

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

In the Matter of:

|  |   |            |
|--|---|------------|
| <i>Electronic</i> Application of Golden Solar, LLC | ) |            |
| for Certificate of Construction for an             | ) |            |
| approximately 100 Megawatt Merchant                | ) | Case No.   |
| Electric Solar Generating Facility in Golden       | ) | 2020-00243 |
| County, Kentucky                                   | ) |            |

---

**Golden’s Response to Consultant’s Report**

---

Golden Solar, LLC (“Golden”), by counsel, hereby responds to the final report of Wells Engineering (“WE Report”) dated December 9, 2022, and filed in the above referenced case.

Golden appreciates the work that went into and thoroughness of the WE Report and supports its conclusions and recommended mitigation measures with minor clarifications. Golden respectfully responds to the WE Report, as follows:

**I. Comments and Clarifications**

Overall, the WE Report was a favorable endorsement of the Golden project, including Golden’s mitigation proposals, economic impact study, and property values study. Additionally, the WE Report’s recommended mitigation measures largely supported those proposed by Golden as part of its Application. A specific example of adopting such a proposed mitigation measure is that, for construction hours, the WE Report suggests adopting mitigation measures proposed by Golden for limits on construction hours and site activities, including those noise-producing construction activities in proximity to noise receptors as stated in the Application. *See* WE Report p. 32 No.8; and Attachment A, Cloverlake Consulting Adequacy of the Applicants Site

Assessment Report p. 8 Mitigation Measures 11-13. The WE Report concludes that Golden's proposed mitigation measures meet the requirements of the application process. *Id* at p. 10.

Golden now provides certain clarifications to the WE Report's description of the Application and supporting documents. In Attachment C, the project description (p.2) incorrectly states that Golden has applied for authorization "to construct and operate a 100-megawatt merchant electric solar generating facility and nonregulated electric transmission line...." Golden has applied for a certificate to construct an approximately 100 MW merchant electric solar generating facility, which includes only the necessary gen-tie to the existing transmission grid, and thus does not require a separate certificate for an unregulated transmission line. The proposed gen-tie is a line of only approximately 300 feet to tie the proposed project substation to an adjacent substation, and will be constructed as part of the generating facility project. The body of the WE Report notes that the location of the proposed and existing substations "will make the interconnection into the power grid much easier." WE Report Section 3.3.5 (p.28).

Regarding the discussion and analysis of the SAR performed by Cloverlake Consulting in Section 3.3.9, the WE Report found that all of the SAR is in compliance with the intent of KRS 278.708. However, the WE Report identified three areas where Cloverlake Consulting thought that additional information or analysis was needed. The first is that of historical resources and a discussion of the impact on historic buildings and cemeteries. The Report noted that an Archeologic Survey would be completed. A Historic Structures Report was completed for the entire Project plus an approximate one (1) mile buffer and submitted to the Kentucky Heritage Council for review. This report was filed as a supplement to the Response to 1 ESB 39 on November 23, 2022. In November 2022, the project received concurrence from the Kentucky

Heritage Council on the findings of the report. A copy of the concurrence letter is attached hereto. Archaeological Surveys were completed for parts of the Project area in 2020 through 2022. Additional surveys are planned to cover the remaining Project Area in 2023 when cover crops are removed from portions of the site to allow for the level of ground visibility needed to conduct archaeological surveys. Once complete, a report of the findings will be submitted to the Kentucky Heritage Council for review and concurrence.

The second area regarding construction noise mitigation is acknowledged by the WE Report as being addressed in the Application documents and proposed mitigation measures in the SAR (and as discussed above) regarding hours of construction. *See also*, Golden Response to 1 ESB 22 and Application Exhibit H, Attachment B.

The third area identified by Cloverlake Consulting was impacts on endangered species (both plant and animal) that might result from the project and a requirement to get Federal Permit(s) (Army Corps of Engineers, etc.). Golden has identified this as an area of concern by the consultant and now provides the additional clarifying information. In its Response to 1 ESB 39 (and supplement thereto), Golden has taken steps to involve the appropriate agencies to address concerns regarding wetlands, endangered species and historic sites located within the project boundaries. This includes communications with the Office of Kentucky Nature Preserves and the U.S. Fish and Wildlife Service (“USFWS”) regarding protected species such as bats whose habitats could potentially fall within the project boundary. Golden Solar has completed field surveys to identify and characterize potential bat habitat within the Project area and is in consultation with USFWS to minimize and/or mitigate impacts to potential bat habitat. In addition to these steps, Golden is continuing to work with the necessary authorities to ensure that all regulatory requirements are met while continuing forward with this project.

An additional area of clarification is in relation to the comments made in the WE Report, Section 3.3.6(3), pg. 29. Here, the WE Report found that Golden should “[a]void using oversize trailers for material transport and limit the overall weight as per the bridges and culverts of the Road.” While Golden will do so when possible, there are circumstances in which oversize/overweight loads will be necessary. When such circumstances arise, Golden will coordinate with the Caldwell County Road Department and the Kentucky Transportation Cabinet to obtain any necessary oversize/overweight permits. *See* Application Exhibit H, Section 6.2, Table 2, No. 14.

## **II. Response to Mitigation Recommendations**

Golden provides the following responses to certain of the WE Report’s Recommendations & Mitigation Measures (Section 4, pg. 32). Recommended language changes to mitigation measures are attached hereto, which achieve the same or similar objectives.

*Construction/Roadway Recommendations:* (Pg. 32, No. 4) “Construct new bridges or culverts wherever necessary for equipment transportation.”

*Response:* Golden requests that proposed mitigation measure No. 4 be modified. Golden restates and reaffirms its comments made regarding WE Report Section 3.3.6(3) above. *See* Application Exhibit H, Section 6.2, Table 2, No. 14. While Golden is willing to construct the necessary bridges or culverts wherever necessary, Golden believes that the mitigation measure should indicate that any roadway modifications related to construction and equipment transportation be in conjunction with the necessary authorities. Golden will coordinate with both Kentucky Transportation Cabinet and county roadway authorities to develop plans to address road conditions that arise as related to project construction. Golden requests that this mitigation

measure be revised to reflect this agreement instead of including ambiguous language about the necessity of any roadway construction.

Protection of Water Resources Recommendations: (Pg. 32, No. 10) “Ten days prior to the commencement of construction, the Applicant will provide a detailed plan on how they will protect water resources in the project area. The site assessment documents in several locations say that certain mitigation measures regarding erosion and protection of water resources “may” be carried out. This needs to be clearly specified. The primary focus should be on preventing turbidity from being added to local streams because of erosion during construction.”

Response: Golden requests that No. 10 be modified. Again, this concern has been flagged previously through the site inspection process. Golden is working with state authorities to address environmental concerns that may arise. Specifically, Golden will work with the Kentucky Energy and Environment Cabinet Division of Water to identify all necessary requirements and then obtain all necessary permits to ensure that water resources are protected in the project area. Golden requests that No. 10 be modified to reflect this step by Golden.

Except as discussed above, Golden agrees to the other proposed mitigation measures listed in WE Report pg. 32, Section 4 Nos. 1-3, 5-9.

### **III. Conclusion**

Golden appreciates the opportunity to comment on the WE Report to the Siting Board and agrees to the recommended mitigation measures as described above with requested revisions. Golden has attached hereto its revised recommended mitigation measures as described in Part II of this Response for review and approval by the Siting Board.

Respectfully submitted,

/s/ Kathryn A. Eckert

---

Jason R. Bentley

Katherine K. Yunker

Kathryn A. Eckert

McBrayer PLLC

201 East Main St., Suite 900

Lexington, KY 40507

(859) 231-8780

[jbentley@mmlk.com](mailto:jbentley@mmlk.com)

[kyunker@mcbrayerfirm.com](mailto:kyunker@mcbrayerfirm.com)

[keckert@mcbrayerfirm.com](mailto:keckert@mcbrayerfirm.com)

*Counsel for Golden Solar, LLC*

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

In the Matter of:

*Electronic* Application of Golden Solar, LLC     )  
for Certificate of Construction for an            )  
approximately 100 Megawatt Merchant            )  
Electric Solar Generating Facility in Golden     )  
County, Kentucky                                    )

Case No.  
2020-00243

---

**Golden’s Proposed Revised Mitigation Measures from Consultant’s Report Section 4**

---

4. The Applicant or its contractor will consult and obtain any necessary permits with the Kentucky Transportation Cabinet and Caldwell County roadway authorities to develop plans to address road conditions as related to project construction and equipment transportation.

10. Ten days prior to the commencement of construction, the Applicant will provide a detailed report on its compliance with the Kentucky Energy and Environment Cabinet Division of Water requirements related to the project site, including application and/or approval of any necessary permits.



**ANDY BESHEAR**  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET**  
**KENTUCKY HERITAGE COUNCIL**  
**THE STATE HISTORIC PRESERVATION OFFICE**

**MICHAEL E. BERRY**  
SECRETARY

**JACQUELINE COLEMAN**  
LT. GOVERNOR

410 HIGH STREET  
FRANKFORT, KENTUCKY 40601  
(502) 564-7005  
[www.heritage.ky.gov](http://www.heritage.ky.gov)

**CRAIG A. POTTS**  
EXECUTIVE DIRECTOR &  
STATE HISTORIC  
PRESERVATION OFFICER

11/28/2022

Rachael Kennedy  
Senior Architectural Historian  
Cardno, now Stantec  
10420 Bluegrass Parkway  
Louisville, KY 40299

RE: Survey Forms and Cultural Historic for the Proposed Golden Solar Farm in  
Caldwell County, Kentucky

Dear Ms. Kennedy:

Thank you for your submittal of a Cultural Historic and survey forms for the above-referenced undertaking. We understand that Golden Solar is proposing to construct a 2,648-acre solar farm in Caldwell County, Kentucky. This will involve the installation of solar panels ranging 15-20 feet in height, as well as overhead distribution lines and a substation. The location of the overhead lines and substation has yet to be determined but will be within the 2,600-acre direct project area. USACE is expected to be the lead federal agency.

The APE for above-ground resources was determined to include all adjacent parcels and expanded in areas where potential visibility was more likely. 13 previously recorded resources were located within the APE. Field reconnaissance identified a total of 71 historic-age resources within the project area. Due to overlapping APEs, 37 of the 71 resources within this report are also included within the related Caldwell Solar project (KHC 220138), which was submitted at the same time as this undertaking. Our office is commenting on the eligibility of these resources in both letters to accurately capture historic properties within each APE.

Of the resources within the APE for both the Caldwell and Golden Solar Projects, our office concurs with the following eligibility recommendations:

- CA-24, 45, 436, 437, 445, 448, 491, 451, 454, and CA-455, all outbuildings, are Ineligible for the NRHP.
- CA-18, 19, 21, 27, 28, 434, 435, 438, 439, 441-444, 446, 447, 450, 452, 456, and CA-465, all residences, are Ineligible for the NRHP.



RE: Survey Forms and Cultural Historic for the Proposed Golden Solar Farm in Caldwell County, Kentucky

- CA-347, 440, and CA-453, all commercial structures, as well as CA-16, a church, are Ineligible for the NRHP.
- CA-9, the c. 1796 Blue Cemetery/Old Elkhorn Cemetery, meets Criteria Consideration D and is Eligible for the NRHP under Criterion A. Similarly, CA-25, the c. 1816 Adamson Cemetery, meets Criteria Consideration D and is recommended Eligible for the NRHP under Criteria A and C. Our office concurs with the period of significance and NRHP boundaries for both resources.
- CA-20, the c. 1910 Crider Store, is Eligible for the NRHP under Criteria A and C, and CA-17, the c. 1911 Crider Baptist Church, meets Criteria Consideration A and is Eligible for the NRHP under Criteria A. Our office concurs with the proposed period of significance and NRHP boundary for both resources.
- CA-449, a c. 1924 Neoclassical residence, is Eligible for the NRHP under Criterion C. Our office concurs with the proposed period of significance, NRHP boundary, and contributing/non-contributing resources.

Of the remaining resources solely within the Golden Solar APE, our office concurs with the following eligibility recommendations:

- CA-471 and CA-475, both cemeteries, as well as CA-473, 479, 508, and CA-509, all outbuildings, are Ineligible for the NRHP.
- CA-466-470, 472, 474, 476-478, 480-483, 485-490, 492, and CA-507, all residences, are Ineligible for the NRHP.
- CA-15, the c. 1890 William Blue House, is Eligible for the NRHP under Criterion C. Our office concurs with the proposed NRHP boundary and contributing/non-contributing resources.
- CA-484, a c. 1819 log house with later 19<sup>th</sup> century modifications, is Eligible for the NRHP under Criterion A. Our office concurs with the proposed NRHP boundary. We also concur that the residence is not eligible under Criterion B, but notes that there has been no determination regarding NRHP significance under Criterion C. When the effects report for this undertaking is completed, please be sure to make a clear recommendation for its NRHP status under Criterion C.

Furthermore, we understand that this undertaking is expected to require a USACE permit. At that time, an effects report and formal Determination of Effect will be provided by the USACE. The addendum effects report will cover any potential effects to the NRHP-Eligible resources within the APE, including CA-9/the Blue Cemetery, CA-15/the William Blue House, CA-17/the Crider Baptist Church, CA-20/the Crider Store, CA-25/the Adamson Cemetery, CA-449/a residence, and CA-484/a log house. We look forward to further consultation regarding effects.

RE: Survey Forms and Cultural Historic for the Proposed Golden Solar Farm in Caldwell County, Kentucky

Should you have any questions, please feel free to contact Gabrielle Fernandez of my staff at [Gabrielle.Fernandez@ky.gov](mailto:Gabrielle.Fernandez@ky.gov).

Sincerely,



Craig A. Potts,  
Executive Director and  
State Historic Preservation Officer

CP: gf, KHC# 220280 prev. 220137