

APPLICATION TO
LEWIS COUNTY
INDUSTRIAL DEVELOPMENT AGENCY
(LCIDA)
FOR
PROJECT TAX BENEFITS AND/OR
SALE-LEASEBACK TRANSACTION



Lewis County Economic Development
7642 N. State Street
Lowville, NY 13367

naturallylewis.com / 315.376.3014
info@naturallylewis.com

Lewis County Industrial Development Agency Application for Project Tax Benefits and/or Sale Leaseback Transactions

1. Items Needed for this Application:

- a. Business Plan (narrative & purpose of project to include economic impact and justification for receiving public benefits)
- b. 3 Years of business Tax Information (Personal tax information if new business)
- c. Balance Sheet – Outstanding Loans/Debts
- d. Financial Projections for Project
- e. Selected items above can be waived if not applicable upon discussion with LCIDA representatives.

2. Applicant Information

| | |
|----------------|--|
| Company Name | Duke Energy Renewables Solar, LLC |
| Address | 550 South Caldwell St., Suite 600, Charlotte, NC 28202 |
| | 550 South Caldwell St., Suite 600, Charlotte, NC 28202 |
| Contact Person | Tyler Coon |
| Phone Number | 317-838-2806 |
| Email | tyler.coon@duke-energy.com |
| Federal Tax ID | 31-1503859 |
| Date | 04/03/2019 |

3. Form of Entity

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | Corporation |
| <input type="checkbox"/> | Partnership (General____ or Limited____; Number of General Partners____ and, if applicable, Number of Limited Partners____, List Partners in section below |
| <input checked="" type="checkbox"/> | Limited Liability Company, Number of Members <u>N/A</u> |
| <input type="checkbox"/> | Sole Proprietorship |

4. Principal Owners/Officers/Directors (list owners with 5% or more in equity holdings with percentage of ownership)

| Name | Address | Percentage Ownership/Office |
|------------------------------|--|-----------------------------|
| Duke Energy Renewables, Inc. | 550 S. Caldwell St., Ste. 600, Charlotte, NC 28202 | 100% |
| | | |
| | | |

5. If a corporation, partnership or limited liability company:

- a. What is the date of establishment? May 13, 2010
- b. Place of Organization Delaware
- c. If a foreign organization, is the Applicant authorized to do business in the State of New York?
N/A (Attached organizational chart or other description if applicant is a subsidiary or otherwise affiliated with another entity)

Attach certified financial statements for the company's last three complete fiscal years. If the company is publicly held, attach the latest Form 10K, as well.

6. Applicant Counsel The latest form 10-K for Duke Energy Corp., the ultimate parent company to Duke Energy Renewables Solar, LLC, is a 400+ page document, which can be found at www.sec.gov.

| | |
|--------------|---------------------------------|
| Name/Firm | Mark Sweeney, Sweeney Law Firm |
| Address | 16 Keith Road, Delmar, NY 12054 |
| Phone Number | 518-461-6838 |
| Email | mark@mtsweeneylaw.com |

7. Identify the assistance being requested from LCIDA:

- a. Exemption from Sales Tax Yes No
- b. Exemption from Mortgage Tax Yes No
- c. Exemption from Real Property Tax Yes No
- d. Equipment Purchase Leaseback Yes No
- e. Tax Exempt Financing* Yes No
(Typically for not-for-profits & small qualified manufacturers)

8. Project Information

- a. **Please attach a narrative description of the Project.** See Exhibit A
- b. Location of the Project:

| | |
|------------------|--|
| Project Address | West of State Route 12D and east of Brock Road, Lewis County, New York (43.564757 N, -75.359645 W) |
| Town/Village of: | Leyden |
| School District | Adirondack Central School District |
| Tax Map No. | 403.00-01-07.100 and 403.00-01-11.000 |

- c. Are Utilities (water, wastewater, electric, gas, broadband) on Site and acceptable for the project?
 Yes No
- d. Present Legal Owner of the site, if other than Applicant, and by what means will the site be acquired for this Project? Harold & Nancy Wheelock and Thomas Krywosa. Lease.
- e. Zoning of Project Site:

| | | | |
|----------|--------------------------|-----------|--------------------------|
| Current: | Residential/Agricultural | Proposed: | Residential/Agricultural |
|----------|--------------------------|-----------|--------------------------|

- f. Are any zoning approvals need? Identify: No

- g. Local Permitting and Approvals – Does the project require local planning or permitting approvals? If so, please explain:
Yes, we have submitted a Land Use Application and Site Plan Review Application to the Town of Leyden.
- h. Will a site plan need to be filed? (Yes/No) If so, please include copy if prepared. Yes, see Exhibit B.
- i. Does a State Environmental Quality Review Act (“SEQRA”) Environmental Assessment Form need to be filed? (Yes/No) If yes, attach the SEQRA Form. If no, please explain:
Yes, see Exhibit C.
- j. If answer to question i. is yes, has a lead agency been designated under the State Environmental Quality Review Act (“SEQRA”)? (Yes/No) If no, please explain:
Yes, Town of Leyden Planning Board
- k. Will the project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? (Yes/No) If yes, please explain:
No.
- l. Will the project result in the abandonment of one or more plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? (Yes/No) If yes, please explain:
No.
- m. If the answer to either question k or l is Yes, indicate whether any of the following apply to the project:
- i. Is the project reasonably necessary to preserve the competitive position of the Company or such project occupant in its industry? (Yes/No) If yes, please explain:
N/A
 - ii. Is the project reasonably necessary to discourage the Company or such project occupant from removing such other plant or facility to a location outside of the State of New York? (Yes/No) If yes, please explain:
N/A
- n. Does the project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? If yes, please explain:
No.
- i. If the answer to n. is yes, what percentage of the cost of the project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the project? N/A%
 - ii. If more than 33.3%, indicate whether any of the following apply to the Project:
 - iii. Will the project be operated by a not-for-profit corporation? (Yes/No) If yes, please explain:
No.
 - iv. Is the project likely to attract a significant number of visitors from outside the economic development region in which the project is located? (Yes/No) If yes, please explain:
No.
 - v. Please confirm by circling Yes or No, if there is a likelihood that the Project would not be undertaken if Financial Assistance was not provided by the LCIDA? (Yes/No) Yes

vi. If the project could be undertaken without financial assistance provided by the LCIDA, then provide a statement below indicating why the project should be undertaken by the LCIDA:
N/A

vii. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the City, Town or Village within which the project will be located because of a lack of reasonably accessible retail trade facilities offering such goods or services? (Yes/No) If yes, please explain:
No.

o. Will the project be located in a census tract or block numbering area (or census tract or block number area contiguous thereto) which, according to the most recent census data, has either a poverty rate of at least 20% for the year which the data relates, or at least 20% of households receiving public assistance, or an unemployment rate of at least 1.25 times the statewide unemployment rate for the year which the data resides? (Yes/No) If yes, please explain:
No.

p. Does the company intent to lease or sublease more than 10% (by area of fair market value) of the project? (Yes/No) If yes, please complete the following for EACH existing or proposed tenant or sub tenant: No.

1. Sub lessee Name: N/A

2. Present Address:

N/A

3. Employer ID No.: N/A

4. Sub lessee is a: N/A (Corp., LLC, Partnership, Sole Proprietorship)

5. Relationship to the Company: N/A

6. Percentage of Project to be leased or subleased: N/A

7. Use of project intended by sub lessee: N/A

8. Date and Term of Lease or Sublease to Sub Lessee: N/A

Will any portion of the space leased by this sub lessee be primarily used in making retail sales of goods or services to customers who personally visit the project? (Yes/No) If yes, please provide on a separate attachment: a. details and b. the answers to questions 1-5 with respect to such sub lessee.

9. Total Project Costs (Estimates)

By Lewis County IDA policy, our project fee to be paid by the developer is based on the estimate in this application of total project cost (includes all items listed in chart below). This estimate should be supported by detailed information and cost estimates provided by legitimate sources.

| Category | Acres/Sq. Ft./Ft. (if applicable) | Cost |
|--|-----------------------------------|-----------------------------|
| Land-Acquisition | | |
| Buildings – Construction/Renovation | | Minimum \$18,500,000 |
| Utilities, roads or other infrastructure | | |
| Machinery & Equipment | Not Applicable | |
| Soft Costs (Architect & Engineering Fees) | Not Applicable | \$1,000,000 |
| Costs of Bond Issue | Not Applicable | |
| Construction Loan Fees and Interest | Not Applicable | |
| Other (specify) | | |
| Total Project Costs | | Minimum \$19,500,000 |

- a. Please describe specifically what the project costs will go towards (provide an attached summary for more information if needed).

See Exhibit A for a description of improvements.

| Sources of Funding for Project Costs | Amount |
|--|-----------------------------|
| Bank Financing | |
| Equity (Excluding equity that is attributed to grants/tax credits) | |
| Tax Exempt Bond Issuance (if applicable) | |
| Taxable Bond Issuance (if applicable) | |
| Public Sources (Include sum total of all state and federal grants and tax credits) | |
| Grants (Identify All) | |
| Personal Financing | |
| Corporate Balance Sheet | Minimum \$19,500,000 |
| Total Sources of Funds | Minimum \$19,500,000 |

10. Job Creation

See Labor Impact description in Exhibit D

Construction Jobs created by the project: _____ Anticipated Dates of Construction: Apr.-Dec. 2020

- Column A:** Insert the job titles that exist within the company at the time of application, as well as any job titles that will be established as a result of the Project.
- Column B:** Indicate the entry level wage for each listed job title either in terms of hourly pay or annual salary.
- Column C:** For each listed job title insert the number of positions that exist at the time of application.
- Column D:** Insert the number of jobs to be created during year one of the Project for each listed job title.
- Column E:** Insert the number of jobs to be created during year two of the Project for each listed job title.
- Column F:** Insert the number of jobs to be created during year three of the Project for each listed job title.
- Column G:** Indicate the total number of jobs to be created for each listed title as a result of the Project. (Column D + Column E + Column F = Column G)

| (A) Job Title | (B) Annual or Hourly Wages | (C) Current Number of Positions | (D) Jobs Created: Year 1 | (E) Jobs Created: Year 2 | (F) Jobs Created: Year 3 | (G) Total Jobs Created |
|------------------|-------------------------------------|--|-----------------------------------|-----------------------------------|-----------------------------------|---------------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Use of Local Workforce Policy

The use of 'local labor' will be a factor in evaluating this application. Answers to the following questions will assist us in that evaluation:

'Local labor' for the purpose of this application is defined as residents from Lewis, Oneida, Jefferson, St. Lawrence & Oswego Counties. If a 'labor workforce plan' has been designated, please include that plan as an addendum to this application. Questions below are applicable for both a construction project and for operations of a sustaining project.

- a. Please check which best describes your project scope:
 Construction Project Long Term Operations Project Both
- b. How will the project developer seek out and use the local workforce? If your workforce is already "local" by definition, please explain:
We will advertise in local newspapers for construction positions.
- c. What is your total expected workforce during the construction phase of the project? 50+ at maximum employment
- d. What percentage of those are expected to be local? Unknown, depends on qualifications of local workforce
- e. What is the total expected workforce during the operations phase of the project?
Part-time position for operations and maintenance.
- f. What percentage of the operational workforce will be local? Unknown, depends on qualifications.
- g. What specific approaches are to be used in your efforts to identify local workforce candidates if additional project workers are necessary?
Advertise in local newspapers and work with hiring agencies.

- h. If additional contractors or subcontractors are to be hired, will you request use of local labor? If so, please give examples of how that request will be made:

Yes, to the extent that qualified services are available locally. Subcontracted services are typically competitively bid. These services may include landscaping, fencing, etc.

- i. The LCIDA acknowledges that the extensive use of local labor is not always possible. Are there circumstances, such as those used in the examples below, that will affect the percentage of local labor for your project? Please explain:

- i. Is there a warrantee issue involved?
- ii. The work is so highly specialized that local labor cannot be found.
- iii. You identified a significant cost differential when using local labor.
- iv. No local labor is available.

Yes. Some of the services required can be highly specialized, could result in significant cost differential, and may not be available in the local workforce. These projects will be built using prevailing wage, and finding expertise is sometimes difficult in smaller communities

It is the intention of the LCIDA to randomly verify the use of the local labor workforce, using whatever method it determines most effective. This verification may occur throughout the term of any incentive programs or loans granted.

11. Positive Impacts

- a. Please list any other positive impacts that the project may have on Lewis County:

Increased revenue to the County in the form of annual PILOTs and (later) property taxes. Direct and indirect benefits from construction labor. Ongoing operations and maintenance contract work. Clean energy supply with minimal water use.

12. References

Please list three (3) professional/business references:

1. Name: N/A
Address: _____
Relationship: _____
2. Name: _____
Address: _____
Relationship: _____
3. Name: _____
Address: _____
4. Relationship: _____

13. Representations by the Applicant

The Applicant understands and agrees with the Agency as follows:

- A. **Job Listings:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created

as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.

B. First Consideration for Employment: In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. Annual Sales Tax Filings: In accordance with Section 874 (8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874 (8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

D. Annual Employment Reports: The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

E. Confirmation Documentation: The applicant understands and agrees that if the Project receives assistance from the Agency/Corporation---either tax incentives or loans---the applicant agrees to provide the Agency/Corporation, if requested, with a copy of their 'Annual Report' , their 'Annual Audit Report', their corporate or personal tax returns and/or their New York State Form 'NYS-45' (Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return), as appropriate, throughout the period that benefits are provided the company. These reporting requirements---specifically identified in Closing Documents, Loan Documents or other project specific agreements---may be used by the Agency/Corporation to assist us in verifying that commitments made as part of this application--- regarding stated goals for employment or capital investment in the project---are being achieved.

F. Absence of Conflicts of Interest: The applicant has reviewed the Agency's website and identified the list of the members, officers, employees and Counsel of the Agency. No member, officer, employee, or Counsel of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

N/A

G. Claw-back Provision: The applicant is making certain representations in this request for assistance.

Based on these representations, a decision will be rendered as to whether our organization will extend those benefits. If benefits are extended---particularly as regards to property tax benefits, sales tax benefits and/or mortgage recording tax savings---and representations made in this application are not achieved--- this organization reserves the right to seek the return of those benefits, in whole or in part, on behalf of the impacted taxing jurisdictions. The decision to seek a return of any provided benefit will follow a process that will include an investigation of the reasons surrounding the failure to achieve the promised benefits. In all cases, whatever decision is made and action taken those actions will remain the sole determination of our organization. If a recall of these benefits is warranted, notice will be made to the applicant, in writing, and the applicant shall have thirty days to bring to this organization all circumstances which may bear on

the recall of these benefits. The recall of benefits (claw-back) will be authorized by formal resolution of our governing Board.

H. Property Tax Assessment: The applicant acknowledges it does not have an existing property tax assessment challenge in process on the property under consideration in this application and it does not intend to file a challenge prior to completion of this application and approval of benefits.

**HOLD HARMLESS AGREEMENT and APPLICATION DISCLAIMER AND CERTIFICATION
PURSUANT TO NEW YORK STATE FREEDOM OF INFORMATION LAW ("FOIL")**

Applicant hereby releases the Lewis County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the 'Agency') from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemption and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Through submission of this Application for Financial Assistance (this "Application"), the Company acknowledges that the Agency, as a public benefit corporation, is subject to the New York State Freedom of Information Law ("FOIL") and Open Meetings Law ("OML"), as codified pursuant to the Public Officers Law ("POL") of the State of New York (the "State"). Accordingly, unless portions hereof are otherwise protected in accordance with this Certification, this Application, including all Company-specific information contained herein, is subject to public disclosure in accordance with applicable provisions of the POL, Article 18-A of the General Municipal Law ("GML") and the Public Authorities Accountability Act of 2005, as codified within the Public Authorities Law ("PAL") of the State. Specifically, this Application may be disclosed by the Agency to any member of the public pursuant to a properly submitted request under FOIL and the Agency is further required to affirmatively disclose certain provisions contained herein pursuant to the GML and PAL, including the identification of the Company, general project description, location proposed capital investment and job estimates.

Notwithstanding the foregoing, the Company, pursuant to this Certification, may formally request that the Agency consider certain information contained within this Application and other applicable supporting materials proprietary information and "trade secrets", as defined within POL Section 87(2)(d). To the extent that any such information should qualify as trade secrets, the Company hereby requests that the Agency redact same in the event that formal disclosure is requested by any party pursuant to FOIL. Application Sections or information requested by Company for Redaction*:

(* - Please indicate specific sections within Application that the Company seeks to qualify as "trade secrets". Additional correspondence or supporting information may be attached hereto. Please also note that notwithstanding the Company's request, the Agency shall make an independent determination of the extent to which any information contained herein may be considered as such). Please also make specific reference to any data or information, which if disclosed, would cause substantial injury to the competitive position of your business enterprise.

In the event that the Agency is served with or receives any subpoena, request for production, discovery request, or information request in any forum that calls for the disclosure of the Application, in entirety, specifically including but not limited to any demand or request for production or review of Company-designated trade secrets, the Agency agrees to notify the Company as promptly as is reasonably possible, and to utilize its best efforts to: oppose or decline any such request; preserve the confidentiality and non-disclosure of such requested confidential material; and maintain such information and prevent inadvertent disclosure in responding to any such discovery or information request. The Company understands and agrees that all reasonable costs, including attorney's fees, associated with any such formal undertaking by the Agency to protect the trade secrets from disclosure shall be reimbursed by the Company to the Agency.

- (a) The sum of \$500 as a non-refundable processing fee.
- (b) An amount equal to 2% of the total project costs for projects with bond financing, and an amount equal to 1% of the total project costs for all other projects for which the Agency provides financial assistance, to be paid at transaction closing (see page 2 of this application and the attached fee schedule for more specifics regarding these fees);
- (c) An amount equal to \$3,000 payable to the Agency's bond/transaction counsel for the preparation and review of the inducement resolution, the environmental compliance resolution, TEFRA hearing proceedings and the tax questionnaire assuming no further activity occurs after the completion of the inducement proceedings, to be paid within ten (10) business days of the receipt of bond/transaction counsel's invoice;
- (d) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel or bond/transaction counsel, and (2) other consultants retained by the Agency in connection with the proposed project; with all such charges to be paid by the applicant at the closing or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel; *
- (e) The cost incurred by the Agency and paid by the applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a cost of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.

The applicant further covenants and agrees that the applicant is liable for payment to the Agency of all charges referred to above, as well as all other actual costs and expenses incurred by the Agency in handling the application and pursuing the proposed project notwithstanding the occurrence of any of the following:

- (a) The applicant's withdrawal, abandonment, cancellation or failure to pursue the Application;
- (b) The inability of the Agency or the applicant to procure the services of one or more financial institutions to provide financing for the proposed project;
- (c) The applicant's failure, for whatever reason, to undertake and/or successfully complete the proposed project; or
- (d) The Agency's failure, for whatever reason, to issue tax-exempt revenue bonds in lieu of conventional financing.

The applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

*Fees, costs and expenses described in paragraph (d) on this page, payable by the applicant, shall be limited to \$12,000. The Agency will contact the applicant if it believes that limit may be exceeded, at which time the applicant will decide whether to move forward with the Project Tax Benefits application. If the applicant wishes to move forward, the Agency and the applicant will split any such fees, costs, and expenses beyond the initial \$12,000.

Company Acknowledgment and Certification:

STATE OF NEW YORK)

COUNTY OF LEWIS) ss.:

Brian K. Stallman, being first duly sworn, deposes and says:

1. That I am the Vice President (Corporate Office) of Duke Energy Renewables, Inc. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

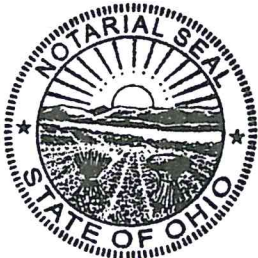


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury

this 20 day of May, 2019

Notary Public



THERESA A. BOWLES
Notary Public, State of Ohio
My Commission Expires 10-13-2019



****This section to be completed by LCIDA****

| A Estimated Project Costs Eligible for LCIDA Financing | | |
|--|--|---------------|
| 1. | Sales & Tax Use | |
| | a. Amount of Project Cost Subject to Sales & Use Tax | \$ 18,500,000 |
| | Sales & Use Tax Rate | 8.0% |
| | b. Estimated Sales Tax (a. X .08): | \$ 1,480,000 |
| 2. | Mortgage Recording Tax Exemption | |
| | a. Projected Amount of Mortgage | \$ 0 |
| | Mortgage Recording Tax Rate | 0.75% |
| | b. Estimated Mortgage Recording Tax (a. X .0075) | \$ 0 |
| 3 | Real Property Tax Exemption | |
| | a. Projected Increase in Assessed Property Value due to Project | \$ 18,000,000 |
| | b. Total Applicable Tax Rates per \$1000 | \$ 25.91476 |
| | c. Estimated Annual Taxes without PILOT (a X b)/1,000 | \$ 466,465.68 |
| 4 | Interest Exemption (Bond Transactions Only) | |
| | a. Total Estimated Interest Expense Assuming Taxable Interest | \$ n/a |
| | b. Total Estimated Interest Expense Assuming Tax-exempt Interest | \$ n/a |
| B Estimated Benefits of LCIDA Financial Assistance | | |
| 1 | Current Company Employment in Lewis County | 0 |
| 2 | Current Company Payroll in Lewis County | \$ 0 |
| 3 | Project Jobs to be Created over 3 Years | 0 |

| Task | Date | Staff Initials |
|---|------------------|----------------|
| OSC Project Number Assigned | 12/4/20 | CLS |
| Retail Determination (Y/N) Retail Exception Used: | n/a | CLS |
| Date Application Assigned to Agency Counsel | 6/10/19 | EV |
| UTEP Deviation (Y/N) | 11/22/20 | CLS |
| IRB - Volume Cao Needed (Y/N) | n/a | CLS |
| IRB/501c3 - FEFRA Required (Y/N) | n/a | CLS |
| Date of Agency adoption of Initial Resolution | 9/5/19 | CLS |
| Date set for Public Hearing | 9/16/20 | CLS |
| Public Hearing Notice - Publication Date/ATJ Mailings | 9/16/20, 9/23/20 | CLS |
| Date of Agency adoption of Closing Resolution | 12/3/20 | CLS |
| Date of final approval of application | 12/3/20 | CLS |

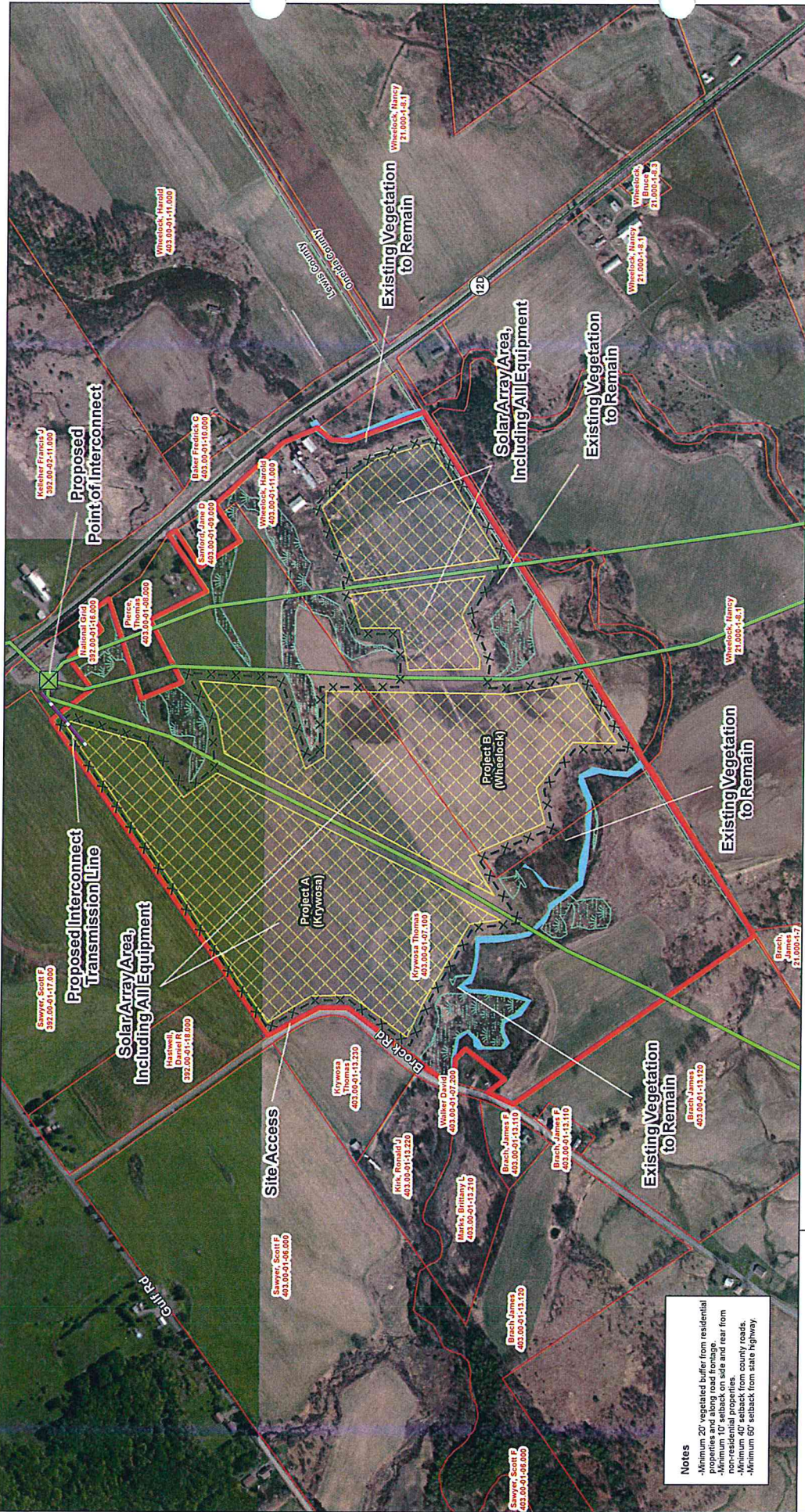
Exhibit A

Duke Energy Renewables Proposed North Country Solar Power Facility Project Description

Duke Energy Renewables (DER) proposes to construct a 20.7 MW_{DC} solar power generation array on 72 acres of the 173-acre site. The array will be made up of approximately 55,000 tier-1-supplier, multi-crystalline Mono-PERC photovoltaic (PV) modules rated at 400+/- watts. The current design has the PV modules mounted on a fixed tilt racking system. The design utilizes six 4 MW_{AC-nominal} inverter skids that collect the direct current (DC) power generated by the PV modules and convert it to alternating current (AC) power consistent with the interconnecting utilities system. Included within the inverters skids are transformers that transform the voltage to the 46 kV (kilovolt) voltage used by the utility. The balance of the DC system will include string wiring, combiner boxes, and power cables from the combiner boxes to the inverters. The AC collection system will bring the power from the inverters to the collection switchgear for connection to the utility at the Point of Interconnect (POI). The POI is located immediately adjacent to the project facility. To the extent solar technology and availability changes over time, certain design components described herein may change in the final design.

A permanent access road for the site will be constructed from State Route 12D. Most of the onsite access road from the public road entrance, throughout the project site will be designed and constructed of stone in accordance with local standards and design documents, to allow for maintenance access for the life of the project. DER shall install drainage features in accordance with permit drawings and shall take appropriate measures to maintain the site in a dry and safe condition.

The land use within the proposed footprint of the North Country Solar Facility is mainly pasture land that is utilized for hay production, with areas used for row crops (*i.e.*, corn). There are some mixed pine/hardwood and scrub-shrub habitats that are associated with potential wetland habitat located in the eastern and western portions of the property but are avoided with the present facility layout of panels and associated structures. The property also contains three (3) electrical transmission rights-of-way. The stormwater pollution prevention plan (SWPPP) design for this project will be submitted for regulatory review separately, and with sufficient time for review prior to construction.



Project Location: Lewis County, New York

0 250 500 Feet

FIGURE 3

Prepared by: B. Richards Date: 2019-03-27

Duke Energy Renewables North Country Solar Project

Proposed Operational Conditions Plan

LEGEND

| | |
|------------------------------|------------------------------|
| Project Boundary | USACE Wetlands |
| Parcel Boundary | Stream Location |
| Solar Array Area | county/p010g |
| Proposed Security Fence | Existing Electric Substation |
| Existing Electric Substation | Existing Overhead Power Line |

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ENERGY RENEWAL PARTNERS, LLC

Notes

- Minimum 20' vegetated buffer from residential properties and along road frontage.
- Minimum 10' setback on side and rear from non-residential properties, county roads.
- Minimum 50' setback from state highway.

Exhibit C

State Environmental Quality Review Act (SEQRA)

Full Environmental Assessment Form (FEAF)

Part 2

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

| 1. Impact on Land | | | |
|---|-----------------------------|--|------------------------------------|
| Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) | | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
| <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet. | E2d | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Identify the specific land form(s) attached: _____ _____ | E2g | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____ | E3c | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may create a new water body. | D2b, D1h | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. | D2b | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. | D2a | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. | E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. | D2a, D2h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. | D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). | D2d | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. | D2e | <input type="checkbox"/> | <input type="checkbox"/> |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. | E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| j. The proposed action may involve the application of pesticides or herbicides in or around any water body. | D2q, E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. | D1a, D2d | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|----------------------------------|--|--------------------------|--------------------------|
| I. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------|--|--------------------------|--------------------------|

4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. | D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____ | D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services. | D1a, D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may include or require wastewater discharged to groundwater. | D2d, E2l | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. | D2c, E1f, E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. | D2p, E2l | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. | E2h, D2q, E2l, D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may result in development in a designated floodway. | E2i | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in development within a 100 year floodplain. | E2j | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in development within a 500 year floodplain. | E2k | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may result in, or require, modification of existing drainage patterns. | D2b, D2e | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may change flood water flows that contribute to flooding. | D2b, E2i, E2j, E2k | <input type="checkbox"/> | <input type="checkbox"/> |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? | E1e | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|----------------------------------|--------------------------|--------------------------|
| g. Other impacts: _____ _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------|--------------------------|--------------------------|

| | | | |
|---|------------------------------------|--------------------------------------|---|
| 6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2,h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: | | | |
| i. More than 1000 tons/year of carbon dioxide (CO ₂) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| vi. 43 tons/year or more of methane | D2h | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants. | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour. | D2f, D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above. | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour. | D2s | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|------------------------------------|--------------------------------------|---|
| 7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2o | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. | E2o | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2p | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. | E2p | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|-----|--------------------------|--------------------------|
| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. | E3c | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____ | E2n | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. | E2m | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ | E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. | D2q | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|------------------------------------|--------------------------------------|---|
| 8. Impact on Agricultural Resources | | | |
| The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) | | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES |
| <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. | E2c, E3b | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). | E1a, E1b | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. | E3b | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system. | E1 a, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. | C2c, C3, D2c, D2d | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. | C2c | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|------------------------------------|--|--|
| 9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> | | | |
| | | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. | E3h | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. | E3h, C2b | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round | E3h | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities | E3h E2q, E1c | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. | E3h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile | D1a, E1a, D1f, D1g | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|------------------------------------|--------------------------------------|---|
| 10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i> | | | |
| | | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. | E3e | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. | E3f | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____ | E3g | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|----------------------------|-------------------------------------|--------------------------|
| d. Other impacts: <u>Phase 1a Cultural Resources Survey is pending.</u> | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3: | | | |
| i. The proposed action may result in the destruction or alteration of all or part of the site or property. | E3e, E3g, E3f | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. The proposed action may result in the alteration of the property's setting or integrity. | E3e, E3f, E3g, E1a, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. | E3e, E3f, E3g, E3h, C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|------------------------------------|--|---|
| 11. Impact on Open Space and Recreation | | | |
| The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i> | | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b E2h, E2m, E2o, E2n, E2p | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in the loss of a current or future recreational resource. | C2a, E1c, C2c, E2q | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources. | C2a, C2c E1c, E2q | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource. | C2c, E1c | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|------------------------------------|--|---|
| 12. Impact on Critical Environmental Areas | | | |
| The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i> | | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. | E3d | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA. | E3d | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Projected traffic increase may exceed capacity of existing road network. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action will degrade existing transit access. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may alter the present pattern of movement of people or goods. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------------|------------------------------------|
| a. The proposed action will require a new, or an upgrade to an existing, substation. | D2k | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. | D1f, D1q, D2k | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. | D2k | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. | D1g | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other Impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may produce sound above noise levels established by local regulation. | D2m | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. | D2m, E1d | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in routine odors for more than one hour per day. | D2o | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|----------|--------------------------|--------------------------|
| d. The proposed action may result in light shining onto adjoining properties. | D2n | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) NO YES

If "Yes", answer questions a - m. If "No", go to Section 17.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community. | E1d | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The site of the proposed action is currently undergoing remediation. | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction). | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health. | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action involves construction or modification of a solid waste management facility. | D2q, E1f | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action may result in the unearthing of solid or hazardous waste. | D2q, E1f | <input type="checkbox"/> | <input type="checkbox"/> |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. | D2r, D2s | <input type="checkbox"/> | <input type="checkbox"/> |
| j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste. | E1f, E1g E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures. | E1f, E1g | <input type="checkbox"/> | <input type="checkbox"/> |
| l. The proposed action may result in the release of contaminated leachate from the project site. | D2s, E1f, D2r | <input type="checkbox"/> | <input type="checkbox"/> |
| m. Other impacts: _____ _____ | | | |

| | | | |
|---|------------------------------------|--------------------------------------|---|
| 17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). | C2, C3, D1a E1a, E1b | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. | C2 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action is inconsistent with local land use plans or zoning regulations. | C2, C2, C3 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans. | C2, C2 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. | C3, D1c, D1d, D1f, D1d, E1b | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. | C4, D2c, D2d D2j | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) | C2a | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h. Other: _____ _____ | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|------------------------------------|--------------------------------------|---|
| 18. Consistency with Community Character The proposed project is inconsistent with the existing community character. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. | E3e, E3f, E3g | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) | C4 | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. | C2, C3, D1f D1g, E1a | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. | C2, E3 | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action is inconsistent with the predominant architectural scale and character. | C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Proposed action is inconsistent with the character of the existing natural landscape. | C2, C3 E1a, E1b E2g, E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

State Environmental Quality Review Act (SEQRA)

Full Environmental Assessment Form (FEAF)

Part 3

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Agricultural Resources: The project requires the development of existing agricultural land, however, the decommissioning plan for the project will include removal of all structures that will allow the site to be used as agricultural land after the solar facility has completed its useful lifespan. No toxic materials will be stored or manufactured on the site, so soil will not be contaminated. Soil conservation best management practices are proposed (i.e., sedimentation and erosion control plans and post-construction plantings) to protect soil integrity.

Historic/Archaeological Resources: A Phase 1a Cultural Resources Survey will be conducted on the site to determine whether further investigation (Phase 1b Survey) needs to be performed. If any artifacts or sensitive areas are identified, the applicant will comply with direction of NYSOPRHP in avoiding, minimizing, or mitigating potential impacts to cultural resources.

Energy Impacts: The project will generate 20.7 MW (DC) of energy that will be contributed to the regional electric power grid. This is not anticipated to create any new local energy demands, and will provide clean energy for the power grid.

Consistency with Community Plans: This will be the first solar power project in the Town of Leyden, so is not consistent with past land uses. However, it will not induce population growth, change density of development, require any new public infrastructure, or induce secondary development pressure in the community, so is not likely to materially interfere with the local development patterns or character.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Site plans, project description

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Leyden Town Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Duke Energy Renewables' North Country Solar Facility

Name of Lead Agency: Town of Leyden Town Board

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

Exhibit D

Labor Impact

The construction of the solar project is like most construction projects in that the demand for labor peaks somewhat in the middle of the project and the demands for different trades varies throughout the construction process. The active construction period for a project of this size is typically 6 months with some minor activity continuing another 3 months for fine tuning and performance check out of the project. At the peak the project could have as many as 50-75 individuals working on the project. Duke Energy Renewables Solar will advertise locally to fill its labor needs and make reasonable efforts to maximize use of local labor and suppliers as long as local laborers and suppliers are qualified and cost competitive.

The management of the construction project is typically staffed from full-time employees of a Contractor, with a high percentage of the remaining labor being comprised local hired labor (based on availability) and local subcontractors. An example of a local subcontractor we have seen on previous projects would be fencing installation.

The initial construction starts with civil work grading and clearing the site, quickly moving into post-installation used to support the racking system (supports for the modules). The peak labor need occurs when there is an overlap of activities on the site. There will be posts being driven, racking being installed, modules being placed, inverters being placed, wiring being installed, fence being installed, etc. The project will have a variety of labor needs, such as laborers, operators and electricians.

The construction activity typically provides additional economic stimulus by also supporting local businesses such as hotels, restaurants, gas stations, hardware stores and equipment rental companies.

Post construction, projects of this size are not typically manned by a full-time on-site presence. All of Duke's solar projects, at a minimum, are monitored remotely 24/7/365. Members of our O&M team will make regular on-site visits to check on the site and perform maintenance and operational testing. Ongoing local services are typically required to meet the long-term operational and maintenance (O&M) needs of the solar facilities. Typical we utilize local workforce for things such as vegetation management and other O&M services.

DUKE ENERGY RENEWABLES, INC.
 400 S TRYON STREET
 ACCOUNTS PAYABLE - ST25B
 CHARLOTTE, NC 28202



Date: 05/21/2019
 Check #: 1000043711
 Payment Amount: 500.00
 Vendor #: 0000213213



000009 R3K1SDA
 COUNTY OF LEWIS INDUSTRIAL DEVELOPM
 AGENCY
 7642 N STATE STREET
 LOWVILLE NY 13367

Remittance Advice

| Invoice Date | Invoice # | Voucher ID # | Invoice Gross Amt | Discount Amount | Invoice Net Amt |
|--|-------------|--------------|-------------------|-----------------|-----------------|
| 05/20/2019 | PILOTAPPFEE | 10114104 | 500.00 | 0.00 | 500.00 |
| DUKE ENERGY RENEWABLES INC PILOT APPLICATION FEE | | | | | |

PLEASE DETACH BEFORE DEPOSITING CHECK