

Hummingbird Energy LLC
Responses to Siting Board Staff's Second Request for Information
Case No. 2022-00272

Request No. 1:

Provide the anticipated start date and end date of construction. Include in the response the anticipated start and end date of construction for each of the five separate areas of the site.

Response No. 1:

The Project is tentatively projected to start construction in January 2025 and end in January 2026. The construction commencement and completion dates for any specific phase would be determined in coordination with the Project's EPC contractor closer to the construction commencement date.

Responding Witness: Adam Peterson

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Request No. 2:

Refer to the Application, Exhibit F, Economic & Fiscal Contribution to Fleming County and the State of Kentucky, page 29, Table 9. Explain if the 12 jobs supported by current agricultural use of the site will be lost because of the Project.

Response No. 2:

The analysis showed that on average, a similarly sized project site in Fleming County, KY that is used to produce corn, soybeans, and hay, as well as rangeland for cattle, supports approximately 12 direct, indirect, and induced jobs. The total employment is the sum of fractional workers and proprietors who would lose the portion of their time spent on the site. These are theoretical numbers used for economic analysis purposes and Hummingbird has not verified the actual number of people employed fully or partially on these properties.

The analysis assumes that seven jobs are cattle-related while five jobs would be crop-related. It is important to note that, if the cattle were moved to a different grazing site in the county and the owners continued their current operations, then these seven jobs would not be lost, just relocated. Consequently, a total of five fractional workers and proprietors would lose the portion of their time spent on the site.

Responding Witness: Ben Kerr

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Request No. 3:

Refer to the Application, Exhibit F, Economic & Fiscal Contribution to Fleming County and the State of Kentucky, page 29, Table 9. Explain whether the 12 jobs supported by the current agricultural use of the site are participating landowners.

Response No. 3:

The analysis was based on representative data for Fleming County derived from the U.S. Census of Agriculture and from IMPLAN Group, LLC. The total employment includes fractional workers and proprietors.

Responding Witness: Ben Kerr

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Request No. 4:

Refer to the Application, Exhibit F, Economic & Fiscal Contribution to Fleming County and the State of Kentucky, page 31, Table 10. Provide updated property tax revenues to reflect the full 2,000 buildable acres that has been leased by Hummingbird Solar.

Response No. 4:

Please see attached for an updated version of Table 10. The total revenue of the site in its current use, based on 2,000 buildable acres, would increase to the values depicted in Table 10.

Responding Witness: Ben Kerr

Table 10: Estimated Tax Revenue Generated by the Land under an Agricultural Use over 40 Years (2023 Dollars)

	County Fiscal Court	Health	Library	Ambulance	Ext. Services	Soil Cons.	School District	Total Local Revenue	State Revenue
Real Estate Tax Rate per \$100 ¹	0.16	0.05	0.091	0.088	0.047	0.015	0.459	0.91	0.119
Estimated Current Agricultural Farmland Value of Land and Affected Structures ²									\$1,470,700
Annual Real Estate Tax Revenue Land	\$2,350	\$740	\$1,340	\$1,300	\$690	\$220	\$6,750	\$13,400	\$1,750
Cumulative Real Estate Tax Revenue over 40 Years	\$94,100	\$29,400	\$53,500	\$51,800	\$27,700	\$8,800	\$270,000	<u>\$535,400</u>	<u>\$70,000</u>

**Totals may not sum due to rounding.*

¹ Data Source: Fleming County PVA office, 2021 tax rates. Assumes tax rates remain constant throughout analysis.

² Data Source: Derived from the site layout provided by Recurrent Energy and from parcel data provided on the Fleming County PVA website as of January 2021. Includes estimated value of structures that would be removed under solar use.

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Request No. 5:

Refer to Hummingbird Solar's supplemental response to Siting Board Staff's First Request for Information (Staff's First Request), Item 14. Provide the business name and address for structures 17, 23, and 24 in the table.

Response No. 5:

The address for structure 17 is 1565 Poplar Grove Road, Flemingsburg, KY 41041 and is owned by the Lengacher family. Joseph Lengacher is the proprietor of the nearby Custom Kitchens (6961 Mount Carmel Road) and the Project assumes this structure is related to the same business. The address for structure 23 is 7327 Mount Carmel Road, Flemingsburg, KY 41041. Historically it appears that this structure was used as a small grocery named either Hurst's Food Market or Mt. Carmel Grocery. However, the most recent use of the structure appears to be related to Kevin Boling, auctioneer, who is assumed to use the structure for his auction services. The address for structure 24 is 7372 Mount Carmel Road, Flemingsburg, KY 41041, and the business name is Parker's Furniture Store.

Responding Witness: Adam Peterson, Orla Lavender

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Request No. 6:

Refer to Hummingbird Solar's second supplemental response to Staff's First Request, Item 59, Table 5. Explain what the asterisk (*) after Receptor in Table 5 indicates.

Response No. 6:

The referenced asterisk in Table 5 is a typographical error and has no bearing on the approximated operational noise levels to Receptors depicted in Table 5.

Responding Witness: Chad Martin

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Request No. 7:

Refer to Hummingbird Solar's second supplemental response to Staff's First Request, Item 62, Revised Noise Assessment. The response and report are not responsive. Provide the cumulative levels of construction and ambient noise submitted for R105, R52, and R91.

Response No. 7:

Ambient noise, which is defined as 40 decibels, does not have a cumulative effect on a noise that exceeds ambient levels. As such, the cumulative level for all receptors, including R105, R52, and R91, would be the sound level of the loudest construction noise.

Responding Witness: Chad Martin

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Request No. 8:

Refer to Hummingbird Solar's second supplemental response to Staff's First Request, Item 59, Revised Noise Assessment, Section 2.1.1 Noise Sensitive Receptors, Table 1. Explain why the Foxport Neighborhood was removed from the list of "Residential Neighborhoods."

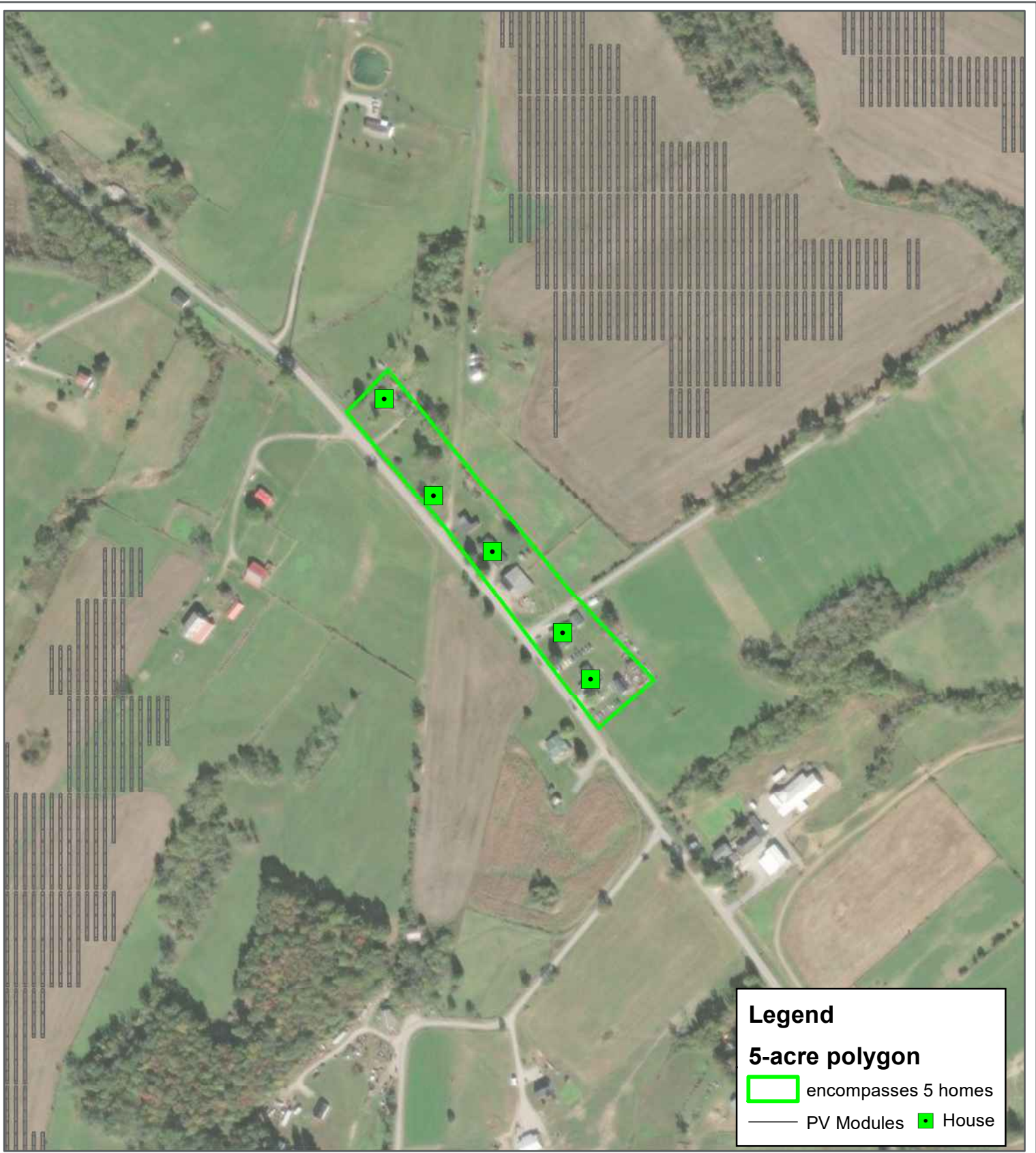
Response No. 8:

Please see the attached maps showing a 5-acre polygon and a 142-acre polygon. The definition of a Residential Neighborhood under KRS 278.700(6) establishes the following minimum criteria: a populated area of five (5) or more acres containing at least one (1) residential structure per acre. The Foxport Neighborhood was originally included as a Residential Neighborhood pursuant to a limited boundary drawn around the area encompassing the residences applicable to Foxport, resulting in five residences within an approximate five-acre polygon. While the polygon did not follow parcel lines, it was viewed as a definitional Residential Neighborhood due to the fact that the minimum density of five acres with five residential structures could be achieved. Upon further review, a revised analysis was performed using Fleming County Tax Parcel boundaries, reflected by the 142-acre polygon map, which depicts the five residences and their associated parcel boundaries, resulting in a 142-acre polygon. This analysis also seems appropriate because this 142-acre polygon is a populated area of five or more acres, but it does not contain at least one residential structure per acre, and thus the area was understood as failing to meet the definition of a Residential Neighborhood. Pursuant to this analysis, the Foxport residences do not meet the definition of a Residential Neighborhood. Hummingbird believes the second approach is the most appropriate to determine whether an area of five homes constitutes a Residential Neighborhood, otherwise the statute implies that an arbitrary polygon must be drawn around homes in an effort to fit them within a five-acre shape. However, in order to preserve the minimum requested setback distance, which

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was determined by the proximity of the Foxport Neighborhood to proposed panel locations, in the instance of the Siting Board finding that the arbitrary polygon is the appropriate method to determine whether an area of five or more homes constitutes a Residential Neighborhood, Hummingbird is not and will not amend its Motion for Deviation to remove the Foxport Neighborhood from its requested relief. While Hummingbird believes using parcel boundaries to determine areas that constitute a Residential Neighborhood is the most appropriate method, for purposes of this matter, Hummingbird is taking the more conservative approach of utilizing an arbitrary polygon. Should the Siting Board deem it appropriate, guidance on this issue for future motions to deviate would be welcome.

Responding Witness: Chad Martin, Legal

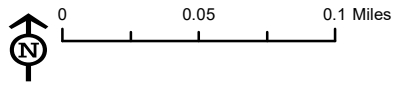


Legend

5-acre polygon

encompasses 5 homes

— PV Modules ■ House



7.5' Quadrangles:
 Flemingsburg, KY (2022)
 Burtonville, KY (2022)
 Tollesboro, KY (2022)
 Orangeburg, KY (2022)

PLSS: unsectioned

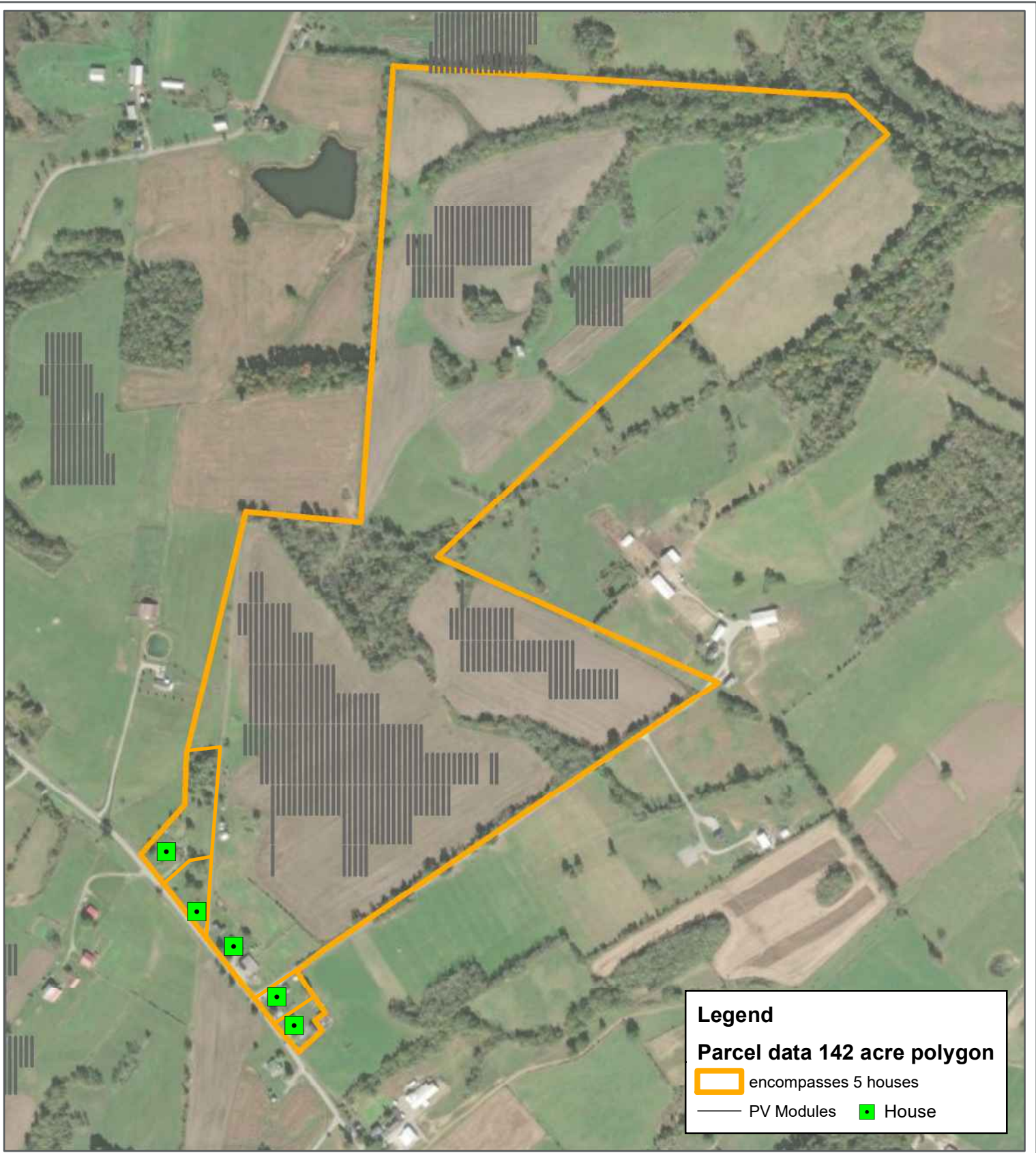
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KYSB Request V2 #8

Foxport Neighborhood Hummingbird Solar, LLC
 Fleming County, Kentucky

Stantec

76 San Marcos Street
 Austin, TX 78702 USA
 Phone (+1) 512.745.8129
 www.stantec.com

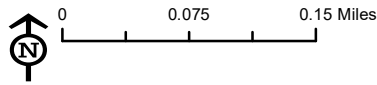


Legend

Parcel data 142 acre polygon

encompasses 5 houses

— PV Modules ■ House



7.5' Quadrangles:
 Flemingsburg, KY (2022)
 Burtonville, KY (2022)
 Tollesboro, KY (2022)
 Orangeburg, KY (2022)

PLSS: unsectioned

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Request No. 9:

Refer to the Application, Exhibit A. Explain if movement of panels within the areas labeled Buildable Area on the site plan would cause differing noise impacts than those presented in the Noise Assessment.

Response No. 9:

The Noise Assessment is based on the location of the panels within the buildable area depicted in Exhibit A. The current Noise Assessment is thus based on a conservative placement of panels within the expected buildable area that shows a maximum buildable scenario allowing the EPC firm the most flexibility to situate the panel arrays, while avoiding Project constraints including but not limited to karst and wetland/stream buffers and property line setbacks. The final placement of the panels will be depicted on the final site plans prior to construction, with a likely outcome that the final placement of panels will result in less noise or at least negligible changes as compared to the conservative/maximum build scenario assumed in the Noise Assessment.

Responding Witness: Chad Martin

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Request No. 10:

Refer to the Application, Exhibit D. Provide a copy of any presentations or handouts that have been given to the public about the project not previously included.

Response No. 10:

See the attached list of A) PIM presentation materials that were previously included in Exhibit B of the original application and B) PIM presentation materials that were inadvertently omitted from the original application and have been attached separately hereto due to size limitations.

Responding Witness: Adam Peterson

HUMMINGBIRD ENERGY

SSB 2nd Information Request Response #10

Presentations/ Handouts Provided to Community

Documents previously provided in 6/23/23 SSB Application (Exhibit B)

- Conceptual Site Plan over Aerial Imagery (Sheets 1-6); presented at PIM on 24x36 poster boards and as full-size paper copies.
- Additional 8.5x11 reproductions of 24x36 posted boards presented at PIM:
 1. Hummingbird Solar Welcome Sign board
 2. Project Details board
 3. Decommissioning and Operations board
- 8.5x11 miscellaneous documents provided at PIM
 1. Question and Comment Form
 2. Construction Jobs Advert
 3. Construction Job Interest Sign-Up
 4. PIM Sign-in Sheet

Documents not previously provided in 6/23/23 SSB Application

- Graphic Rendering of Conceptual Landscape Buffer Plantings (2 views); attached are 8.5 x 11 reproductions of the 24x36 boards displayed at PIM.
- “About Solar Technology” info; attached is an 8.5 x 11 reproduction of the 24x36 board displayed at PIM.

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Request No. 11:

Explain Hummingbird Solar has made contact with the Amish community in the area about the project. If yes, describe the contact and any concerns raised. If no, explain when that contact will take place.

Response No. 11:

Members of both the Amish and Mennonite communities are participating landowners as well as adjacent property owners. The participating landowners were first contacted during the land acquisition process, as were likely many of the adjoining landowners. Additionally, members of both communities have been invited to the various public meetings held regarding the Project. At no point has a member of either the Amish or Mennonite communities voiced a concern particular to the Amish or Mennonite community, nor has anyone represented that they speak on behalf of either the Amish or Mennonite community.

Responding Witness: Adam Peterson, Orla Lavender