COMMONWEALTH OF KENTUCKY

BEFORE THE ELECTRIC GENERATION AND TRANSMISSION SITING BOARD

In the Matter of:

ELECTRONIC APPLICATION OF LYNN BARK ENERGY CENTER, LLC FOR A CERTIFICATE OF CONSTRUCTION FOR AN UP TO 200 MEGAWATT MERCHANT ELECTRIC SOLAR GENERATING FACILITY IN MARTIN COUNTY, KENTUCKY	))))))	Case No. 2024-00104

LYNN BARK ENERGY CENTER, LLC'S RESPONSE TO SITING BOARD STAFF'S FIRST REQUEST FOR INFORMATION

1. Submit a copy of the lease or purchase agreements, including options, separate agreements, or deeds which Lynn Bark Energy has entered into in connection with the proposed solar facility, including the agreements for each of the parcels of the project.

   RESPONSE[1]: A copy of the applicable lease, with material financial terms redacted, is included as **Attachment A**. Concurrently, Applicant has filed a Motion for Confidential Treatment of the redacted material financial terms and has supplied an unredacted copy of the lease to the Board via email.

2. Provide a detailed account of any contracts by which Lynn Bark Energy has paid, has negotiated to pay, or any compensation paid to non-participating landowners, whether cash or otherwise, near the project. Include the terms of the agreements and which properties are involved in terms of distance to the project boundaries.

   RESPONSE: Lynn Bark Energy Center ("Lynn Bark") has not entered into agreements for compensation with any non-participating landowners.

[1] Unless noted otherwise, the information in all responses herein was provided by Caleb Lemoine of Lynn Bark Energy Center.

3. Explain whether construction activities will occur sequentially or concurrently across the project site.

RESPONSE: A chart showing the anticipated Project schedule is below. As shown in the chart, some construction activities will occur sequentially with one another, while others will occur concurrently.

		LYNN BARK CONSTRUCTION SCHEDULE		
PROJECT MILESTONE	**START**	**FINISH**	**CONSTRUCTION EQUIPMENT**	**DURATION**
NOTICE TO PROCEED	June 30	-	-	1 DAY
MOBILIZATION	June 30	-	-	1 DAY
CIVIL WORKS INCLUDING FENCING, ACCESS ROADS, AND EROSION CONTROL	June 30	March 31	EXCAVATORS, DOZERS, DUMP TRUCKS, BACKHOES	9 MONTHS
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COMBINER TO INVERTER ELECTRICAL	September 1	May 1	BACKHOES AND SKID STEERS	7 MONTHS
SUBSTATION (ENERGIZE)	--	August 1	MOBILE CRANE	TBD (ESTIMATED 2 WEEKS)
COMMISSIONING	May 1	July 1	-	
MECHANICAL COMPLETION	-	July 1	-	
SUBSTANTIAL COMPLETION	-	August 1	-	
FINAL COMPLETION	-	September 30	-	

4. Provide a one-page site map that contains the locations of water features, including rivers, streams, lakes, and ponds. Also include any known or suspected karst features.

RESPONSE: The requested map is included as **Attachment B** hereto.

Response Provided by Justin Ahn, ERM

5. Provide a narrative description of the location of each of the following site features:

   a. Each construction entrance.

      RESPONSE: There will be one access point off of KY 3, and a secondary access point off of KY 908.

   b. Each entrance to be used in operations.

      RESPONSE: The same entrances described for construction will be used for operations.

   c. Operations & Maintenance (O&M) area.

      RESPONSE: The same entrances described for construction will be used for the O&M building, if one is determined to be needed for the Project it would likely be located near the Project substation. The typical size would be approximately 30 feet by 40 feet.

   d. Each laydown area.

      RESPONSE: The same entrances described for construction will be used for laydown yard access.

6. Explain whether the construction and operational entrances will be locked outside of normal working hours.

   RESPONSE: Yes, the construction and operational entrances will be locked outside of normal working hours.

7. Provide the security measures for the O&M area and substation.

   RESPONSE: The perimeter of the Project Area will be fenced and secured. The O&M and substation areas will be fenced with compliant chain link fence of either seven feet or six feet with one foot of barbed wire at the top.

8. Explain how Lynn Bark Energy will coordinate with local enforcement and fire services regarding security and emergency protocols during construction and operations.

RESPONSE: Lynn Bark Energy Center representatives plan to engage with local enforcement and fire services to provide information and to ensure they are familiar with the plan for security and emergency protocols during construction and operations.

9. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:

a. The distance to the boundary line.

b. The distance to the closest solar panel.

c. The distance to the nearest inverter.

d. The distance to the substation.

RESPONSE: Included herewith as **Attachment C** is a table with the requested information.

Response Provided by Justin Ahn, ERM

10. Provide a detailed table listing all non-residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:

a. The distance to the boundary line.

b. The distance to the closest solar panel.

c. The distance to the nearest inverter.

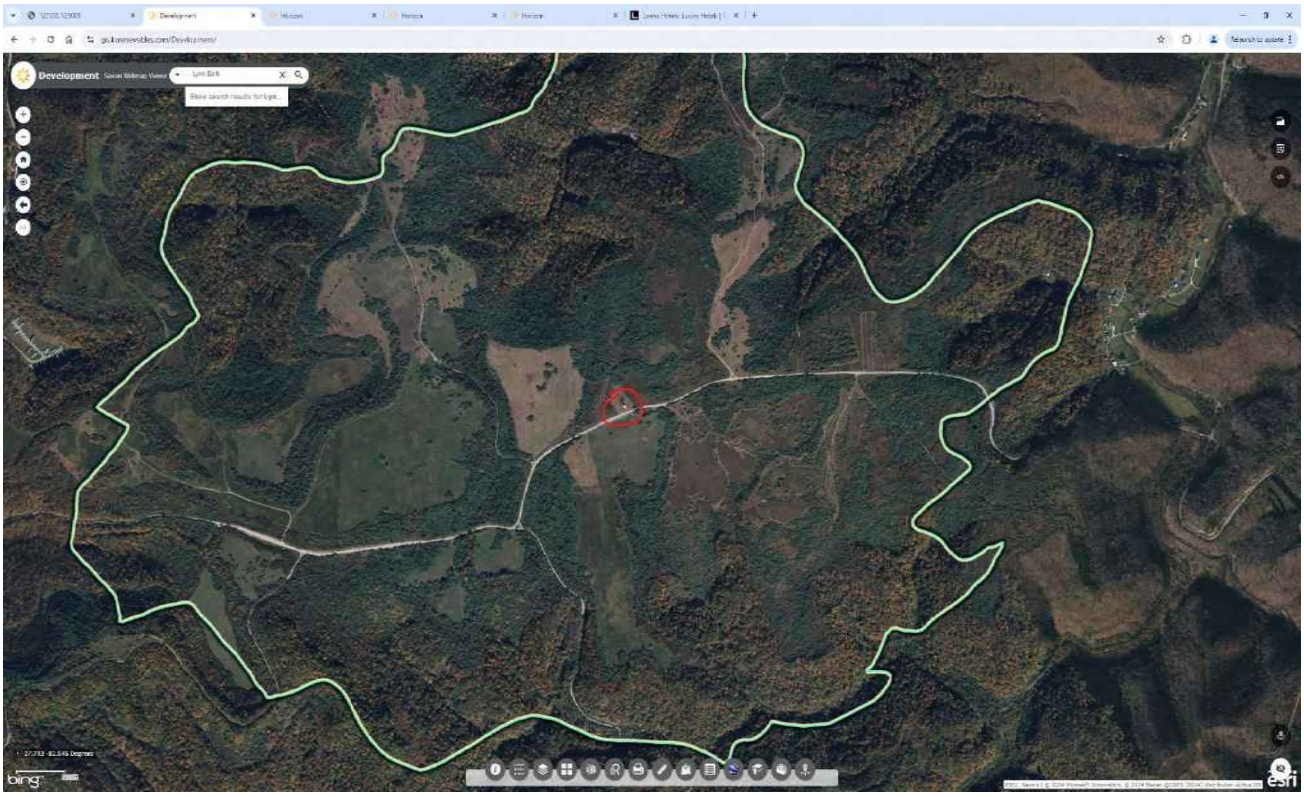
d. The distance to the substation.

RESPONSE: See **Attachment C**.

Response Provided by Justin Ahn, ERM

11. Clarify whether any existing structures on the Project site will be demolished or removed in order to accommodate the Project. If so, identify each structure and its location within the project site boundary.

RESPONSE: There is just one structure on the Project Site, a two-story metal barn, which will likely be removed during construction.



12. Describe any utilities that will be required during construction or operations and what utility will provide the service.

RESPONSE: Local electrical service will be required during construction and operation of the Project and is expected to be provided via distribution line by the local electric utility, which is Kentucky Power.

13. Explain why the 1,514-acre site will only utilize approximately 641 acres for electric generation.

RESPONSE: The Project believes a layout for electric generation at the maximum nameplate capacity is possible utilizing the identified approximately 641 acres. Additionally, both the Project Site topography and PV module slope tolerance limit the buildable area, so the current design focuses on the most buildable locations within the overall site.

14. Provide a parcel map which identifies which parcels of the 1,514 acres will be used for electric generation purposes. Include on the map solar arrays, proposed collection line locations, inverters, proposed substation location, and proposed transmission line route.

RESPONSE: A map providing the requested information is included as **Attachment D.**

Response Provided by Justin Ahn, ERM

15. Confirm that an application for a nonregulated transmission line pursuant to KRS 278.714(2) is going to be filed. If not, please explain.

RESPONSE: The Project anticipates a separate application and permitting process for the 138kV transmission line at a later time.

16. Refer to Site Assessment Report (SAR), Description of the Proposed Project Site. Confirm that Lynn Bark Energy has secured agreements with landowners for the right of way for the proposed section of the transmission line that would be constructed outside the project footprint.

RESPONSE: This information is not yet available. Lynn Bark expects to provide this information at a later time during the separate forthcoming permitting process for the transmission line.

17. Using Satellite Imagery as the Basemap, provide a map depicting the route of the proposed 138kV 5.61-mile-long transmission line. On the map include: all transmission line structure locations, transmission line right-of-way, parcels the transmission line will

transect, existing transmission lines, Point of Interconnection (POI), proposed project substation, the Inez substation, and any existing structures along the route.

RESPONSE: This information is not yet available. Lynn Bark expects to provide this information at a later time during the separate forthcoming permitting process for the transmission line.

18. Provide any communication with the Martin County Road Department or the Kentucky Department of Transportation relating to traffic plans and mitigation measures. If no communication has been initiated, explain when that contact will occur.

RESPONSE: The Project has not yet communicated with the Martin County Road Department or the Kentucky Department of Transportation about traffic plans and mitigation measures but expects to initiate communication soon, certainly before the hearing on the Application.

19. Explain the justification for requesting a deviation from the 2,000-foot setback requirement for residential neighborhoods.

RESPONSE: The justification is more fully set forth in Pike County Solar's Motion for Deviation from Setback, filed June 12, 2024. In short, the goals of the statutory setbacks can be achieved with a lesser setback due to the unique site and applicable topography. Specifically, as a former mountain top coal mining site, there is significant elevation change between the closest residences and the site, resulting in significantly decreased potential impacts.

20. Explain whether the solar panels and other structures could be re-configured within the site boundaries to meet the 2,000-foot setback requirement.

RESPONSE: No, due to the limitations on buildable area within the Project site and some challenging topography, the Project's panel layout could not be re-configured to meet the 2,000 setback and still allow the Project to construct capacity at or near its nameplate of 200 megawatts ("MW").

21. Explain whether participating landowners will continue to use property not leased to the Applicant for residential or agricultural purposes.

RESPONSE: Such uses are not expected; the property is a reclaimed coal mine.

22. State when the peak construction activity period will occur (which month(s) or quarter of the full construction period).

RESPONSE: Based upon the current proposed construction schedule, peak construction is estimated to occur from the third quarter of 2026 until the second quarter of 2027.

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COMMISSIONING	May 1	July 1	-	
MECHANICAL COMPLETION	-	July 1	-	
SUBSTANTIAL COMPLETION	-	August 1	-	
FINAL COMPLETION	-	September 30	-	

23. Provide the number of miles between Lynn Bark Energy Center and the project in Case No. 2021-00029.[2]

RESPONSE: The distance between Lynn Bark and the Martin County Solar Project, Case No. 2021-00029, is approximately 3.8 miles.

24. Describe the potential for cumulative effects on traffic and roadways from construction activities of the projects, and any steps planned to minimize these effects.

RESPONSE: There are no cumulative effects expected on traffic and roadways from construction activities because the construction sequencing will not overlap, and there are several different routes to the Project site.

25. Describe what steps have been taken, or will be taken, to communicate with the developers of Martin County Solar Project, LLC and Martin County II Solar Project, LLC. If none, explain when those discussions will occur.

RESPONSE: The parent company of both Martin County Solar and Lynn Bark is the same, Savion. Thus, there is extensive knowledge of the Martin County Solar Project, LLC and the Martin County II Solar Project within the Lynn Bark team. Additionally, the same lead consultant, ERM, is involved in each of these projects.

26. Provide a detailed description of different construction activities, including a construction timeline and schedule by activity, including development of the transmission line.

RESPONSE: See below chart for each of the different construction activities, including construction timeline and schedule. The information for the transmission line is not yet available, but the Project expects to provide this information in connection with forthcoming separate permitting process for the transmission line.

[2] Case No. 2021-00029, Electronic Application of Martin County Solar Project, LLC for a Certificate to Construct an Approximately 200-Megawatt Merchant Solar Electric Generating Facility in Martin County, Kentucky, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:100 (Ky. Siting Board Nov. 15, 2021), final Order, (Note: The Electronic Application of Martin County Solar Project, LLC to transfer a Certificate of Construction to Martin County II Solar Project, LLC pursuant to KRS 278.710(3) and 807 KAR 5:110. Was granted.)

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27. Refer to SAR, Exhibit A, Project Site Map and SAR, Description of Proposed Project Site Item 6

    a. Exhibit A does not appear to depict access gates to the eight fenced areas of arrays. Update the map and legend for Exhibit A to supply all access point information.

    b. Update Exhibit A map and legend to show planned internal access roads.

c. Describe security measures at access points to the fenced array areas, including access for emergency services if required.

RESPONSE: An updated version of the map depicting the requested information is included as **Attachment E.** Access would be at the two access points off of KY 3 and KY 908. Access would be secured with fencing and gated. Use of the gate access would be coordinated with emergency services.

28. Refer to the SAR, Exhibit C. The legal Description shows one participating landowner involved in the proposed Lynn Bark Energy Project. Other sections of the SAR refer to plural landowners.

a. Confirm if Exhibit C is accurate and if the Proposed Project has a single participating landowner.

b. Confirm that there are no participating residences for the proposed Project (i.e., no homes or other noise-sensitive receptors on the proposed Project's 1,514-acre total site area.)

RESPONSE: There are two participating landowners. One lease has been executed, the legal description of which was included in the SAR, and title work is ongoing relative to the other. At the conclusion of title work, the second lease is expected to be executed.

29. Provide a one-page directional map with anticipated delivery routes for the project highlighted. Include on the map: access roads, access points, existing roads, bridges, proposed electric generation components, and all structures within two miles of the project.

RESPONSE: The requested map is included as **Attachment F.**

Response Provided by Justin, Ahn, ERM.

30. Refer to the SAR, Exhibit E, Traffic Impact Study. Provide the weight limit ratings for each local roadway to be used by the Project construction traffic. Confirm the source of the weight limit ratings.

RESPONSE: The following roads are expected to be used, and corresponding weight limit ratings are included:

- KY 3 – From the Johnson County line to KY 645 south of Inez (MP0.0 to MP 10.019). The truck weight class is AAA, or 80,000 lb maximum.

Response Provided by Justin, Ahn, ERM

31. Provide the number of workers per vehicle traveling to the Project site during an average construction day.

RESPONSE: The Project has not yet chosen an EPC contractor and therefore does not have the specifics for the workers that will be traveling to the site. Based on the traffic report and our experiences at the Martin County Solar Project, we estimate that 1 to 2 workers per vehicle will travel to the Project site during an average construction day. Greater detail will be known closer to construction.

32. Provide the average number of construction workers on site each day over the course of the construction period.

RESPONSE: The Project has not yet chosen an EPC contractor nor finalized the construction schedule and therefore does not have the specifics for the workers that will be on site each day. Based on the traffic and economics reports and our experiences at the Martin County Solar Project, we estimate that there will be a peak of 480 direct jobs during construction which will result in an average of less than the peak. Greater detail will be known closer to construction.

33. Provide the average number many monthly trips for each type of delivery truck will be needed on average over the Project construction period and during the peak construction period.

RESPONSE: The Project has not yet chosen an EPC contractor nor finalized the construction schedule and therefore does not have the specifics for the delivery trucks. Based on the traffic and economics reports and our experiences at the Martin County Solar Project, we estimate that there will be an average of ten trucks per day over the 12-18 months of construction with a peak of 20 to 30 trucks during peak deliveries. Greater detail will be known closer to construction.

34. Provide the peak daily number of construction vehicles accessing the site, by vehicle type, i.e., worker vehicles, delivery trucks, cement trucks, water trucks (if utilized), and others.

RESPONSE: The Project has not yet chosen an EPC contractor nor finalized the construction schedule and therefore does not have the specifics for the peak daily construction vehicles accessing the site. Greater detail will be known closer to construction.

35. Provide an estimate of the number and approximate weight classes of the heavy and light duty trucks anticipated on site per day during the construction phase.

RESPONSE: The Project has not yet chosen an EPC contractor nor finalized the construction schedule and therefore does not have the specifics for the number and approximate weight classes of the heavy and light duty trucks. Based on the traffic and economics reports and our experiences at the Martin County Solar Project, we estimate that there will be several semi-truck deliveries a day during construction, with only a few heavy duty/oversized truck deliveries through the entire construction period. Greater detail will be known closer to construction.

36. Provide the construction timeline for the project that includes each phase of construction, including the anticipated start date.

RESPONSE:

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MOBILIZATION	June 30	-	-	1 DAY
CIVIL WORKS INCLUDING FENCING, ACCESS	June 30	March 31	EXCAVATORS, DOZERS, DUMP	9 MONTHS

		LYNN BARK CONSTRUCTION SCHEDULE		
PROJECT MILESTONE	**START**	**FINISH**	**CONSTRUCTION EQUIPMENT**	**DURATION**
ROADS, AND EROSION CONTROL			TRUCKS, BACKHOES	
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37. Provide the maximum expected load weights for each type of delivery truck, including cement and water trucks, heavy equipment, gravel for access roads, panels, inverters, and the transformer.

RESPONSE: The Project has not yet chosen an EPC contractor nor finalized the construction schedule and therefore does not have the specifics for the maximum expected load weights for each type of delivery truck. Based on the traffic and economics reports and our experiences at the Martin County Solar Project, we estimate that a only a few heavy duty/oversized truck deliveries will be needed throughout the entire construction period. Greater detail will be known closer to construction.

38. Identify the specific roadways used by heavy trucks, including for delivery of the transformer.

RESPONSE: The Project expects to use KY 3, from the Johnson County line to KY 645 (MP 0.0 to MP 10.019), which is a State Designated Truck Route.

39. Identify any bridges within a two-mile radius along KY 3 and another other road proposed to be used during the construction phase of the project.

RESPONSE: A map identifying bridges within a 2-miles radius is included as **Attachment G.**

40. Identify the width and weight limitations for any bridges identified along these roads.

RESPONSE: Refer to the table below for width and weight limitations for the identified bridges

Bridge ID	Route/MP	Latitude	Longitude	Weight Restriction	Width (ft)
080B00033N	KY 3 MP 5.25	37.80	-82.57	OPEN – NO RESTRICTIONS	80
080B00038N	KY 3 MP 5.05	37.79	-82.57	OPEN – NO RESTRICTIONS	80
080B00037N	KY 3 MP 4.75	37.79	-82.58	OPEN – NO RESTRICTIONS	80

Response Provided by Justin Ahn, ERM

41. Identify which bridges and the corresponding road that will be crossed during the delivery phase of the project.

RESPONSE: Traveling on KY 3 from the north, bridges 080B00033N, 080B00038N, and 080B00037N will be crossed during the delivery phase of the project.

Response Provided by Justin Ahn, ERM

42. Identify any repairs or upgrades that will need to be made to any bridges expected to be used during the delivery phase of the project.

RESPONSE: The Project has not yet conducted a haul route study. Once the haul route has been determined and the pre-construction road condition survey has been completed,

any repairs or upgrades to bridges will be completed. Based on the preliminary review of the bridges, no restrictions currently exist, and improvements are not anticipated. Greater detail will be known closer to construction.

Response Provided by: ERM-Sub

43. Provide the estimated weight of the project's required substation transformer and the truck class necessary for its delivery.

RESPONSE: The transformer is currently estimated to be 240,000 pounds. It is likely to be transported via railway and then using a class 8 or 9 truck for the final approximately 5 miles.

44. Explain whether any oversize or overweight deliveries will require special permits from the Kentucky Department of Transportation.

RESPONSE: The Project has not yet chosen an EPC contractor nor finalized the construction schedule and therefore does not have the specifics for the number of oversize or overweight deliveries. Based on the project infrastructure and our experiences at the Martin County Solar Project, we estimate that there will be at least one and potential for a few oversized/overweight truck deliveries through the entire construction period that will require special permits from the Kentucky Department of Transportation. Greater detail will be known closer to construction and coordination and permits will be sought from the Kentucky Department of Transportation.

45. Explain the plan for repairing Project-related damage to any roadways or bridges.

RESPONSE: The Project intends to enter into discussions with the County relative to appropriate road use and maintenance.

46. Provide a summary of any contact that Lynn Bark Energy has had with the Kentucky Transportation Cabinet regarding road weight ratings for heavy deliveries to the site and any anticipated road/shoulder damage or mitigation measures. Identify the individual with whom the contact was made, and their role with the Kentucky Transportation Cabinet.

RESPONSE: The Project has not yet coordinated with the Kentucky Transportation Cabinet regarding road weight ratings or road/shoulder damage or mitigation measures.

The Project will seek coordination and any necessary permits prior to the start of construction.

47. Provide a summary of any contact that Lynn Bark Energy has had with the Martin County Road and Bridge Department regarding the proposed project, traffic impacts, and heavy deliveries to site. Identify the individual with whom the contact was made, and their role with the Martin County Road and Bridge Department.

RESPONSE: The Project has not yet communicated with the Martin County Road and Bridge Department relating to traffic plans or heavy deliveries but expects to initiate contact soon, certain before the hearing on the Application.

48. Explain whether any traffic stoppages will be necessary to accommodate large truck deliveries for the Project or for constructing the Project transmission line. If yes, provide the expected locations, frequency, and length of those stoppages.

RESPONSE: No traffic stoppages for large truck deliveries are expected.

49. Explain any specific traffic management strategies to be employed during construction.

RESPONSE: Flaggers and escort vehicles will be utilized during construction for traffic management

50. Provide whether access to Davella Church of Christ and any other churches or religious facilities in the area will be restricted due to the delivery of project components, should delivery routes pass these facilities.

RESPONSE: No restrictions to churches or religious facilities are expected due to Project deliveries.

51. Provide any communication with the Big Sandy Regional Airport regarding the Project.

RESPONSE: No communication has yet occurred, but the Project intends to timely initiate same as notification will be required.

52. Provide any communication with the Federal Aviation Administration (FAA) or the Kentucky Airport Zoning Commission regarding the project.

RESPONSE: No communication has yet occurred.

53. Provide any geotechnical reports for the project.

RESPONSE: Geotechnical reports have not yet been completed but will be done as is typical during the pre-construction process.

54. Explain whether a historical survey of the project has been conducted. If the historical survey has been completed, please provide a copy. If it has not been completed explain when it will occur.

RESPONSE: A historical survey has not yet been completed.

55. Refer to the Kentucky Geological Survey Oil and Gas Wells Search (KY Geode: KGS Oil and Gas Wells Search (uky.edu)).

a. File a map with all active and inactive oil or gas wells on the proposed site. Also include any gas-gathering pipelines associated with the wells.

RESPONSE: See **Attachment** H for known active and inactive oil or gas wells.

b. Confirm whether the existence of oil and gas wells and pipelines will require adjustments to the proposed location of solar panels.

RESPONSE: If unknown oil or gas wells and pipelines are located on site, the Project layout will be adjusted to avoid all impacts.

c. Determine and confirm whether any of these wells are currently permitted and active.

RESPONSE: Yes, some pipelines are active.

RESPONSE: A map with the locations of active and inactive oil and gas wells is included as **Attachment H**. We will set back approximately 50' from any active well.

56. Refer to SAR, Exhibit B, Property Value Impact Study provides that the closest non-participating home to the proposed Project will be 1,575 feet from the nearest solar panel. Refer to the SAR, Exhibit D, Acoustic Assessment Report Table 1 which states that the nearest sensitive receptor is 1,067 feet from any solar panel. Confirm the distance between the nearest receptor to the Project and its nearest solar panel.

RESPONSE: The trailer park neighborhood located southwest of Devella Lane is 1,067 feet west of the nearest panel.

Response Provided by Justin Ahn, ERM

57. Refer to the SAR, Exhibit D, Acoustic Assessment Report. Provide a map with the construction site outlined and all noise receptors within 1,500 feet of the project boundaries with ID labels. Also include whether the noise receptors are residences or other types of structures.

RESPONSE: A map with all NSAs labeled and identified is included as **Attachment I.** See also **Attachment C.**

Response Provided by Justin Ahn, ERM

58. Provide a chart with the expected noise level during pile driving at each noise receptor within 1,500 feet of the project boundaries.

RESPONSE: Chart with maximum expected noise levels for representative noise sensitive areas included in Acoustic Assessment Report, which is Exhibit D of Site Assessment Report.

59. Explain any specific restrictions to be placed on the time of day or days of the week during which other loud construction activities, other than pile driving, may take place.

RESPONSE: No changes to the time of day or days of the week from the schedule proposed in the Application are anticipated because the proposed times and days are already intended to include restrictions appropriate for louder construction activities.

60. Refer to the SAR, Exhibit D, Acoustic Assessment Report which states that pile driving is schedule "to only occur between the hours of 8 a.m. and 8 p.m. or dawn to dusk whichever is earlier." Confirm if the clause "whichever is earlier" is intended to state that pile driving will occur during the most limited hours between 8 a.m. or dawn, and 8 p.m. or dusk. (E.g., confirm that pile driving would not occur at a 7 a.m. dawn). If not confirmed, please explain.

RESPONSE: No changes to the time of day or days of the week from the schedule proposed in the Application are anticipated because the proposed times and days are already intended to include restrictions appropriate for louder construction activities.

Response Provided by: ERM

61. Detail any communications with members of the public, including neighboring landowners, regarding construction noise.

RESPONSE: Project representatives have not yet had communications with members of the public regarding construction noise except as covered in the public information meeting and recited in the Application, at Tabs 3 and 6. The Project expects to provide all required advanced notices to neighboring landowners in connection with construction of the Project.

62. State the number of residential structures that may have a view of any portion of the Project, including fencing, solar arrays, substation, or other infrastructure.

RESPONSE: Based on a viewshed analysis, No residential structures are expected to have a view of any portion of the Project.

Response Provided by Justin Ahn, ERM

63. Provide a map of the residential structures that may have a view of any portion of the Project.

RESPONSE: Provided with submission

Response Provided by Justin Ahn, ERM

64. Explain in detail all cemetery facilities that may be affected by the project.

RESPONSE: No cemetery features are expected to be impacted by the Project.

65. Confirm that Lynn Bark Energy does not intend to plant vegetative screening in any part of the project site.

RESPONSE: Development of vegetative screening is not planned.

66. If vegetative screening is anticipated, provide a detailed vegetative screening plan, including locations of proposed vegetation, types of vegetation, heights at planting plan for long-term maintenance.

RESPONSE: Not applicable.

67. Identify on a project site map the specific areas of the project boundary that are likely to undergo tree removal.

RESPONSE: A map with identified areas of likely tree removal is included as **Attachment J.**

Response Provided by Justin Ahn, ERM

68. Identify the nearby sensitive receptors for which tree removal during project construction would cause viewshed impacts and create a possible view of the proposed project's solar arrays.

RESPONSE: Tree removal within the proposed fence may cause viewshed impacts to NSAs 1, 9 and 10 due to their proximity to the cleared areas.

Response Provided by Justin Ahn, ERM

69. Explain whether vegetative clearing be required to accommodate the proposed 138kV 5.61-mile-long transmission line. If yes, provide the anticipated acreage of vegetative clearing.

RESPONSE: This information is not yet available. Lynn Bark expects to provide this information at a later time during the separate forthcoming permitting process for the transmission line.

70. Provide a narrative description of any vegetative clearing that will occur across the project. Include the acreage and any permits that will be required.

RESPONSE: The Project estimates approximately 640-acres of vegetation clearing for construction. The clearing is of any combination of trees, shrubs, ground cover, and crop production, which has yet to be verified to determine an amount of acreage. This will be completed prior to construction. All required permits will be acquired prior to the start of construction, once the final construction plan and set and associated impacts are finalized. These could include Stormwater Permits and Wetland Permits.

71. Explain how the project has been designed to minimize the amount of tree clearing required.

RESPONSE: The majority of the project area will be located is within the previously cleared mining area with non-mature trees. Project is designed to avoid tree clearing to the maximum extent practicable.

Response Provided by: ERM

72. Confirm whether the site will be irrigated to promote vegetation.

RESPONSE: No irrigation is planned.

73. State whether the Project panels will be coated with an anti-reflective coating.

RESPONSE: Yes.

74. Refer to the Application Tab 3 and Tab 6 Public Notice Evidence and Public Involvement. Provide any documents that were presented to the community that were not included in Tab 3 or Tab 6.

RESPONSE: There are no additional documents.

75. Provide any written comments, or a summary of oral comments offered by the public or government agencies outside of the record of this case.

RESPONSE: No comments have been made by members of the public or governmental agencies other than laborers' inquiries about work on the Project.

76. Explain any plans to coordinate with local landowners or others in case of complaints or other issues that might arise during construction or operations.

RESPONSE: The Project will identify a point of contact for any such concerns, along with that person's contact information.

77. Provide a brief history of the previously used surface mine.

RESPONSE: The Project is waiting on a Mining Report for the details of the previous surface mining history. The report has not yet been received, but will be provided once completed.

78. Explain whether Lynn Bark Energy has consulted with the Commonwealth of Kentucky regarding plantings on reclaimed surface mine lands. Identify which agency, and with whom Lynn Bark Energy has consulted.

RESPONSE: No such consultation has occurred.

79. Confirm whether full reclamation of the prior surface mining site has been completed.

RESPONSE: Yes, reclamation has been completed.

80. Provide a copy of the reclamation plan for the property in question and the date any such plan was completed.

RESPONSE: The reclamation plan has been requested from the landowner, but has not yet been received, but will be provided once completed.

81. Given the site was previously used as a surface mine, provide any steps Lynn Bark Energy will take to remediate the site and make special preparations to minimize pollutant Explain how the Project will be designed to avoid impacts to Waters of the United States (WOTUS) delineated onsite. discharge.

RESPONSE: The Project will utilize a SWPPP and Erosion and Sediment Control plan to enact measures to prevent erosion and pollutant discharge generated from the Project. Best management practices will be utilized including silt fencing, waddles, baffles, stormwater basins, and other methods of erosion and sediment control will be utilized during the construction of the Project. Additionally, confirmation regarding Waters of the United States ("WOTUS") will be acquired from USACE Louisville District. The Project will avoid impacts to WOTUS to the greatest extent practicable, and any impacts to WOTUS will be minimal and authorized through a Clean Water Act, Section 404 permit and Section 401 Water Quality Certification. Potential impacts to WOTUS will be minimized through Project design and best management practices will be enacted to prevent impact to adjacent WOTUS.

82. Provide the Stormwater Pollution Prevention Plan (SWPPP) for the project.

RESPONSE: The SWPPP is a construction permit and will be obtained prior to construction.

83. Provide a list of permits from other local, state, or federal agencies that have been or will be obtained prior to construction or operations.

RESPONSE: See Attachment K for a list of potential permits. The Project has not yet but will timely obtain all necessary permits.

84. Provide copies of documents submitted to other agencies, other than what is provided in the application.

RESPONSE: No documents have been submitted to other agencies besides what was provided in the Application.

85. Refer to the Application, Tab 10, Economic Impact Report.

a. Confirm the lengths of facility construction period featured in the California study that was cited for this proposed Project's estimation of 480 direct jobs.

b. Describe if and how the economic impacts of the proposed Project would change if the construction period were 12 months rather than 18 months as modeled.

RESPONSE: The analysis is based on the FTE job-years required to build a 200 MW facility, as revealed by the California study. Using job-years as a metric gets around having to know the length of time required. There would be no effect on the estimated impact if the construction period were increased in time.

Response Provided by Justin Ahn, ERM

86. Refer to the Application, Tab 10, Economic Impact Report. Explain what portion of construction phase jobs would be filled by Martin County residents.

RESPONSE: Lynn Bark plans to enter into an Engineering, Procurement, and Construction (EPC) contract for this project, so it is not currently possible to know precisely how many workers will be employed nor their total compensation. The estimated direct jobs during construction will consist of construction managers, heavy equipment

operators, installers, electricians, and fencers, to name a few. Presumably, more specialized workers will be brought in for certain tasks, and many other general construction-type jobs will be filled locally depending upon available supply.

Response Provided by Justin Ahn, ERM

87. Explain whether Lynn Bark Energy will pursue an Industrial Revenue Bond and Payment In Lieu of Taxes agreement with Martin County. If so, explain how that might change the cumulative tax revenues of the Project.

RESPONSE: The project may pursue an IRB and PILOT but has not to date.

88. State the expected operational life of the Project.

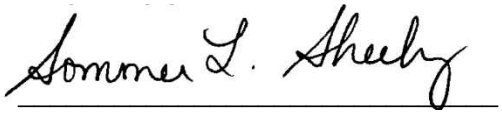
RESPONSE: The expected operational life of the Project is 35 to 40 years.

89. Explain any commitments regarding infrastructure removal or land restoration during decommissioning included in the landowner lease agreements.

RESPONSE: The commitments regarding infrastructure removal or land restoration during decommissioning are as set forth in the Project's Decommissioning Plan, which was submitted with the Application at Tab 12, Site Assessment Report, Exhibit F. Additionally, the applicable lease provides as follows regarding infrastructure removal or land restoration during decommissioning:

> 6.4 Lessee's Obligation To Restore Property. Lessee shall do the following with respect to any portions of the Property disturbed by Lessee in the course of Solar Operation: . . . (b) within twelve (12) months after the expiration, surrender or termination of this Lease, Lessee shall . . . (ii) dismantle and remove from such portions of the Property any Solar Energy System owned or installed by Lessee or its affiliates on the Property and (iii) leave the surface of the Property free from debris and restore such portions of the Property to a condition reasonably similar to its condition as of the Effective Date, including without limitation, exercising commercially reasonable methods to remove all Solar Energy Systems located beneath the surface of the land (including footings and foundations), to de-compact any substantially compacted soil and, if applicable, reseed disturbed soil with seed consistent with grass types in the vicinity of the Project.

Respectfully submitted,



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