

**COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY STATE BOARD ON  
ELECTRIC GENERATION AND TRANSMISSION SITING**

In the Matter of:

ELECTRONIC APPLICATION OF NORTHERN )  
BOBWHITE SOLAR LLC FOR A CERTIFICATE )  
OF CONSTRUCTION FOR AN APPROXIMATELY )  
96 MEGAWATT MERCHANT SOLAR ELECTRIC ) Case No. 2020-00208  
GENERATING FACILITY IN MARION COUNTY, )  
KENTUCKY PURSUANT TO KRS 278.700 AND )  
807 KAR 5:110 )

**NORTHERN BOBWHITE SOLAR LLC'S  
RESPONSE TO CONSULTANT'S REPORT**

Northern Bobwhite Solar LLC (“Bobwhite”) provides the following response to Harvey Economics’ “Review and Evaluation of the Northern Bobwhite Solar, LLC Site Assessment Report” (“Report”) filed by the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) on March 29, 2021. Bobwhite appreciates the thorough review and detailed discussion included in the Report and supports the conclusions and recommendations included therein with minor clarifications. Bobwhite respectfully responds to the Report and proposes clarifications to Harvey Economics’ mitigation recommendations as described below.

**I. Response to Mitigation Recommendations**

**A. Site Development Plan**

**Mitigation Recommendations:**

*A.1. A final site layout plan should be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layout plan which formed the basis for HE’s review should be clearly indicated on the revised graphic. Those changes could include, but are not limited to, location of solar panels, inverters, transformers, substation, operations and maintenance building or other Project facilities and infrastructure.*

*A.4. A final, Project specific, construction schedule, including revised estimates of on-site workers and commuter vehicle traffic, should be submitted to the Siting Board. Deviations from*

*the preliminary construction schedule, which formed the basis for HE's review, should be clearly indicated.*

Response:

Bobwhite supports these recommendations, but clarifies that the final construction schedule will not be available until Bobwhite selects an engineering, procurement, and construction ("EPC") contractor for the Project.

Mitigation Recommendations:

*A.3. The Board will determine if any deviation in the boundaries or site development plan is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, the Applicant will support the Siting Board's effort to revise its assessment of impacts and mitigation requirements.*

*A.5. The Board will determine if any deviation to the construction schedule or workforce estimates is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, the Applicant will support the Siting Board's effort to revise its assessment of impacts and mitigation requirements.*

Response:

Bobwhite supports these recommendations, but notes that the Site Assessment Report proposed that changes to the following items within the Project boundaries would not be considered material changes if the proposed minimum distances and setbacks were maintained:

- Interior access roads
- Construction entrances
- Solar panel, racking, inverter, substation and transformer equipment areas (indicative locations for this equipment are shown on layout, but actual locations could change within the Project footprint)
- Gen-Tie Line footprint within the parcels identified in the application
- Security fence (the security fence will enclose all Project equipment, but its location may change from the specific locations shown based on changes in the location of the equipment within the Project footprint)<sup>1</sup>

---

<sup>1</sup> Site Assessment Report (Exhibit O to Bobwhite's Application) at 1-2.

Changes to these Project components will not materially alter the off-site visual or noise perceptions of the Project. Bobwhite respectfully requests that the Siting Board not consider changes to these Project components to be material.

**B. Compatibility with scenic surroundings:**

Mitigation Recommendation:

*B.1. The Applicant will not remove any existing vegetation unless the existing vegetation needs to be removed for placement of solar panels.*

Response:

Bobwhite supports this recommendation, but clarifies that it may be necessary to remove existing vegetation for Project components other than the solar panels such as Project roads, fences, collection lines, the substation, and the Gen-Tie line. Bobwhite will not remove existing vegetation except to the extent it must remove such vegetation for the construction and operation of Project components.

Mitigation Recommendation:

*B.3. The Applicant has committed to providing vegetative buffers for homes (15) with sight lines within 500 feet of solar panels, and for roadways (1.85 miles) with sight lines within 300 feet of the panels.*

Response:

Bobwhite supports this recommendation, but clarifies that it has committed to providing vegetative buffers based on the distance from the viewpoint to the solar panels. Based on the current layout, there are 15 residences and 1.85 miles of road for which vegetative buffers will be required. It is possible that the layout will change in the final design in such a way that more or less vegetative buffering is required. Bobwhite will provide vegetative buffering for residences with sight lines within 500 feet of solar panels and roadways with sight lines within 300 feet of solar panels.

**D. Peak and average noise levels:**

Mitigation Recommendation:

*D.2. The Applicant should remain in contact with nearby residents to confirm that noise levels are not unduly high or annoying after the pounding and placement of the solar panel racking begins and mitigate those effects as needed.*

Response:

Bobwhite supports this recommendation, but requests that any related mitigation measure require Bobwhite to take *commercially reasonable steps* to mitigate any noise effects *if possible*. Bobwhite will work with impacted residents to limit the effect of pile-driving activities, but those activities are limited in duration as construction activity moves throughout the Project site and are required for Project construction.

Mitigation Recommendation:

*D.3. Pile driving activities should cease by 6pm each day. Since the area is largely rural, a constant pounding during evening hours has the potential to upset the natural tranquility of the area and severely annoy residents.*

Response:

Bobwhite supports this recommendation, but requests clarification that the time restriction would only apply to pile-driving activities and that other, less noise-intensive, construction activities could continue past 6 PM.

**E. Road and rail traffic, dust, and road degradation:**

Mitigation Recommendation:

*E.1. The Applicant has committed to rectify any damage to public roads resulting from Project construction. HE recommends that “rectify” mean fix or fully compensate road authorities as necessary to mitigate any damage that may occur to the existing road network.*

Response:

Bobwhite supports this recommendation, but clarifies that it intends to comply with all requirements of the state and local highway departments for the use of public roads during Project construction including all applicable requirements for roadway restoration.

**G. Decommissioning:**

Mitigation Recommendation:

*G.2. The Applicant should develop an explicit decommissioning plan. This plan should commit the Applicant to removing all facility components from the Site and from Marion County at the cessation of operations.*

Response:

Bobwhite supports the requirement to decommission the Project and remove all Project components at the end of the Project's operational life. Bobwhite is obligated under its lease agreements to do just that. If the Siting Board adds development of a decommissioning plan as a mitigation measure, Bobwhite requests clarification regarding what entity it should prepare the plan for and what is required to be included in the plan.

**II. Conclusion**

Bobwhite appreciates the opportunity to respond to Harvey Economics' Report. Bobwhite supports the mitigation recommendations made in the Report with the clarifications described above.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. Gish', enclosed within a large, loopy blue oval.

Kenneth J. Gish (KBA #93970)  
K&L GATES, LLP  
300 South Tryon Street  
Suite 1000  
Charlotte, North Carolina 28202  
Telephone: (704) 331-7424  
Facsimile: (704) 331-7598  
[ken.gish@klgates.com](mailto:ken.gish@klgates.com)

COUNSEL FOR NORTHERN BOBWHITE  
SOLAR LLC