



South Ripley
SOLAR PROJECT

ConnectGen Chautauqua County LLC

South Ripley Solar Project

Matter No. 21-00750

900-2.3 Exhibit 2

Overview and Public Involvement

TABLE OF CONTENTS

EXHIBIT 2	OVERVIEW AND PUBLIC INVOLVEMENT.....	1
(a)	Description of the Proposed Facility.....	1
1)	Overall Analysis.....	3
(b)	Local Public Engagement and Outreach.....	12

LIST OF FIGURES

Figure 2-1. Regional Facility Location

LIST OF APPENDICES

Appendix 2-A Master Stakeholder List
Appendix 2-B Record of Activity
Appendix 2-C Public Meeting Materials

EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT

(a) Description of the Proposed Facility

The proposed Facility is a large-scale solar project located in Chautauqua County, New York. The proposed Facility's components will be located in the Town of Ripley and will have a capacity of up to 270 megawatts (MW) alternating current (AC) photovoltaic (PV) and solar energy generation system with a 20 MW AC battery storage component. The regional Facility location is depicted on Figure 2-1. The Facility Site will be located on private land that is primarily rural in nature and will encompass approximately 3,382 acres, 1,046 acres of which will occur within security fencing. Key terms used frequently in this application to describe the South Ripley Solar Project are defined below:

- **Project:** Collectively refers to permitting, construction, and operation of the Facility, as well as proposed environmental protection measures, and other efforts proposed by the Applicant.
- **Facility Site:** The tax parcels proposed to host the Facility components and associated facilities.
- **Facility:** Proposed components will include: PV solar modules and their rack/support systems; DC and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; buried and overhead AC medium voltage collector circuits; fencing and gates around each array of modules; access roads; temporary laydown/construction support areas; medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a short length of high voltage electric transmission line with to connect to the existing National Grid 230 kV South Ripley substation; a battery storage system; and an O&M building with fenced and parking/storage areas as well as any other improvements subject to the Office of Renewable Energy Siting (ORES) jurisdiction. Table 2-1 below presents each proposed Facility component with more detail.

Table 2-1: Facility Components

Component	Description
Solar Photovoltaic Panel Arrays ("PV Arrays")	Solar Photovoltaic (PV) Panel Arrays are closely sited groups of solar PV panels which produce direct current electricity from solar energy. Individual PV panels are fastened to fixed-tilt racking structures mounted on pile-driven piers with a maximum height profile of approximately 13 feet. PV arrays include rows of racking structures with approximately 50% ground coverage (i.e., 50 % of the area within a solar array is open green space between PV panel rows) and associated access roads, electrical collection equipment, fencing, and visual screening.
Medium Voltage Inverters ("MV Inverters")	Inverters convert direct current electricity produced by PV arrays to alternating current electricity. MV Inverters will be enclosed within weather-rated enclosures and located throughout the Facility (amongst the PV arrays) and are anticipated to be mounted on pile-driven support piers.

Component	Description
Medium Voltage Transformers (“MV Transformers”)	Medium voltage transformers raise the low output voltage from the MV Inverters to 34.5 kV for collection and delivery to the Facility’s Collection Substation. MV Transformers will be enclosed within weather-rated enclosures and located throughout the Facility (amongst the PV arrays) and are anticipated to be mounted on slab-mat supports.
Medium Voltage Collection System (“MV Collection System”)	The Medium Voltage Collection System is a collection of 34.5 kV underground and overhead power lines and associated equipment such as junction boxes, switch gear, support poles collecting electricity from the MV Transformers in each Solar Array across the Facility Site and connecting to the Collection Substation for delivery to the electric grid. Underground collection is utilized whenever possible, with overhead only utilized to avoid and minimize environmental impact where necessary. All collection line routes will be sited on cleared and maintained right of way (ROW) of widths ranging from 10 ft to 150 ft depending on number of circuits.
Collection Substation	The Collection Substation is a new medium voltage substation where the MV Collection System will deliver power collected from the PV Arrays. Power will be stepped up from 34.5 kV to 230 kV through a Main Power Transformer for delivery to the grid. Other equipment within the substation will include, standard electrical, control, and protective equipment, high voltage breakers, disconnect switches, and metering equipment. Most equipment within the collection substation is expected to be less than 25 feet tall, with the tallest component, the lightning mast, standing approximately 70 feet tall. The proposed substation will be sited on private land adjacent to the National Grid-owned 230kV South Ripley Substation (located off of NE Sherman Rd. near to the state line between New York and Pennsylvania) where it will deliver power produced from the Facility onto the electric grid.
Operations and Maintenance Building (O&M Building)	The Operations and Maintenance Building is a standard trailer-style enclosure located within the Collection Substation that will house Facility monitoring, control, and protection systems and a space for on-site technicians to work. The Facility will also include two Operations and Maintenance Storage Containers which are standard 40 ft shipping-style containers located between the BESS and the Collection Substation. These containers will house spare parts needed for O&M activities.
Battery Energy Storage System (“BESS”)	20 MW, 4-hour duration lithium-ion battery energy storage system sited in modular containers with dedicated HVAC, fire protection monitoring, and fire control devices.
Point of Interconnection (“POI”)	The Point of Interconnection is the National Grid-owned 230 kV South Ripley Substation where electricity produced by the Facility will be delivered. The existing substation is located on NE Sherman Rd., near to the state line between New York and Pennsylvania.
Access Roads	20-foot-wide permanent gravel access roads are distributed throughout the Facility Site to facilitate access to all PV Arrays, MV Inverters, MV Transformers, the Collection Substation, O&M Building, and the BESS.
Security Fencing	7-foot-tall chain-link security fencing topped with 1-foot barbed wire strand with self-locking access gates surrounding project equipment including PV arrays, MV inverters and transformers, the collection substation, and the BESS.

Component	Description
Landscaping/visual screening	The Facility Site will include over 6 miles of new visual screening plantings made up of 4 different “modules”. These modules contain mixes of native plants and trees and provide different levels of visual screening of project equipment designed to incorporate the project into the existing visual landscape and minimize or mitigate facility component visibility.
Laydown Yards	On-site temporary construction laydown yards totaling approximately 30 acres across six separate locations that will provide space for construction office trailers, parking, and equipment staging areas during construction of the Facility.

1) Overall Analysis

As required by §900-2.3(a), this section includes an overall analysis of the relevant and material facts established in this Siting Permit Application and which the Applicant believes provide ORES details concerning each required finding, determination and consideration the Office shall make or evaluate in its decision and the basis for why the Siting Permit should be granted. Specifically, this section includes information and analyses from the supporting studies regarding the nature of the probable impacts of the construction and operation of the Facility on (a) ecology, air, ground and surface water, and wildlife and habitat, (b) public health and safety, (c) cultural, historic and recreational resources, (d) transportation, communications, utilities and, other infrastructure, and (e) compliance with local laws and ordinances.

(i) Ecology, Ground and Surface Waters, Wildlife and Habitat

Ecological Communities

As described in Exhibit 11, the Applicant defined the boundaries of plant communities within the Facility Site by utilizing data collected in the field while conducting various ecological surveys (e.g., breeding bird survey, wintering raptor survey, rare plant survey, wetland and stream delineations), in addition to using recent aerial imagery from the NYS Digital Orthoimagery Program (from 2020). Plant communities found at the Facility Site are relatively common in New York State. The following communities were identified and classified using the definitions developed in Ecological Communities of New York State by Edinger et. al. (2014):

- Beech-Maple Mesic Forest: 1,109 acres (33% of Facility Site)
- Active Field Cropland: 709 acres (21% of Facility Site)
- Hemlock-Northern Hardwood Forest: 549 acres (16% of the Facility Site)
- Pastureland: 293 acres (9% of the Facility Site)
- Successional Shrubland: 193 acres (6% of Facility Site)
- Successional Northern Hardwood Forest: 164 acres (5% of Facility Site)
- Successional Old Field: 160 acre (5% of Facility Site)

- Developed/Disturbed: 114 acres (3% of Facility Site)
- Active Row Cropland: 27 acres (1% of Facility Site)
- Shallow Emergent Marsh: 23 acres (1% of the Facility Site)
- Pine Plantation: 22 acres (1% of the Facility Site)
- Open Water: 19 acres (1% of Facility Site)

The majority of impacts to plant communities will be in those areas currently defined as active agricultural areas (e.g., active field crops and pastureland), approximately 47% of all impacted areas. Depending on the level and frequency of site disturbance, active agricultural areas may provide limited habitat for wildlife species, and it is anticipated that the early successional grassland expected to be maintained under PV arrays and within the limit of vegetation management will provide similar habitat composition. In addition, 28% of forestland within the Facility Site will be cleared including areas at the periphery of some PV panel arrays and access roads. Outside of security fencing, trees will be allowed to regenerate in areas that are not required for Facility maintenance, which will provide habitat for early successional species over the short term and will eventually support forest species in the long term. Additionally, approximately 53% of forestland that will be cleared within the Facility Site has been identified by landowners as active commercial timber areas or areas in which future lumbering is planned. On a landscape scale, there is abundant availability of the habitat types identified above within the nearby landscape. Construction and operation will not result in the extirpation, or significant reduction, of plant communities or wildlife habitat.

Based on consultation with the New York Natural Heritage Program (NHP), one rare plant species and two significant natural communities were identified within the Facility Site. Tall ironweed, a state-listed threatened plant species, was identified on several actively hayed or recently fallowed hay field within the Facility Site. The occurrences of tall ironweed were considered during the iterative Facility design process; however, the fields where tall ironweed plants have been identified are integral to the siting of PV arrays and other Facility components (e.g., access roads and collection lines) and are crucial to meeting the proposed generating capacity of the Facility. Additionally, the active agricultural use of the fields (annual haying with no protective or conserved areas designated for hosting tall ironweed plants), aligns with the long term successional vegetative management intended within PV array areas. Construction and operation are anticipated to result in direct impacts to tall ironweed plants. However, based on recent vegetation management research (see Appendix 11-C), tall ironweed is expected to be able to withstand levels of site disturbance that is generally consistent with construction and operation activities associated with the Facility. The Applicant has developed avoidance, minimization, and mitigation measures for disturbance during construction as further outlined in Exhibit 11, including preservation of tall ironweed in the existing seedbank. In addition, the Applicant will implement a Facility

Vegetation Management Plan that will include best management practices designed to minimize and mitigate impacts to tall ironweed, including propagation and management of the species on site. Therefore, Facility operation is anticipated to allow for long-term persistence of tall ironweed within the Facility Site.

The two significant natural communities identified within the Facility Site include the Hemlock-Northern Hardwood Forest and Confined River communities, both of which are associated with Twentymile Creek. As indicated above, construction and operation of the Facility will include the clearing of forests, including approximately 100 acres of the Hemlock-Northern Hardwood Forest community. This represents only 7% of the Hemlock-Northern Hardwood Forest community mapped in association with Twentymile Creek. Further, there are several other occurrences of Hemlock-Northern Hardwood Forest communities mapped within Chautauqua County and throughout New York State. Therefore, construction and operation of the Facility Site is not anticipated to result in significant adverse impacts to this natural community. In addition, Facility components have been sited to avoid the riparian corridor of Twentymile Creek, a Confined River community, to the maximum extent practicable. Please see Exhibit 13 for a more detailed discussion of anticipated impacts and planned avoidance and minimization measures to streams within the Facility Site, including Twentymile Creek.

Surface Waters and Wetlands

As described in Exhibits 13 and 14, on behalf of the Applicant, EDR delineated wetlands and streams within the Facility Site and Wetland Study Area between late June and September 2020. EDR delineated 147 wetlands, which total approximately 382 acres, and 104 streams, the majority of which are ephemeral (see the Wetland and Stream Delineation Report in Appendix 13-C). EDR also performed an offsite wetlands analysis of those areas within 100-feet of the limits of disturbance where the Applicant did not have access, as well as a functions and values assessment for each identified wetland (see Exhibit 14 and Appendix 14-B for more information on functions and values).

Following the wetland and stream delineation process, EDR conducted site visits along with TetraTech (on behalf of ORES) to review the boundaries of delineated features in support of determining state jurisdictional status of the wetlands and streams within the Facility Site. As a result of this process and the associated consultations conducted in accordance with §900-1.3(e), a final jurisdictional determination was issued by ORES on April 19, 2021. This determination identified 14 perennial streams within the Wetland Study Area that are state-regulated under Article 15 of the Environmental Conservation Law (ECL) (Appendix 13-D) and 24 delineated wetlands that are state regulated under Article 24 of the ECL (Appendix 14-A). Final federal jurisdictional determinations for all wetlands and streams delineated within the Wetland Study Area must be made by USACE.

Construction and operation of the Facility will result in limited temporary and permanent impacts to state-regulated wetlands that will require mitigation per § 900-2.15(g). These impacts are limited to Class II and Unmapped wetlands and associated regulated adjacent areas. The Facility layout as currently designed proposes only two crossings of a state-regulated stream.

The Applicant has largely achieved an avoidance of impacts to state-regulated wetlands and streams through an iterative design process, taking into consideration the delineated boundaries at various stages of development. Due to the prevalence of delineated wetlands and streams throughout the Facility Site, the Applicant has incorporated two main overhead collection line routes (one crossing Twentymile Creek and one crossing a large grouping of wetland features in the South and West of the Facility Site) designed to avoid and mitigate wetland and other environmental impacts associated with collection line siting. Overhead lines were only utilized in locations in which underground trenching or trenchless installation methods were not technically or economically feasible in relation to environmental sensitivities such as wetland avoidance. Due to engineering design and construction methodologies of each crossing (i.e., one overhead electrical collection crossing and one trenchless underground electrical collection crossing), no temporary or permanent impacts to the bed or banks of any state-protected streams will occur. Minor tree clearing will occur within 50 feet of Twentymile Creek (ST-04) to facilitate installation of the overhead collection line; however, the overhead crossing was determined to have a much lower impact to the delineated stream and regulated adjacent areas when compared to underground methods.

Specific examples of wetland and stream avoidance include the removal of PV modules and shifting security fences, access roads, and collection lines out of delineated wetlands. Trenchless installations of underground collection lines were also utilized to cross wetlands and streams where trenching would otherwise result in significant ground disturbance. See Exhibits 13 and 14 for more a more detailed description of wetland and stream impacts, as well as avoidance, minimization, and mitigation measures. See Appendix 14-C for a detailed depiction of anticipated wetland and stream impacts and crossing methods.

Geology and Groundwater

On behalf of the Applicant, Mott MacDonald (Mott) conducted a preliminary geotechnical investigation to obtain geotechnical data and provide construction recommendations for the proposed structures within the Facility Site. The results of the investigation are summarized in the Geotechnical Investigation Report (see Appendix 10-A).

As further described in Exhibit 10, the report included a summary of geotechnical borings throughout the Facility Site, which identified the groundwater level at varying depths ranging between 3 feet and 17 feet. Based on Mott's findings, the Facility Site is generally suitable for the proposed development, and soils in the Facility Site are generally suitable for the foundation systems.

As indicated by the Geotechnical Report (Appendix 10-A), groundwater levels at the Facility Site may fluctuate due to seasonal variation, the amount of rainfall, soil permeability, and other factors. Should shallow/perched groundwater be encountered, any construction impacts will be addressed through typical engineering measures and construction techniques, including dewatering, which will avoid and minimize the potential for groundwater to cause erosion and sedimentation. Any discharge from dewatering locations will take place in accordance with the Facility Stormwater Pollution Prevention Plan (SWPPP; Appendix 13-E). The determination of any long-term dewatering (if necessary, but not expected) will be addressed during final geotechnical investigations to be conducted prior to construction.

Public and Private Wells

As described in Exhibit 13, a Freedom of Information Law (FOIL) request letter regarding the potential presence of public and/or private wells was sent to the New York State Department of Health (NYSDOH), the New York State Department of Environmental Conservation (NYSDEC) and the Chautauqua County Department of Health on February 24, 2021. Responses from the NYSDOH and Chautauqua County DOH were received via email; no response was received from NYSDEC. The responses from both NYSDOH and the Chautauqua County DOH indicated that the Facility Site is served by private wells, and that no active public wells or surface water intake sites are located within 1 mile of the Facility (Appendix 13-A).

In addition, the Applicant sent private well surveys to all residences and businesses within 1,000 feet of the Facility Site. Based on the responses received, a total of 40 private wells within 1,000 feet of the Facility Site were identified (see Figure 13-1). Of the identified wells, 19 are located within 500 feet of a proposed trenchless installation (via horizontal directional drilling or jack and bore). The Applicant will develop an Inadvertent Return Plan as a pre-construction compliance filing, which will outline the protective measures to be taken when the collection line is installed to prevent any impact to groundwater resources. Given the distance between the proposed HDD installation and the location of the wells, impacts are not anticipated. However, the Applicant will adhere to the requirements of 900-6.4(n)(2) to conduct pre-construction testing and, in the unlikely event that impacts do occur, will cause a new well to be constructed for any impacted landowners as required by the regulations.

Stormwater and Spill Pollution Prevention

To further avoid impacts to surface waters within the Facility Site during construction and operation of the Facility, a Stormwater Pollution Prevention Plan (SWPPP) is appended to this Application (Appendix 13-E). The SWPPP was prepared in accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit and the NYS Standards and Specifications for Erosion and Sediment Control.

In addition, to prevent unintended releases of petroleum and other hazardous chemicals, a Preliminary Spill Prevention, Control and Countermeasure (SPCC) Plan has been prepared that outlines preventative measures and response procedures in the unlikely event of a release (see Appendix 13-C).

Wildlife and Habitat

On behalf of the Applicant, EDR prepared a Wildlife Site Characterization Report (Appendix 12-A) for the Project in accordance with the requirements of §900-1.3(g)(1). Information reviewed in the WSC Report suggest that the Facility Area's wildlife community consists of relatively common species that are typically found in agricultural and forested habitats. The WSC also identifies state-listed threatened, endangered, or special concern species documented in the vicinity of the Facility Site within the last five years. The WSC Report and associated shapefiles and mapping were provided to the ORES on February 3, 2021 in accordance with §900-1.3(g)(2). ORES provided the final Determination of Occupied Habitat, Incidental Take, and Net Conservation Benefit (see Appendix 12-E) on April 19, 2021, which concluded that no occupied habitat of NYS threatened or endangered species are present within the Facility Site.

(ii) Public Health and Safety

As the Public Service Commission (PSC) stated when it adopted the Clean Energy Standard (CES) in 2016, "one of the primary benefits" of the State's transition to renewables will be "a reduction in total emissions of air pollutants resulting from fossil fuel combustion. Increased use of renewable energy sources leads to improved air quality and societal benefits from reduced health impacts and increased employee productivity. For example, as air quality improves, state health care expenditures for treatment of asthma, acute bronchitis, and respiratory conditions may be reduced. Reduced exposure to fine particulates may avoid other health problems such as increased morbidity and exacerbation of respiratory and cardiovascular ailments." Further, the PSC added, inaction in addressing air pollution and climate change is not an option, for "it is certain... that the consequences of inaction on air pollution and climate change are not acceptable." As detailed in Exhibit 6, the Project is estimated to support near and long-term public health and safety through the offset of more than 250,000 metric tons of carbon dioxide associated greenhouse gas emissions.

It is within this broader context that ORES must consider the limited potential public health impacts associated with construction and operation of a solar facility like the South Ripley Solar Project. Potential public health impacts associated with construction of this Facility are limited to typical risks associated with any commercial construction project. Once constructed, the presence of electrical equipment both within the arrays and at the collection substation and battery energy storage system carries limited risk of a shock or combustion hazard, however; these areas will have perimeter controls (i.e., security fencing, signage) as is required by local law and National Electrical Safety Code (NESC) to prevent potential injury.

As further described in Exhibit 6, proper siting of the Facility, implementation of Site Security (Appendix 6-A) and Safety Response (Appendix 6-B) Plans, and adherence to health and safety standards all but eliminate the potential risks from these types of incidents. The Site Security Plan (Appendix 6-A) includes the following measures to be implemented during Facility operation: access controls, electronic security and surveillance facilities, security lighting, and a cyber security program. In addition, the Applicant's Safety Response Plan includes information regarding contingencies constituting an emergency, and identified measures for emergency response, evacuation, community notification, onsite equipment locations, fire emergencies, and includes information regarding training drills with local responders (see Appendix 6-B).

(iii) Cultural, Historic and Recreational Resources

Archaeological Resources

As described in Exhibit 9, a Phase IA Archaeological Survey (Appendix 9-A) was developed and submitted to the New York State Historic Preservation Office (NYSHPO) in January 2021 for review and comment. The Phase IA report defines the Facility's Area of Potential Effect (APE) for Direct Effects to archaeological resources and identifies if any previously documented archaeological resources occur within the APE (Appendix 9-A). To identify potential archaeological sites within the Facility Site, the Applicant completed the Phase IB Archaeological Survey (Appendix 9-B), and a Supplemental Phase IB Archaeological Survey (Appendix 9-F) in accordance with the approved Phase IA archaeological survey and research design. The archaeological survey was conducted in a series of site visits and mobilizations throughout 2020 and 2021, concurrent with evolving Facility design. The Phase IB Archaeological Survey identified a total of 21 archaeological resources, none of which were recommended to be potentially significant (i.e., potentially eligible for listing on the State and/or National Registers of Historic Places, or S/NRHP). The Applicant has revised the proposed Facility layout to avoid archaeological resources identified during the survey, including locations of potentially significant archaeological sites. The proposed Facility layout as currently designed avoids and/or minimizes impacts to all archaeological resources, so no Phase II site investigations are anticipated to be necessary.

The mapped locations of all potentially significant (i.e., S/NRHP-eligible or unevaluated) archaeological sites within approximately 100 feet (31 meters) of proposed Facility-related impacts will be identified as “Environmentally Sensitive Areas” or similar on Facility construction maps and marked in the field by construction fencing with signs that restrict access. These measures should be adequate to ensure that impacts to archaeological resources are avoided.

In the event that unanticipated archaeological resources are encountered during construction, the Facility’s Unanticipated Discovery Plan (Appendix 9-G) will include provisions to stop all work in the vicinity of the archaeological finds until those resources can be evaluated and documented by an archaeologist. With the adoption of these measures, and based on continued consultation with the NYSHPO, the proposed Project is not anticipated to impact any significant archaeological resources.

Historic Resources

The Historic Resources Survey (Appendix 9-D) describes the potential impacts on historic resources located within the APE for Indirect Effects, including potential visual and auditory impacts of the Facility. Construction of the Facility will not require the demolition or physical alteration of any historic resources. No direct physical impacts to historic resources listed in or determined eligible for the S/NRHP will occur as a result of construction of the Facility. Therefore, the Facility is not anticipated to have any direct impacts to historic properties. NYSHPO’s review of the Historic Resources Survey indicated they would review the Project for its potential visual impact to two historic properties within the APE for Indirect Effects.

The potential visual effect of the Facility is limited to the overall effect on the traditional agricultural landscape that serves as the setting for historic properties in the region. The introduction of modern interventions, such as arrays of PV modules enclosed in perimeter fencing, into the currently open agricultural space will alter the historic character of the visual setting. To help minimize these effects, the Applicant has developed a visual mitigation planting plan, using native species and mimicking the character of successional fields in the study area, which will provide a visual buffer of natural vegetation forms and colors between the Facility and the viewer (see the Visual Impact Minimization and Mitigation Plan [VIMMP] in Appendix 8-B).

Based on the analysis contained in Exhibit 7 of this Application, potential noise and/or vibrations caused by the operation of the proposed Facility are not expected to significantly alter the character or setting of S/NRHP-listed and eligible historic properties within the Historic Resources Study Area. Vibrations are not anticipated to impact any S/NRHP-listed or eligible properties and noise-related impacts are anticipated to be relatively minimal, due

in large part to the Facility's siting in remote rural areas away from areas of higher historic and modern population density. Therefore, there will be no permanent noise-related adverse impacts to S/NRHP-listed or eligible properties associated with operation of the Facility.

The Applicant anticipates ongoing consultation with NYSHPO (and other applicable consulting parties) regarding avoidance, minimization, and/or potential mitigation for visual and auditory impacts of the Facility on aboveground historic resources. In accordance with section 900-10.2(g) of the 94-c regulations, the Applicant will complete a Cultural Resources Avoidance Minimization and Mitigation Plan (CRAMMP) as part of the Pre-Construction Compliance Filings.

Visual Effects

EDR prepared a Visual Impact Assessment (VIA; Appendix 8-A) that describes the extent and significance of Facility visibility. The VIA includes an identification of visually sensitive resources, viewshed mapping, results of field review, visual simulations (photographic overlays), and proposed visual impact mitigation.

In addition, a Visual Impacts Minimization and Mitigation Plan (VIMMP) is included with this Application as Appendix 8-B. The VIMMP includes, among other information, a Landscape Mitigation Planting Plan to soften views of the Facility from specific viewpoints (including historic sites), a Lighting Plan for the Facility, and a Solar Glare Analysis Report. Specific avoidance and minimization measures described in the VIMMP include:

- A comprehensive Landscape Mitigation Planting Plan (Attachment 1 to the VIMMP) that uses four different planting schemes (modules) that will be applied as appropriate, to minimize and mitigate the Facility's visual effect on the surrounding landscape.
- The collection substation and BESS are located adjacent to an existing transmission line and substation to minimize contrasts to the existing land use and visual environment.
- The Facility has been sited to avoid and minimize visibility to population centers and visually sensitive resources. Utilizing screening and topography, visibility is generally concentrated within 0.5 mile of the Facility.

(iv) Transportation, Utilities, and Other Infrastructure

Transportation

Virtually all of the traffic-related impacts associated with the Facility will occur during the site preparation and construction phase when there will be a temporary increase in vehicle traffic on area roadways. Once the Facility is commissioned and construction activities are concluded, traffic associated with Facility operation will be

negligible and limited to occasional trips associated with routine maintenance activities (see Exhibit 16 for additional information on transportation).

Utilities and Other Infrastructure

The Applicant will construct the Facility to avoid interference with existing above-ground and buried utility systems through consultation with the owning utilities, and by following the One Call process with Dig Safely New York. The Applicant has consulted with Empire Energy (USE) LLC and National Fuel Gas Company regarding the presence of existing oil and gas infrastructure in the Facility Site. In addition, locations of subsurface utilities and infrastructure were field-verified during on-site surveys. The Applicant will obtain all appropriate permissions prior to the start of construction and will continue consultations regarding Facility design and will adhere to all applicable crossing requirements of underground facilities.

(v) Compliance with Local Laws and Regulations

At this time, the Applicant anticipates complying with all substantive local laws and ordinances to the greatest extent practicable. The Town of Ripley introduced a draft Solar Energy Zoning Law in 2021 that has not yet been adopted. Based on the current proposed Solar Energy Zoning Law, and in the event that the proposed law is passed in time to be considered applicable to the Facility, the Applicant has determined that certain waivers will be needed due to unreasonably burdensome provisions. Waivers relate to provisions governing vehicular paths, dielectric coolants, noise, lot size, setbacks, lot coverage, fencing, and screening and visibility. The Applicant will continue to coordinate with the Town of Ripley to ensure compliance with local zoning regulations or waivers are sought accordingly.

(b) Local Public Engagement and Outreach

Public engagement and local outreach are core aspects of the Applicant's development strategy. Starting in late 2018, the Applicant has implemented a comprehensive and far-reaching outreach strategy, incorporating and satisfying the public engagement requirements of both the Article 10 and 94-C processes. The purpose of early and frequent consultation was to establish community awareness of the Project, provide local landowners and stakeholders an opportunity to participate in project development and design, solicit local, homegrown feedback on environmental, historical, or cultural sensitivities within the Facility Site and surrounding areas, and ensure that Project development was implemented in a way that brings maximum benefits to the local host community. Meetings and other consultation efforts are summarized in the Record of Activity presented in see Appendix 2-B.

Consultation with Local Agencies

Prior to the Project's transition into 94-c, the Applicant performed frequent consultations with local agencies including the Town of Ripley, Chautauqua County, the Chautauqua County Industrial Development Agencies, and local school districts. A complete history of public engagement activities is included in Appendix 2-B, however brief descriptions of some major consultations or outreach activities are included below:

- Applicant representatives presented introductory information about the Project and the Article 10 process at a Ripley Town Board meeting held on April 12, 2019 and was present to give a brief update on the commercial status of the Project at a Ripley Town Board meeting held on May 9, 2019.
- Applicant Representatives have attended most monthly Town Board meetings since May 2019 and have been available to provide updates and answer questions (from the Town Board or public) during the privilege of the floor when not on the meeting agenda.
- Applicant Representatives have attended most monthly Planning Board meetings since early 2020 and have been available to provide updates and answer questions (from the Planning Board or public) during the privilege of the floor when not on the meeting agenda.
- Applicant Representatives held a consultation meeting with the Ripley Planning Board on February 22, 2021 to discuss the visual impact assessment done to date, received feedback on visually sensitive viewpoints in the Visual Study Area, and provide information on analysis included in the 94-c Application.
- Applicant Representatives have held multiple consultation meetings with the Chautauqua County Industrial Development Agency since 2019 to provide project updates and progress reports, file an official PILOT Application (approved July 28, 2020), and present at the CCIDA board meeting and answer Q/As (July 28, 2020).
- Applicant Representatives held consultation meetings with the Sherman Central School District Superintendent in June 2020 to provide information regarding the project, discuss potential impacts from the Facility on school operations (none are anticipated), and outline the anticipated PILOT process ongoing with the Chautauqua County Industrial Development Agency.
- Applicant Representatives held consultation meetings with the Ripley School District Superintendent in June 2020 to provide information regarding the project, discuss potential impacts from the Facility on school operations (none are anticipated), and outline the anticipated PILOT process ongoing with the Chautauqua County Industrial Development Agency.

After the transition to 94-c, the Applicant completed pre-Application consultation with the chief executive officers of the Town of Ripley and Chautauqua County under 6 NYCRR § 900-2.3(a) no less than 60 days before the Application filing date. During the pre-application meetings, Applicant provided: a description of the Facility and associated maps illustrating Facility components and regulatory boundaries; a summary of substantive provisions of local laws application to Facility construction, operation, maintenance, and decommissioning; identification of any substantive local law provisions for which the applicant will request ORES to make a finding that compliance therewith would be unreasonably burdensome; explanation of efforts to comply with substantive local law provisions; information on potential impacts for which consultation with local agencies will support development of exhibits (such as transportation and visual resources); designated contact information and website address; anticipated application date; and information regarding local agency or potential community intervenor funding.

On January 26, 2021, the Applicant met with the Chautauqua County Executive to provide a description of the proposed Facility (with associated maps), a summary of the 94-c permitting process and the availability of intervenor funds, a summary of local laws and substantive requirements, and an overview of work done to date to identify the potential impacts (environmental, cultural, and social) that may result from the Facility and an open Q/A session regarding the Project.

On April 1, 2021, the Applicant met with Ripley Town Supervisor, Ripley Deputy Town Supervisor, and relevant town consultants and experts including representative from Labella Associates and the Zoghlin Group. The approximately 4–5-hour consultation meeting covered a range of topics exceeding those outlined in 6 NYCRR § 900-2.3(a) and was live streamed via Zoom for public viewing. At this meeting the Applicant provided comprehensive maps of the Facility Site (with separate maps outlining the BESS and substation location, delineated wetlands, noise modelling, visual sensitivities, construction haul routes, and emergency routes), provided details on survey results (avian surveys, cultural and archaeological surveys, visual simulations from the visual impact assessment), emergency response information (copies of the draft Site Security Plan (Appendix 6-A) and Safety Response Plan (Appendix 6-B)), and a memo outlining the relevant substantive requirements of the local zoning (both current and proposed – see Exhibit 24 for more information) in relation to Facility development and a response to each law indicating efforts made to comply with the laws. The key items or concerns raised during this outreach efforts are summarized below:

- Potential impacts to wildlife: As described in Exhibit 12, the Applicant has prepared a number of avian and ecological studies. The Applicant has continued coordination with the appropriate agencies to address wildlife concerns through studies, avoidance, and mitigation efforts.

- Potential impacts to water resources and wetlands: As described in Exhibits 13 and 14, the Applicant has continued consultation with the ORES and performed studies and outreach to identify water resources and wetlands and to address any concerns.
- Land use concerns: The Applicant has coordinated directly with the host community's Town Board as well as the Chautauqua County Planning Department for optimal Project siting (see Exhibit 3 and 24).
- Visual impacts: The Applicant conducted multiple outreach efforts to the local community and other interested stakeholders to identify viewsheds of concern and provide the information needed to assess the potential visual impact of the Facility (see Exhibit 8).
- Public health and safety concerns: As described in Exhibit 6, solar energy facilities do not generally pose many risks to human health and safety. The Applicant is committed to implementing site security measures such as fencing and setbacks, staff training, and health and safety procedures as well as working closely with local emergency responders.

Public meeting documents and a transcript of the questions received, and responses provided during the pre-Application Public meeting on January 28, 2021 are included in Appendix 2-C.

On April 23, 2021, the Applicant mailed additional printed copies of Facility maps to the Town of Ripley, on May 21, 2021, the Applicant provided additional detail including an overview of the planned visual planting (visual planting module types, preliminary visual planting module locations, and viewpoint locations), and on May 3, 2021, the Applicant notified the Town that the Project website has been updated to include directions on how local stakeholders could achieve Party Status (as requested at the April 1, 2021 meeting).

Meetings with Community Members and Local Stakeholders

Prior to the transition to 94-c, the Applicant held 4 meetings with community members, including 2 landowner dinners and 2 open houses, and during the closures associated with COVID in New York State through 2020, performed 1 large scale mailing in place of an open house. The landowner dinners, held for local landowners (direct invitations were mailed to landowners within the potential Project Area at the time), were held on April 4, 2019, and August 6, 2019, at Meeder's Restaurant in the Town of Ripley. The purpose of the meetings was to introduce ConnectGen to the local community, inform local landowners about the opportunity to host project equipment, answer community questions and address concerns, and gather information about the local community and potential project area.

Following the submittal of the final Public Involvement Program Plan, the Applicant conducted two open-house style meetings within the Town of Ripley. The open houses were held on December 4, 2019, at Meeder's Restaurant with morning and evening sessions. Notice of the open-house meetings was published in several local newspapers,

including the Westfield Republican, the Jamestown Post-Journal, and the North East News Journal, and posted at local document repositories (e.g., libraries) identified in Table 2-1 below. In addition, notification letters were sent two weeks prior to the open house to all host and adjacent landowners and all stakeholders on the Master Stakeholder List. The sessions were attended by a total 50 individuals, not including the South Ripley Solar Project Team. Attendees were able to view posters with information on topics of interest, such as a description of the Project, information on solar photovoltaic and battery storage technology, educational information on the Article 10 process, environmental considerations for project development, instructions on how to access Article 10 documentation and how to file comments on the Siting Board's online DMM system. The Applicant collected names and contact information from individuals interested in hearing more information about the Project and provided the option for attendees to be added to the Article 10 master stakeholder list.

Per the Public Involvement Program Plan, the Applicant intended to hold an in-person open house in relation to the filing of the Article 10 Preliminary Scoping Statement ("PSS"); however, at the time the PSS was filed, New York State had initiated COVID travel and meeting limitations in response to the widespread emergence of COVID across the United States. Therefore, to ensure that the local community received information pertinent to the PSS, the Applicant prepared a comprehensive Project and permitting Overview that was mailed along with the PSS filing notice to all stakeholders on the Stakeholder mailing list. This overview was in slide deck format and included all information that would have been included on presentation boards at a public open house. The overview also included contact information for the Applicant and filing instructions of PSS responses. As a result of the PSS filing and comprehensive mailing, the Applicant received comments on the PSS from a large number of stakeholders including the Town of Ripley, the Ripley Volunteer Fire Department, the South Ripley Cemetery Association, local landowners, and relevant state agencies. Additionally, the Town of Ripley and Ripley Volunteer Fire Department both requested, and received, intervenor funding for the review of the PSS and future engagement/project review.

Following the Project's transition to the 94-c process, and per the requirements in 6 NYCRR § 900-1.3(b) a meeting with community members is required no less than 60 days before an application is filed. The purpose of the meeting was to educate the public about the proposed Facility, provide detail regarding the transition from Article 10 to 94-c, provide an update on the anticipated Application filing date, and ensure the community has information regarding the future availability of local agency account funds and how local stakeholders can request funds. Due to the current ongoing COVID-19 public health crisis, the meeting was conducted virtually via webinar. The Applicant conducted the virtual open house meeting with community members in adherence to §900-1.3(b) on January 28, 2021, at 6:00 p.m. to educate the public about the proposed Facility. Attendees were able to register and attend via a Zoom link or dial-in phone number. To provide notice of the meeting, the Applicant mailed meeting invitations to all contacts on the Stakeholder list (which includes all contacts required under 19 NYCRR § 900-1.6 (c)) on January 10, 2021. Additionally,

the Applicant advertised the meeting in advance via its website, Facebook page, and publication in the Jamestown Post Journal, Dunkirk Observer, and North East News Journal on January 14, 2021. During the formal presentation, participants were invited to submit questions to a moderator and have them answered during a live question and answer session in the second half of the virtual meeting. Over 74 participants, not including the Applicant's representatives or consultants, attended the virtual meeting, and over 100 questions were asked during the live question and answer period at the end of the meeting. A recording of the presentation was posted on the Project website for continued accessibility and availability. All questions not answered live were answered in writing via a Q/A transcript which was posted on the Project website following the meeting.

On March 12, 2021, the Applicant mailed its 60-day Notice of Intent to File an Application to the Stakeholder list and published the Notice in the Jamestown Post Journal and the Dunkirk Observer. On July 22, 2021, the Applicant mailed its 3-day Notice of Intent to File an Application to the Stakeholder list and published the Notice in the Jamestown Post Journal, Westfield Republican, and North East News Journal.

Consultation with Local Emergency Response

The Applicant has also held numerous consultation meetings with different stakeholders involved with local emergency response. Not including the public open houses, these consultations have included 4 direct in-person meetings and 1 virtual webinar, in addition to numerous email correspondences. A summary of the consultations to date is below. The Applicant expects to continue to consult with local emergency responders and will incorporate an emergency response training regimen prior to Facility Operation.

- The Applicant hosted a project introduction and energy storage safety webinar on May 7, 2020 upon the request of the Chautauqua County Director of Emergency Services. The webinar covered an overview of Project development, information about battery energy storage, a discussion of realities risks associated with BESS facilities, and emergency response equipment and training required for response. The webinar was attended by members of the Ripley Volunteer Fire Department, Chautauqua County Department of Emergency Services, and the Ripley Planning Board.
- The Applicant held an in-person consultation with the Chautauqua County Director of Emergency Services on June 17, 2020 to provide a Project update, discuss questions and concerns related to emergency response, and provide a timeline of development.
- The Applicant held an in-person introductory meeting with the North East Fire Department. Members of the Ripley Volunteer Fire Department and Ripley Planning Board were also in attendance. The Applicant provided a project introduction and held an open question and answer period.

- The Applicant held an in-person consultation with the Chautauqua County Department of Emergency Services on May 29, 2021 to provide a Project update, provide Facility maps, provide the Site Security Plan for comment, provide the Safety Response Plan for comment, discuss questions and concerns related to emergency response, and provide a timeline of development. The Applicant also received feedback on equipment/design changes that should be included in Facility Design including the incorporation of dry pipes, wind socks at the BESS, and the expansion of roads to 20 ft. All requested changes were incorporated into design.
- The Applicant held an in-person consultation with the Ripley Volunteer Fire Department and Chautauqua County Department of Emergency Services on July 18, 2021 to provide a Project update, provide Facility emergency route maps, provide the Site Security Plan for comment, provide the Safety Response Plan for comment, discuss questions and concerns related to emergency response, and provide a timeline of development. The Applicant also received feedback requesting changes to the Safety Response Plan and the incorporation of an emergency response runoff collection area adjacent to the BESS. All requested changes were incorporated into design and Safety Response Plan.

Consultation with State and Federal Agencies

The Applicant also held numerous consultation meeting with relevant agencies including; – the New York State Department of Public Services (NYSDPS), New York State Department of Environmental Conservation (NYSDEC), and New York State Department of Agriculture and Markets (NYSDAM), the New York State Historic Preservation Office (SHPO), the Federal Aviation Administration (FAA), the United State Army Corps of Engineers (ACOE), and the Office of Renewable Energy Siting (ORES) to introduce the Project, discuss specific environmental, cultural, or social sensitivities, and obtain feedback and perspective. A complete description of consultations is included in Appendix 2-B.

Public Engagement Tools

The Applicant has utilized, and will continue to use, the Stakeholder Notification List (all residents within 1-mile of the Facility Site, all stakeholders who have requested being added to the list, all local municipal officials, those with party states through the Article 10 DMM, ORES, and others) to distribute information and notices regarding the Project. Additionally, the Applicant publishes all major notices and information regarding project benefits to the community in the local Westfield Republican, Jamestown Post-Journal (largest circulation), and North East News Journal newspapers. The Applicant has conducted mass mailings to the Stakeholder Notification List to announce each open house style public meeting held to date and noticed these meetings in local newspapers (Westfield Republican, Jamestown Post-Journal (largest circulation), and North East News Journal) at least 14 days prior to the scheduled

event. Further, pursuant to Section 94-c, the Applicant has conducted mass mailings of all required procedural notices and published them in the local newspapers listed above.

Pursuant to the Article 10 Public Involvement Program Plan finalized in 2019, the Applicant created a Project-specific website (<http://www.southripleysolar.com>) to ensure that the local community had easy to access and up to date information related to the Project and the state permitting process (Article 10 and 94-c respectively). The Project website currently includes items such as a 94-c guide (overview of the process, high level schedule of activities, overview of public engagement and the Application, links for stakeholders to access intervenor funding and party status information, and links to relevant 94-c documentation filed through the DMM), Project materials (PIP, PSS, Open House Boards, PSS Slides, Virtual Open House Recording, Q/A transcript, FAQs), news articles/press releases, and contact information. Electronic copies of significant Facility documents are posted on the Applicant's website.

In addition to the Project website, the Applicant set up a dedicated project toll-free hotline (1-800-338-8905), a Project Facebook Page (South Ripley Solar Project), and a Project email address (info@southripleysolar.com) for stakeholders and other interested parties to communicate questions or comments and for the Applicant to provide Project updates, FAQs, and public notices to the local community. The Applicant has made efforts to respond directly to all substantive inquiries and comments submitted to the Facility contact (by email, telephone, or mail) within three business days of receiving the inquiry and/ or comment.

All relevant documents and filings (pre-transition to 94-c) are on the Facility-specific DMM website maintained by the Siting Board:

- <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-F-0560>.

All new documents and filings (post-transition to 94-c) are on the Facility-specific DMM website maintained by ORES:

- <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=21-00750&CaseSearch=Search>

PIP Plan and Initial Public Engagement

The Power NY Act of 2011 established the Article 10 process for the siting of power projects and charged a multi-agency Board on Electric Generation Siting and the Environment (Siting Board) with administering the permitting process for any new major electric generating facility of 25 megawatts (MW) or greater. In accordance with Article 10 regulations, a Public Involvement Program (PIP) plan was developed to describe and guide the Applicant's public outreach activities. The initial draft of the PIP plan was submitted to the New York State Department of Public Service (NYS DPS) on August 30, 2019. Comments on the PIP were received from NYSDPS on September 30, 2019, and the

PIP was updated, finalized and filed with the Siting Board on October 30, 2019. The PIP plan is available on NYSDPS' Document Matter Master (DMM) website¹. The PIP plan described and outlined the Applicant's public outreach efforts and identified relevant stakeholders and other interested parties. The Master List of Stakeholders continues to be maintained and updated based on the Applicant's consultations and meetings with stakeholders. Additionally, this list was updated to include all landowners within 1-mile of the Facility Site when the Project transitioned to the 94-c process. A current Master List of Stakeholders is presented in Appendix 2-A of this Application.

As discussed in the PIP plan for the Project, the Siting Board's regulations required the identification of (1) any language, other than English, that is spoken (according to United States Census data) by 5,000 or more persons residing in any portion of a 5-digit zip code postal zone located within the Study Area for the facility; and (2) any language other than English spoken by a significant population of persons residing in close proximity to the proposed facility, alternative locations, or interconnections. According to the US Census Bureau data from the 2017 American Community Survey (ACS) 5-year estimates, 7.8% of Chautauqua County residents aged 5 or older speak a language other than English at home². With a 2017 population estimate of 130,846 persons, this means approximately 10,206 people in the County speak a language other than English at home. As noted in the PIP plan, portions of three zip codes are located within two miles of the Facility Area for the Project, none of which include over 100 persons who speak a language other than English at home. Based on these findings, the Applicant has disseminated Project related materials in only the English language.

Pursuant to 6 NYCRR § 487.6(b), the Applicant identified Environmental Justice (EJ) areas early in the pre-application process for the purpose of enabling early and meaningful public involvement. As discussed in Exhibit 19, there are no EJ areas identified within the Study Area.

PSS Filing and Public Responses

Per 16 NYCRR § 1000.5, the Applicant submitted a Public Scoping Statement (PSS) to the NYSDPS on May 22, 2020. In light of the expanding COVID crisis at the time, the Applicant mailed a 22-page informational packet (in the form of a slide deck) to everyone on the Stakeholder List in place of holding a public open house. The informational packet contained all of the information that would be provided at an open house, including an overview of information included within the PSS and a general Project update. This document was also posted to the Project website (<https://www.southripleysolar.com/wp-content/uploads/2020/06/CG-South-Ripley-Solar-PSS-5.31.20-web.pdf>). At the close of the public comment period, the Applicant prepared a document summarizing the comments received on the PSS and its response to those comments, all of which was submitted to the DMM. A majority of the comments were

¹ <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-F-0560>

² <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

received from NYSDPS and NYSDEC with additional comments submitted by the Town of Ripley, the Ripley Fire Department, the NYSDAM, and local citizens. Comments received were primarily centered on the following topics: noise, terrestrial ecology and wetlands, land use, and public health and safety.

Post-Application Engagement

The Applicant will continue to seek stakeholder participation in the development and construction phase of the Project. The Applicant is considering hosting additional public meetings, with format (virtual or in-person) dependent on regional and national COVID restrictions. The Applicant will continue to provide local donations and sponsorships to local businesses, social organizations, school clubs, and charity organizations. Additionally, the Applicant will track community engagement and provide updates on public outreach activities to stakeholders.