APPENDIX 15-A

Agricultural Plan

CONTENTS

ACRONYM LIST

Applicant	Somerset Solar, LLC
EM	Environmental Monitor
Facility	Somerset Solar Facility
Facility Site	The approximately 696-acre limit of disturbance associated with the Facility
Facility Substation	Somerset Collector Substation
Guidelines	New York State Department of Agriculture and Markets guidance document “Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands”, dated October 2019
HDD	Horizontal Directional Drilling
MSG	mineral soil group
NYSAGM	New York State Department of Agriculture and Markets
Project Site	The approximately 1,396 acres of the Project Parcels under lease agreement between the Applicant and the landowner, in which the Applicant has performed diligence, surveys and assessments in support of Facility design and layout.
USDA	United States Department of Agriculture

1 Introduction

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

- Areas of active agricultural production defined as active for 3 of the last 5 years within New York State Agricultural Land Classified Mineral Soil Groups (MSGs) 1–4;
- Lands where the proposed solar development will be returned to agricultural use upon decommissioning (typically those lands inside of the developed Facility's security fence); and
- The Facility's limit of disturbance (Facility Site, totaling approximately 696 acres) during construction under review pursuant to Section 94-c regulations.

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

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

2 Areas of Active Agriculture Production

Parcels on the Project Site with active agriculture production in 3 of the past 5 years have been identified from data available from the United State Department of Agriculture (USDA) National Agricultural Statistics Service and confirmed with the landowner (Figure 15-5). Within the Facility Site, approximately 538 acres (78%) of agricultural soils are classified as New York State Agriculture Land Classification's MSGs 1–4. Permanent impacts to MSGs 1–4 for the Somerset Collector Substation (Facility Substation) footprint and grading and construction of access roads and equipment pads is approximately 15 acres. Temporary impacts to MSG 1–4 soils from all other activities is approximately 115.7 acres (Figure 15-9).

Approximately 375 acres[2] of disturbance to active agricultural land is anticipated to occur within the Facility Site. Of these 375 acres, only approximately 7 acres will be permanently impacted by construction of access roads, inverter pads, and fenceposts. Facility components that will result in approximately 368 acres of temporary disturbance to agricultural lands due to general disturbances (i.e., foot and vehicle traffic, general construction activities), installation of PV racking, laydown yards, tree/shrub clearing and grubbing, stormwater filter strips, and fencing.

3 Existing Water Management

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

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

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

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

4 Construction

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

Where feasible, stripped topsoil will be stockpiled from work areas and kept separate from other excavated material (rock and/or sub-soil). Excavations will be backfilled with native material and the segregated topsoil will be placed on top. Where feasible, topsoil will be stockpiled as close as practical to the area where stripped/removed to be used for restoration on that area. Any topsoil removed from permanently converted agricultural areas (e.g., permanent roads, etc.) will be spread in adjacent agricultural areas within the Facility Site in a manner consistent with the Facility grading and drainage plan. No permanent topsoil stockpile areas are proposed.

All vehicle and equipment traffic, parking, and material storage will be limited to the access roads and/or designated work areas, such as laydown areas. Proposed permanent access roads will be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM.

When open-cut trenching is proposed, topsoil will be segregated from other materials and subsequently graded on top of the backfilled native material when closing a trench. HDD or equivalent installation techniques that do not disrupt the soil profile will be used wherever practicable. Any HDD drilling fluid inadvertently discharged will be removed from agricultural areas per the Facility's Spill Prevention Control and Countermeasures Plan (to be developed and approved by the Office of Renewable Energy Siting prior to construction). Narrow open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, will be exempt from topsoil segregation.

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

5 Monitoring and Remediation

The Applicant will hire or designate an EM to oversee the construction, restoration, and follow-up monitoring in agricultural areas. At this time, co-use of agricultural activities is not planned, as no areas located outside the Facility Site and within the Project Site have been identified for continued farming practices during operations. Nevertheless, construction activities located on agricultural lands will be monitored by the EM to ensure impacts to agricultural lands are minimized to the extent practicable, to ensure agricultural lands can be restored to their former use during decommissioning, if desired by the landowners at that time.

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

6 Decommissioning

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

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

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

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

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