

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

In the Matter of:

ELECTRONIC APPLICATION OF WOOD)	
DUCK SOLAR LLC FOR A CERTIFICATE OF)	
OF CONSTRUCTION FOR AN APPROXIMATELY)	
100 MEGAWATT MERCHANT ELECTRIC)	
SOLAR GENERATING FACILITY AND)	Case No. 2024-00337
NONREGULATED ELECTRIC TRANSMISSION)	
LINE IN BARREN COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700 AND 807 KAR)	
5:110.)	

RESPONSE TO CONSULTANT’S REPORT

Wood Duck Solar LLC (the “Applicant” or “Wood Duck”) provides the following response to the Review and Evaluation of Wood Duck Solar Project LLC Site Assessment Report Case Number: 2024-00337 by Harvey Economics (“Report”). Wood Duck appreciates the thorough review and analysis of its proposed generation facility and nonregulated electric transmission line (“Project”). The Report’s recommendations are generally agreed to with minor recommended clarifications and changes as described below.

Clarification of Setback Distances

The Applicant provides the following clarification of setback distances between the nearest nonparticipating property and Project components. Harvey Economics’ Report recorded the setback distance between the nearest Project solar panel to a nonparticipating landowner to be 83 feet, which the Project’s Sound Study (SAR Attachment D) identified as SR-154. Although the noise levels and distance measurements provided in the table attached to Response No. 34(b) to Siting Board Staff’s Second Request for Information were correct, the table misidentified the owner of SR-154 as a nonparticipating landowner. SR-154 and SR-155 are two residential

structures located on the same portion of a parcel identified by the Barren County PVA as Parcel #19-10, which is owned by participating landowner Mark Bellamy. Although these structures are currently located on the Project site, Mr. Bellamy has communicated to the Project his intent to relocate the structures outside of the Project area as noted in Response No. 37 to Siting Board Staff's Second Request for Information. A corrected table showing SR-154 and SR-155 as participating properties was submitted on September 29, 2025, in the Applicant's Third Supplemental Response to the Siting Board Staff's Second Request for Information.

Given that SR-154 belongs to a participating landowner, the nearest nonparticipating property located near a solar panel is SR-046. As shown in the Operational Noise Contour map submitted in the Project's Second Supplemental Response to Request No. 34(a) to Siting Board Staff's Second Request for Information, SR-046 is located in the northeastern portion of the Project on Dripping Springs Road. As shown in the table attached to the Applicant's Third Supplemental Response to the Siting Board Staff's Second Request for Information, SR-046 is located approximately 189 feet from the nearest solar panel, 3,002 feet from the nearest inverter, and 8,495 feet from the Project substation.

A. Site Development Plan

Recommendation:

1. The Siting Board will determine whether 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. If so, the Applicant will support the Siting Board's effort to revise its assessment of impacts and mitigation requirements.

Response:

Applicant agrees to submit an updated construction schedule prior to commencing construction, but requests that any deviations in the schedule or workforce estimates not be subject to a determination by the Siting Board regarding the impacts thereof, as construction scheduling and the number of daily onsite workers are subject to change on a nearly day-to-day basis due to factors beyond the Applicant or Board's control including, among others, inclement weather, unforeseen supply chain delays or disruptions, subcontractor relationships, and labor shortages.

B. Compatibility with Scenic Surroundings

Recommendation:

2. *The Applicant will implement vegetative screening as proposed in the revised Screening Plan as a minimum, including vegetative screening near the O&M area/Project substation.*

Response:

Applicant will implement vegetative screening as proposed in the revised Landscaping Plan as a minimum but will take into consideration feedback from nearby residents whose viewshed is impacted once construction of the substation, switchyard, and O&M is complete.

Recommendation:

3. *The Applicant will provide any changes to the revised Proposed Screening Plan to the Siting Board.*

Response:

Applicant will implement vegetative screening as proposed in the revised Landscaping Plan but recommends this recommendation should not be adopted as it is redundant with site plan obligations.

Recommendation:

4. *Any changes to the site infrastructure layout (i.e., panels, inverters, etc.) included in the Application materials will be submitted to the Siting Board for review. If the Siting Board deems those changes to be significant, the Siting Board may require the Applicant to revise the submitted Landscape Plan.*

Response:

This recommendation is redundant of the anticipated requirement that the Applicant submit a final site plan to the Siting Board for review. Applicant recommends that this recommendation not be adopted.

Recommendation:

5. *The Applicant shall consult with local homeowners or businesses adjacent to the Project site to determine whether there are adverse impacts to the viewshed. The Applicant will work with those homeowners and businesses to address and resolve complaints related to view of Project facilities.*

Response:

This recommendation is both subjective in implementation and redundant with the complaint resolution program, and requires Applicant to meet with a third party that may not wish to meet with Applicant. Applicant recommends this recommendation should not be adopted.

Recommendation:

6. *The Applicant will use anti-glare panels and operate the panels in such a way that glare from the panels is minimized or eliminated. The Applicant will work with affected local residents and Barren County representatives to address and resolve complaints about glare from those living, working or traveling in proximity to the Project.*

Response:

This recommendation is both subjective and redundant, and Applicant recommends the Siting Board not to adopt this recommendation. Solar panels are designed to absorb sunlight and minimize glare. Also, in addition to implementing vegetative screening, the Applicant will establish a complaint resolution program prior to commencing construction to address and resolve glare complaints from nearby residents and travelers. For additional assurances, Applicant suggests that the Siting Board requires Applicant to operate the panels in accordance with FAA and other applicable agency requirements.

C. Potential Changes in Property Values and Land Use

Recommendation:

7. *No unique mitigation measures are recommended related to potential impacts to property values or adjacent land uses because other mitigation already recommended can accomplish this. However, close coordination by the Applicant with impacted and concerned homeowners regarding potential visual impacts and impacts from noise, traffic or other Project activities should be initiated.*

Response:

This recommendation is subjective, vague, and conflicts with evidence already in the record. Moreover, this recommendation is redundant with the complaint resolution program and should not be adopted.

D. Anticipated Peak and Average Noise Levels

Recommendation:

8. *The Applicant shall respond to any complaints related to noise levels or noise causing activities occurring during construction or operations via a timely, formal and clearly developed complaint resolution program.*

Response:

This recommendation is redundant with the complaint resolution program and should not be adopted.

Recommendation:

9. *The Applicant should limit the construction activity, process and deliveries to the hours of 8:00 am to 5:00 pm, Monday through Saturday. No construction work should be conducted on Sundays.*

Response:

Applicant agrees with the spirit of this recommendation but recommends limiting noise-causing construction activities, including pile driving, to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday, to allow non-noise causing Project-related activities to take place outside of these hours. No pile driving will occur on Sundays.

Recommendation:

10. *The Applicant shall maintain functional mufflers on all diesel-powered equipment.*

Response:

This recommendation is subjective and is redundant with the complaint resolution program. Applicant recommends the Siting Board not adopt this recommendation.

Recommendation:

11. *The Applicant should coordinate with the Woodland United Baptist Church and Cemetery to limit pile driving and heavy or oversize deliveries passing near the Church during their services, including funerals.*

Response:

This recommendation is redundant with the complaint resolution program. Applicant commits to mail a copy of its traffic management plan and provide points of contact for the Project to Woodland United Baptist Church leaders but otherwise recommends the Siting Board not adopt this recommendation.

E. Road and Rail Traffic, Fugitive Dust, and Road Degradation

Recommendation:

12. *The Applicant shall work with the Commonwealth road authorities and the BCRD to perform road surveys, before and after construction activities, on all roads in the Project area to be used by construction vehicles.*

Response:

Applicant agrees with the spirit of this recommendation, but as written the recommendation is redundant with the traffic study and subjective in implementation. Applicant commits to meeting with state and local road authorities to the extent those entities are willing to meet with Project representatives. However, given the redundancy of the recommendation as written, Applicant recommends the Siting Board not adopt this recommendation.

Recommendation:

13. *The Applicant shall fix or pay for damage resulting from any Project-related commuting or heavy vehicle transport to the Project site during construction.*

Response:

Applicant recommends limiting this to “damage to roads caused by the Project”. As written, this recommendation is overly broad.

Recommendation:

14. The Applicant shall implement a ridesharing plan for construction workers if feasible and if needed, use appropriate traffic controls or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.

Response:

Applicant can encourage ride sharing amongst construction workers but cannot require workers to ride share. Additionally, the nature of construction of solar facilities such as the Project will in almost all situations prevent implementation of flexible work hours for the construction workers.

Recommendation:

15. The Applicant shall make a good faith effort to communicate its traffic management plan with the Amish community elders, and respond, if practicable, to their concerns.

Response:

This recommendation is subjective in its implementation and requires Applicant to communicate with third parties that may not want to meet with Applicant. Applicant commits to mail a copy of its traffic management plan and provide points of contact for the Project to Amish community elders but otherwise recommends the Siting Board not adopt this recommendation.

Recommendation:

16. The Applicant shall consult with CSX and the KYTC to evaluate potential impacts or specific mitigation measures related to Project traffic over railroad crossings, as necessary.

Response:

This recommendation is redundant with the traffic management plan. Additionally, the Applicant will not utilize railways for Project deliveries and no impacts to existing railways are anticipated by Applicant or raised in the Report. Applicant recommends the Siting Board not adopt this recommendation.

G. Decommissioning

Recommendation:

17. The Applicant shall file a final decommissioning plan with the Siting Board, or its successors, as well as Barren County, which complies with Kentucky Revised Statutes (KRS) 278.706(2)(m) and applicable Barren County Subdivision Regulations (Article 5, Section 511.2). The plan shall commit the Applicant to the removal of all applicable Project components and required restoration activities.

Response:

Applicant agrees with the spirit of this recommendation but recommends amending the recommendation to only require filing the Project's final decommissioning plan with the Siting Board prior to commencing construction. Barren County has enacted local decommissioning plan and bond requirements applicable to the Project, which, per KRS 278.704(3), has primacy over decommissioning requirements set forth in KRS 278.706(2)(m) and is not subject to modification or waiver by the Siting Board.

Recommendation:

18. The Applicant shall provide a bond or similar security to ensure financial performance of decommissioning in accordance with the requirements of (KRS) 278.706(2)(m)(5).

Response:

Applicant recommends the Siting Board not adopt this recommendation. Barren County has enacted local decommissioning bond requirements applicable to the Project in Section 511 of the Subdivision Regulations of Barren County, Kentucky, which, per KRS 278.718, has primacy over decommissioning bond requirements set forth in KRS 278.706(2)(m).

Recommendation:

19. *The bond amount should be reviewed and updated every five years at the expense of the Applicant to determine and update the cost of facility removal. This review shall be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review shall be provided to the Siting Board or its successors and the Barren County Fiscal Court. Such certification shall be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.*

Response:

Applicant recommends the Siting Board not adopt this recommendation because the Siting Board would not retain jurisdiction over the Project at the time the recommended certification submittals would be required. Rather, period decommissioning bond recalculations would be required under administrative regulations promulgated by the Kentucky Energy and Environment Cabinet.

Recommendation:

20. *If the Applicant proposes to retrofit the current proposed facility, it shall demonstrate to the Siting Board that the retrofit facility will not result in a material change in the pattern or magnitude of impacts compared to the original project. Otherwise, a new Site Assessment Report will be submitted for Siting Board review. The term retrofit is defined as the facility being re-*

designed such that the facility has a different type of operations or function, i.e., no longer operates as a solar electric generation facility.

Response:

Applicant recommends adopting the Siting Board's standard provision concerning this issue, which states: [Wood Duck] shall commit to removing debris and replaced facility components from the Project site upon replacement. Further, Applicant disagrees with the requirement to inform the siting Board of retrofits because the Siting Board will not have jurisdiction over the facility once construction is complete.

Recommendation:

21. *The Applicant shall also prepare a new Site Assessment Report for Siting Board review if the Applicant intends to retire the currently proposed facility and employ a different technology.*

Response:

Applicant recommends the Siting Board not adopt this recommendation as Applicant's recommendation above addresses this issue. As written, this recommendation is vague and would essentially require submittal of a new construction certificate application. Further, the Siting Board's jurisdiction over the Project ends once construction of the facility is complete and operations commence.

Recommendation:

22. *The Applicant, its successors, or assigns must provide notice to the Siting Board if during any two-year period it replaces more than twenty percent of its facilities. The Applicant shall commit to removing the debris and the older facility components from the Project site upon replacement. The Applicant must inform the Siting Board of where the removed facility components are being disposed of.*

Response:

Applicant recommends removing the requirement to inform the Siting Board of where facility components are disposed. At the time of disposal, the Kentucky Energy and Environment Cabinet will have jurisdiction over the facility. Additionally, the threshold to trigger notification to the Siting Board (*i.e.*, twenty percent (20%) of its facilities) is vague regarding the scope of components, equipment, and associated facilities that comprise the ultimate “facility”.

H. Public Outreach and Communication

Recommendation:

23. *The Applicant should continue to engage with local residents, businesses and others to provide additional information about the Project, provide a forum for hearing comments and concerns, and to address questions as they arise.*

Response:

This recommendation is redundant of the complaint resolution program and should not be adopted. Applicant has endeavored to remain transparent to the public with respect to the Project.

Recommendation:

24. *The Applicant should make additional efforts to reach out to specific groups or entities within Barren County, potentially including the Amish community and local churches, which may have concerns regarding the Project.*

Response:

Applicant recommends the Siting Board not adopt this recommendation as redundant of the complaint resolution program.

I. Complaint Resolution Program

Recommendation:

25. *The Applicant should develop and implement a complaint resolution plan that describes the process for filing complaints during construction and during operations, and this plan should be provided to Barren County and the Siting Board. The complaint resolution plan should explain how to register the complaint; how it will be addressed; the timeframe in which a complainant can expect a response; and an explanation of how resolution will be determined if the complainant is not satisfied with the response from the Applicant.*

Response:

Applicant recommends that the Siting simply require the Applicant to adopt a complaint resolution program prior to commencement of construction.

Recommendation:

26. *The Applicant should submit to the Siting Board, annually, a status report associated with the complaint resolution plan, recounting the individual complaints, how the Applicant addressed those complaints and the ultimate resolution of those complaints.*

Response:

Applicant agrees with the spirit of this recommendation but recommends that annual status report submittals only be required during the Project's construction phase. After construction of the facility is complete, the Siting Board's jurisdiction over the facility ends and the Kentucky Energy and Environment Cabinet's jurisdiction over the facility begins.

Respectfully submitted,



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