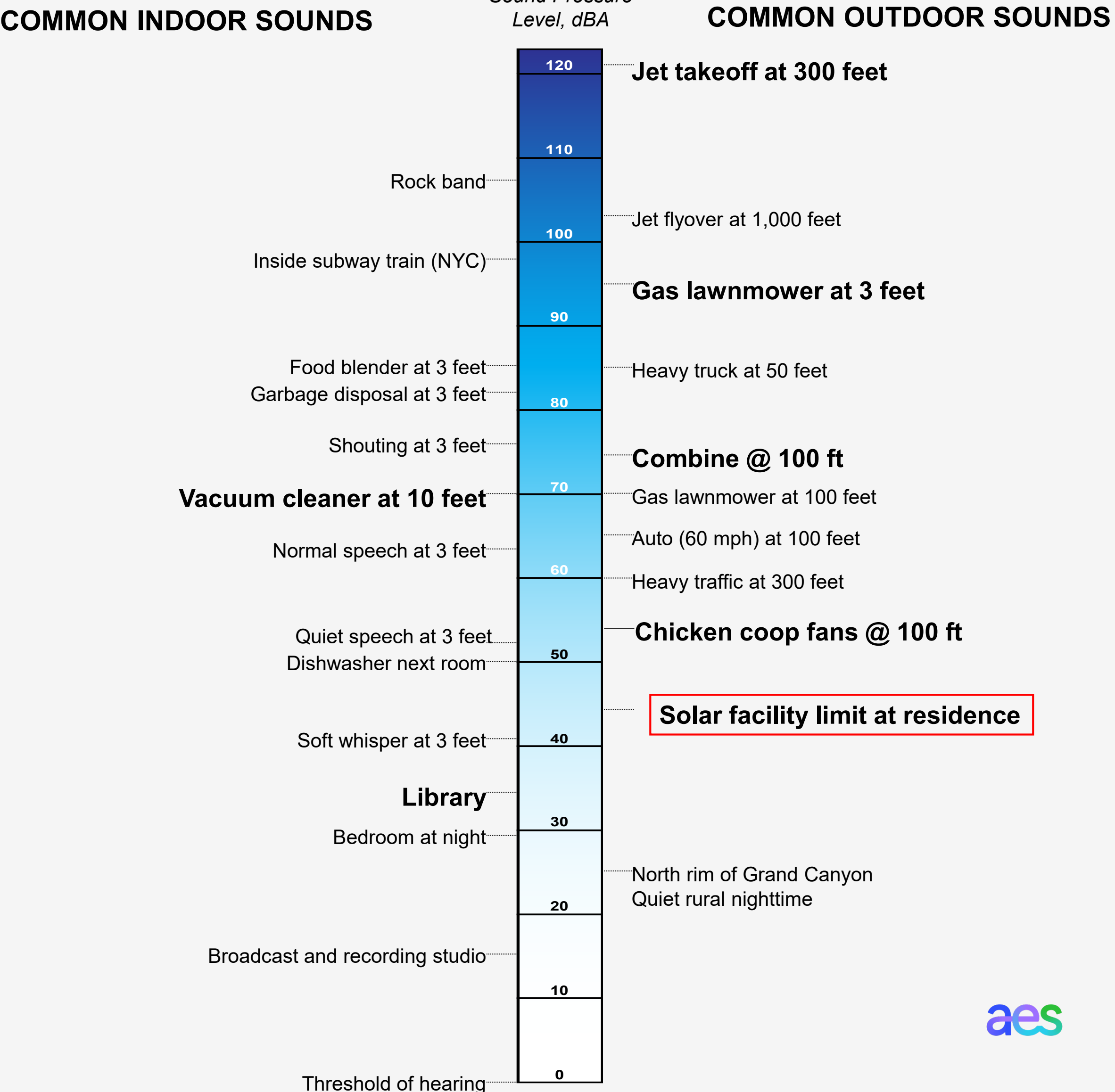
Representative Sound Levels



Graphic courtesy of *Epsilon Associates Inc.*
3 Mill & Main Place, Suite 250 | Maynard, MA 01754
www.epsilonassociates.com | 978-897-7100

References:

- 1. Harris, Cyril, "Handbook of Noise Acoustical Measurements and Noise Control", p 1-10., 1998
- 2. "Controlling Noise", USAF, AFMC, AFDTC, Elgin AFB, Fact Sheet, August 1996
- 3. California Dept. of Trans., "Technical Noise Supplement", Oct, 1998



Thank you!

Questions?

Riverside Solar Contact Person



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