

## NYSERDA RFP No. RESRFP23-1 Community Engagement Plan

*Submitted by:  
Excelsior Energy Center, LLC*

Excelsior Energy Center, LLC (“Excelsior”) is pleased to submit its Community Engagement Plan consistent with Section 4.3.8 of the RESRFP23-1. Proposers must provide a complete Community Outreach Plan associated with the Bid Facility, and if applicable, Energy Storage, as described below.

*1) Identify the Authority Having Jurisdiction (AHJ) and taxing School District, including local elected officials’ names, contact information and tenure.*

The Excelsior Energy Center (“Project”) is proposed in the Town of Byron in Genesee County and is located within the Byron-Bergen School Districts. Town supervisor contact information is provided below:

- Town of Byron Supervisor: Candace Hensel
  - Contact:
    - Address: 7028 Byron Holley Rd, PO Box 9, Byron, NY 14422
    - Email: supervisor@byronny.com
    - Phone: 585-548-7123
  - Tenure: Elected November 2023

*4) Detail outreach strategies and activities the Proposer has implemented to date and will use to engage stakeholders and interested parties, including affected agencies, and to encourage public involvement throughout the pre-award, development, construction, and operation phases (consistent with the Project Milestone Schedule), including methods of communication and specific channels the Proposer intends to use to disseminate Bid Facility information.*

Excelsior conducted extensive stakeholder outreach and community engagement throughout the Article 10 review process that culminated in the issuance of a Certificate of Environmental Compatibility and Public Need from the New York State Board on Electric Generation Siting and the Environment. A Public Involvement Program (“PIP”) Plan was developed during the Project’s pre-application phase in April 2019. The overall objective of the PIP Plan is to engage with all stakeholders in order to understand their varied interests and concerns as they relate to the Project, to seek their input and to gather specific, objective information that was utilized to inform the detailed study plans, and to explain methods Excelsior uses to keep stakeholders informed throughout the entire Article 10 process. The full PIP Plan can be found on the [Excelsior Energy Center](#) DMM page (Final PIP posted on 06/20/2019 with a supplement filed 08/04/2020).

Elements of the Project's PIP Plan implemented to date are summarized in the following sections. These elements outline Excelsior's approach to engaging with stakeholders from the start (pre-application phase) of the Project.

## Excelsior Energy Center Public Involvement Program Elements

In order to encourage public involvement in the Project throughout the Article 10 process, information such as fact sheets, town board meeting and open house presentations, and educational materials were made available on the Project's website (<http://www.excelsiorenergycenter.com>) beginning on June 19, 2019. Information related to language access, identification of environmental justice areas, intervenor funding, a Project toll-free telephone number (800-674-8613), and the use of document repositories for paper copies of major project documents are outlined in the PIP Plan.

The goals of the PIP Plan were to:

- Identify groups and individuals with a potential interest in the Project, i.e., "stakeholders;"
- Implement activities to make stakeholders aware of the Project;
- Facilitate stakeholders' access to information on the Project and the Article 10 review process in a relatively convenient manner;
- Engage stakeholders to understand their interests related to the Project and seek input as to how to best address their interests and concerns as the Project moves forward; and,
- Gather specific information from stakeholders that can be used to design objective and useful studies for the Project.

Excelsior completed consultations set forth in the PIP Plan and has held multiple stakeholder meetings. Throughout the process, Excelsior has encouraged community involvement through open dialog discussions and attendance at numerous meetings with various groups and individuals including adjacent landowners, community members, Byron Town Board, Byron Planning Board, Genesee County officials, Genesee County Industrial Development Agency, the Town of Byron Supervisor, the Byron-Bergen School District Superintendent, local first responders, local interest groups, and others as detailed in Project's PIP Meeting Log (also available on the DMM, last uploaded 01/22/2021).

The purpose of the PIP Meeting Log was to document outreach efforts with information such as date, location, attendees (or category thereof), a summary of topics discussed, and any follow-up steps. Excelsior updated the log on a quarterly basis and posted it on the Project website and filed it with the Siting Board Secretary. The PIP Meeting Log also detailed public and agency correspondence or outreach conducted through the Project website and by phone. Documented correspondence with Excelsior, as well as relevant questions and concerns related to the Project, were captured in the Meeting Log.

### **Public Notices**

Notices of regulatory filings, such as the Article 10 Application submittal, were served in accordance with the Article 10 regulations and to a project mailing list consisting of the Project stakeholders and

their points of contact, including host and adjacent landowners, and additional addresses received through public outreach. Excelsior publishes all required notices in local newspapers, The Daily News, The Democrat & Chronicle, and the Batavian. The notices are not placed in the “legal notice” section of the newspapers but rather a prominent location in the newspaper. Excelsior notified the entire stakeholder list, as well as residents within two miles of the Project individually by mailing an informational flyer announcing an open house and providing general Project information to all unique addresses in the tax assessment rolls.

### **Open House Information**

The PIP Plan had provided that Excelsior would hold two open house style public meetings prior to filing the Preliminary Scoping Statement, and two after the filing of the Preliminary Scoping Statement, to be held at two different times on the same day. Excelsior mailed informational flyers to 1,986 addresses via mail and 18 addresses via email, including host and adjacent property owners within the Project study area announcing the first two Project open houses. These two initial open houses were held on September 10, 2019. Information was presented describing the proposed Project, Article 10 requirements, proposed studies, availability of intervenor funding, and the review process. Input from attendees was also received and documented.

Due to restrictions on public gatherings to help curtail the COVID-19 pandemic, it was not possible to hold the post-Preliminary Scoping Statement open house event in-person. Therefore, at the request of the Presiding Examiner, a virtual open house was to be held in its place. Below is a summary of the two-session virtual open house that occurred on August 31, 2020.

Details regarding the two virtual open house sessions held on August 31, 2020 are as follows:

- The open houses were conducted from 12:00 p.m. to 1:00 p.m. and 6:00 p.m. to 7:00 p.m. via Chorus Call.
- Informational flyers were mailed to the entire stakeholder list as well as all landowners, businesses, and residences within the 2-miles of the Project (1,700+ addresses) on August 7, 2020.
- Notification was published in The Daily News, The Democrat & Chronicle, and the Batavian approximately two weeks prior to the open houses.

During the Open Houses, comments on potential visual impacts, potential wildlife and wetland impacts, array location, potential permanent jobs, quality of groundwater with regard to herbicide use and solar panel technology, and compatibility with existing community character were received. The following actions regarding these comments were performed by Excelsior:

- Increased setbacks from Project Components to property lines in specific locations;
- Re-routed the snowmobile trail to maintain this recreational resource after construction;
- Created a wildlife corridor connecting stands of forested habitat; and
- Created access ways to facilitate continued agricultural use within the Project Area.

In addition to the open house events, Excelsior's representatives attended numerous Town Board meetings as well as over 14 community meetings at the Byron Hotel hosted by the establishment's owner for members of the community. These informal meetings allowed residents and members of the community to discuss the Project, potential impacts, and community needs with Excelsior.

### **Consultation with Affected Agencies and other Stakeholders**

Each stakeholder consultation meeting was attended by the appropriate project representative and included an overview of the proposed Project and the Article 10 review process. Additional topics covered during stakeholder consultations varied depending on the stakeholder's role and potential impact. Examples of topics included availability of funding for municipal and local parties, local laws, emergency response requirements, and potential environmental impacts. Stakeholder consultation meetings were documented and summarized in the PIP Plan Meeting Log. As appropriate, Excelsior conducted subsequent meetings to answer specific questions, and to discuss studies, mitigation, or other strategies that addressed stakeholder concerns. A key to these interactions, and a core of the PIP Plan, was receiving information from the stakeholders.

### **Document Repositories**

While all information pertaining to the Project was updated via the Project website as appropriate, Excelsior also maintained hard copies of the PIP Plan, the Preliminary Scoping Statement, the Article 10 Application, mailings, and announcements at the following locations for those stakeholders who may not have access to the website, or prefer to review hard copies:

- Town of Byron Town Hall, 7028 Byron Holley Road, Byron, NY 14422
- Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416

## **Planned Public Engagement Activities Through Construction and Commercial Operation**

Excelsior will continue outreach activities with state, county, and town officials during construction. This outreach will include updates and discussions with the Town of Byron Supervisor to keep town officials and residents updated on the status of the Project. Excelsior will also continue to meet with interested parties, if requested, and will continue to engage stakeholders, sponsor open communication with non-public entities, and continue meeting with community members during preparation for construction, construction itself, and operation.

At least 14 days prior to commencement of construction, Excelsior will provide notice to host and adjacent landowners within 2,500 feet of any parcels proposed for development and publish the notice in local newspapers. Notice will also be provided to the Town of Byron, Genesee County officials, and local emergency personnel. This notice will provide important construction-related information including, but not limited to, a map of the

Project, construction schedule, transportation routes, contact information for the project development manager and construction manager; a description of how to obtain additional information about the Project; and contact information and procedure for registering a complaint.

Pre-construction activities will also include a pre-construction meeting with State agencies and the Town Supervisor and Highway Superintendent. The purpose of the meeting will be to inform the State and local officials of the pending construction activities and to establish open lines of communication.

In addition to the ongoing community engagement actions described above, Excelsior has developed a Complaint Resolution Plan to facilitate outreach during construction and operation of the Project. This plan outlines specific directions for members of the public to file any complaints and will establish a process for resolution of these complaints in a timely manner.

*5) Applicability of the CLCPA goals regarding benefits to Disadvantaged Communities that would be realized with the development and construction of the Bid Facility*

The Climate Leadership and Community Protection Act (Climate Act) requires that 35-40% of the benefits from the State's investments must be directed to disadvantaged communities (DACs) and State agencies need to consider impacts on DACs in decision making. The New York State Climate Justice Working Group (CJWG) was charged with developing criteria to identify DACs. In March of 2023, the CJWG's final criteria defining DACs were adopted, resulting in 35% of New York State meeting the definition of DAC. In addition to identifying DACs, CJWG is responsible for ensuring that these communities directly benefit from the New York's investment in clean energy.

Excelsior is not located within a DAC identified by CJWG. Regardless, the Project would result in significant positive economic impacts to the host community through the implementation of a low physical impact development in the form of solar energy generation. As discussed elsewhere in this proposal in greater detail, positive economic impacts in the form of Payment in Lie of Taxes ("PILOT") and Host Community Benefit agreements and a multimillion-dollar construction payroll would provide substantial revenue to the local community and greater Genesee County area.

As stated earlier, solar energy generation has a low physical impact. Based on the weight of scientific evidence and the design measures to be incorporated into the proposed Project design, the Project will not have any adverse impact on public health or safety. Commercial-scale solar arrays provide the means to harness renewable solar energy for electricity production that is both clean and renewable. Through the development of solar energy technology, communities can maintain air quality with minimal, temporary emissions produced during construction activities, typical of any commercial construction site. Solar energy technology allows for production of electricity without creating any gaseous, liquid, or solid waste byproducts during operation, and therefore eliminates the need to treat, collect, transport, and dispose of such waste in any significant amount. Indeed, to the extent solar energy is transmitted to the state electric grid, it is predicted to displace the generation of electricity from fossil fuel power plants, thereby reducing emission of air pollutants. This improvement in air quality benefits all the people in the affected

airshed. Furthermore, development of solar energy production will help New York progress toward a more sustainable energy future. Solar energy is a dependable source in the energy market that will promote public health through improved air and water quality.

The Project's operation and construction will not result in any significant and adverse disproportionate environmental impacts on affected communities. There will be no air emissions during operation of the facility; any vehicle/equipment emissions during construction and operation will not be significant and adverse and will not disproportionately affect any affected communities; and there will be no significant, adverse traffic, noise, or visual impacts caused by the Project. To the contrary, there is the potential for reduced emissions of air pollutants from any fossil fueled power plants that currently affect the community. This will be documented as part of the future permit application.

*6) Planned frequency of public events and the anticipated duration, in years, of the public engagement events component of community outreach, and strategies to ensure that public engagement events are widely attended by a representative cross section of host community residents.*

Excelsior plans to conduct public engagement throughout the life of the Project, including during remaining permitting activities, construction and operation. Previously completed outreach activities were described previously. Below is a list of some of the planned public engagement events:

- Pre-Construction Phase (present through Q4 2024)
  - Coordination with governing agencies will occur throughout the pre-construction phase, including the Article 10 compliance filing review process and ultimately into construction and operation of the Project
- Construction Phase (Q4 2024 through 2026)
  - Notifications on commencement of construction
  - Continuation of Project website/email and phone number to contact project representatives
  - Public Complaint Resolution Plan during construction activities; the plan was submitted to the Public Service Commission for review and was approved as a compliance filing
  - Coordination with community members as requested to address any construction-related concerns
- Operation Phase (Q4 2026 through life of Project)
  - Notifications on commencement of operation
  - Public Complaint Management Plan during operation activities throughout life of Project

- 7) *Details of the direct benefits to the community the Proposer will advance, which may include a local ownership stake in the facility, reduced energy bills for those with homes or businesses in the Bid Facility's vicinity, and/or other direct benefits.*

Throughout outreach efforts, Excelsior has provided details of the direct benefits to the community as a result of the Project. These benefits include: the project's ability to provide millions in revenue to the county, town and school district to reduce the local tax burden or invest in infrastructure, additional services and resources for residents through a PILOT Agreement; and the creation of numerous construction jobs; the generation of safe, clean renewable energy while reducing carbon dioxide emissions and using no water to generate electricity.

Additionally, Excelsior executed a Host Community Benefit Agreement (HCA) under the regulatory framework described in *Case 20-E-0249 - In the Matter of a Renewable Energy Facility Host Community Benefit Program*. Solar developers would be required to pay an annual fee of \$500/MW of nameplate capacity to the utility serving the affected municipalities. Utilities would then apply a bill credit to eligible customers' accounts.

- 8) *Details on past/planned engagement regarding payments in lieu of taxes (PILOT) agreements or host community agreements (HCAs).*

Excelsior executed a HCA on April 28, 2021 with the Town of Byron. On June 3, 2021 the board at Genesee County's Industrial Development Agency issued a resolution authorizing the execution of a PILOT agreement with Excelsior

- 9) *Describe local interests and concerns, including identifying plans to thoughtfully build support for and respectfully responding to any opposition to the Bid Facility.*

Public outreach conducted to date has resulted in positive reactions welcoming the Project and its potential for significant community benefits to the area. No major opposition for Project has been identified by Excelsior. Community members have raised questions about the Project's potential impact on viewshed and the potential for visual screening, setbacks from the roads or adjacent landowners, array location, potential permanent jobs, quality of groundwater with regard to herbicide use, solar panel technology, potential wildlife and wetland impacts, and compatibility with existing community character. In response, Excelsior adjusted the Project design to increase setbacks from property lines in certain locations, and preserve forested wildlife corridors, worked with local snowmobile clubs to reroute trails to maintain recreational resources after construction, conducted an assessment of potential impacts of the Project in its Article 10 application, and conducted outreach describing the benefits of the Project. Excelsior's Article 10 application included detailed studies including, but not limited to, a visual impact assessment, a proposed visual screening plan, a site restoration and decommission plan, and Excelsior's proposed setbacks.

At NextEra Energy Resources, we believe in building strong partnerships and supporting the communities we serve. At every stage of developing a renewable project, from permitting to

construction to operations, we strive to: (i) establish a cooperative relationship with the community; (ii) listen to our neighbors and share information; and (iii) ensure that the project proposal fits the interests and priorities of the community.

*10) Identify strategies the Proposer will use to mitigate concerns raised by the public regarding the Bid Facility, and if applicable, Energy Storage. This may include visibility and viewshed Impact mitigation efforts, accommodations to co-locate agricultural activities, or other issues of importance to the host communities.*

The primary strategy used to mitigate concerns raised by the public was the siting of the array itself. This included the use of appropriate design considerations such as setbacks to roads and adjacent landowners, lot coverage that allows for sufficient generating capacity while also maintaining compatibility with the existing community character, and siting the facility in areas with less visibility to the public to the greatest extent practical. Excelsior has incorporated a landscape buffer consisting primarily of native evergreen trees and shrubs to provide an effective visual buffer for adjacent residential receptors. Excelsior strived to accommodate continued agricultural activities at the project area. As a layout of the area was developed, in connection with numerous other environmental and public input factors, Excelsior worked with their landowners to provide access to other portions of the project area that are not being used for the solar facility so that these areas can continue to be utilized as they are under existing conditions.

Additionally, the Project will address decommissioning concerns through compliance with the state's rigorous decommissioning requirements. As part of the Project's permitting and approval process, in the early phases of its development, the Project is required to fully fund decommissioning efforts through a bond, letter of credit, or other financial security. These funds are set aside to fully decommission the Project and restore the land to its original condition. Furthermore, Excelsior plans to abide by NYSAGM guidelines for solar installation requiring the land's potential to return to agricultural use after decommissioning.

*11) Method for soliciting feedback and input from the public and affected agencies and the process for sharing feedback and responses publicly.*

As described previously, Excelsior has solicited feedback and input from the public and affected agencies through hosting a meeting with community members, meetings with affected agencies and other stakeholders as requested, at local town board meetings, and by providing a Project email and telephone number for the public to contact Project representatives. Excelsior intends to continue public engagement throughout the life of the Project.