

Exhibit E to Attachment H. RES Standard Form Agreement

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**Guidelines for
Agricultural Mitigation for Solar Energy Projects
(Revision 4/19/2018)**

and

**Guidelines for
Agricultural Mitigation for Wind Power Projects
(Revision 4/19/2018)**

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**Guidelines for
Agricultural Mitigation for Solar Energy Projects
(Revision 4/19/2018)**

The following guidelines apply to the construction, restoration, and follow-up monitoring of solar energy projects impacting agricultural land. Depending on the size of the project, the project sponsor shall hire an Environmental Monitor to oversee the construction, restoration and follow-up monitoring in agricultural fields.

For projects involving less than 20 acres of agricultural land, the Construction Manager or some other on-site personnel could serve as the Environmental Monitor. The Environmental Monitor shall be on site whenever construction or restoration work is occurring on agricultural land.

For projects involving 20 acres or more of agricultural land, the Environmental Monitor shall be on site whenever construction or restoration work is occurring on agricultural land and shall coordinate with the New York State Department of Agriculture and Markets, Division of Land and Water Resources. The purpose would be to develop an appropriate schedule for inspections, to assure that the goals of these guidelines are being met.

In all cases, the Environmental Monitor shall contact the New York State Department of Agriculture and Markets, Division of Land and Water Resources, if farm resource concerns, management matters pertinent to the agricultural operation, and site-specific implementation conditions found in these guidelines, cannot be resolved.

Construction Requirements

- The surface of access roads constructed through agricultural fields must be level with the adjacent field surface.
- Install culverts and waterbars to maintain natural drainage patterns.
- Strip all topsoil from agricultural areas used for vehicle and equipment traffic, parking, and equipment laydown and storage areas. Limit all vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas. Do not allow vehicles or equipment outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.
- The area of impact from the installation of electric cables can vary depending on the installation method and amount of disturbance. When an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional work space may be required.

- Stockpile topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) separate from other excavated material (rock and/or subsoil). At least 50 feet of temporary workspace is needed along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Clearly designate topsoil stockpile areas in the field and on construction drawings.
- Electric interconnect cables and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Thus, interconnect cables must be buried in agricultural fields wherever practicable. Interconnect cables and transmission lines installed above ground must be located outside field boundaries wherever possible. When above ground cables and transmission lines must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.
- All buried electric cables in cropland, hayland and improved pasture, must have a minimum depth of forty-eight inches of cover. In unimproved grazing areas and land permanently devoted to pasture, the minimum depth of cover must be thirty-six inches. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables must be buried entirely below the top of the bedrock or at the depth specified for the particular land use whichever is less. At no time shall the depth of cover be less than twenty-four inches below the soil surface.
- When buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. Install all drain lines according to Natural Resource Conservation Service standards and specifications. Drain tile must meet or exceed the AASHTO M252 specifications.
- Remove all excess subsoil and rock from the site. On-site disposal of such material is only allowed if approved by the landowner, with appropriate consideration given to any possible agricultural or environmental impacts. *
- In pasture areas, it may be necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.
- Pick up all pieces of wire, bolts, and other unused metal objects and properly dispose of as soon as practical to prevent mixing with any topsoil. *
- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas. *

(*Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the contractor, with the cooperation of the landowner when required.)

Restoration Requirements

All agricultural areas temporarily disturbed by construction must be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results must be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction must be conducted prior to topsoil replacement. Following decompaction, remove all rocks 4 inches and larger in size, from the surface of the subsoil prior to replacement of the topsoil. Replace the topsoil to original depth and reestablish original contours where possible.

Remove all rocks 4 inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provision must be made to restore and/or reseed any eroded or poorly germinated areas in the springtime, to establish proper growth.

Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the design.

Seed all restored agricultural areas with the seed mix specified by the landowner, in order to maintain consistency with the surrounding areas.

Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.

On affected farmland, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be regraded and subsoil must not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist.

Following restoration, remove all construction debris from the site.

Monitoring and Remediation

The Project Sponsor shall provide a monitoring and remediation period of no less than 365 days following the date upon which the project achieves Commercial Operation. The one year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase is used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.

General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.

Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. Determine excessive amounts of rock and oversized stone material by a visual inspection of disturbed areas as compared to portions of the same field located outside the construction area. Remove and dispose of all excess rocks and large stones.

When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the project sponsor as well as other appropriate parties, must determine the appropriate rehabilitation measures to be implemented.

Decommissioning

If the use of the solar arrays is discontinued, remove all above ground structures and restore all areas previously used for agricultural production, according to recommendations by the landowner, the Soil and Water Conservation District, and the Department of Agriculture and Markets. All concrete piers, footers, or other supports must be removed to a depth of 48 inches below the soil surface. Underground electric lines must be abandoned in place. Access roads in agricultural areas must be removed, unless otherwise specified by the landowner.

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**Guidelines for
Agricultural Mitigation for Wind Power Projects
(Revision 4/19/2018)**

The following guidelines apply to construction areas for wind power construction projects impacting agricultural land. The project sponsor shall coordinate with the New York State Department of Agriculture and Markets, Division of Land and Water Resources to develop an appropriate schedule for inspections to assure that the goals of these guidelines are being met. The project sponsor shall hire an Environmental Monitor to oversee the construction and restoration in agricultural fields. The Environmental Monitor shall be on site whenever construction or restoration work is occurring on agricultural land. Frequent contact with impacted farmers and the Department is encouraged.

In all cases, the Environmental Monitor shall contact the New York State Department of Agriculture and Markets, Division of Land and Water Resources, if farm resource concerns, management matters pertinent to the agricultural operation, and site-specific implementation conditions found in these guidelines, cannot be resolved.

Construction Requirements

- The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface.
- Culverts and waterbars shall be installed to maintain natural drainage patterns.
- All topsoil must be stripped from agricultural areas used for vehicle and equipment traffic and parking. All vehicle and equipment traffic and parking shall be limited to the access road and/or designated work areas such as tower sites and laydown areas. No vehicles or equipment will be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.
- The area of impact from the installation of electric cables can vary depending on the installation method and number of cables. When 3 or more cables are installed in the same area or if an open trench is required for installation, topsoil stripping from the entire work area will be necessary. As a result, additional work space may be required.
- Topsoil stripped from work areas (tower sites, parking areas, electric cable trenches, along access roads) shall be stockpiled separate from other excavated material (rock and/or subsoil). At least 50 feet of temporary workspace is needed along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Topsoil stockpile areas shall be clearly designated in the field and on the on-site "working set" of construction drawings.

- Electric interconnect cables and transmission lines installed above ground can create long term interference with agricultural land use. As a result, interconnect cables must be buried in agricultural fields wherever practicable. Interconnect cables and transmission lines installed above ground shall be located outside field boundaries wherever possible. When above ground cables and transmission lines must cross farmland, the project sponsor shall minimize agricultural impacts by using taller structures that provide longer spanning distances and shall locate poles on field edges to the greatest extent practicable. The line location and pole placements shall be reviewed with the Department and the Environmental Monitor prior to final design.
- In cropland, hayland and improved pasture a minimum depth of forty-eight inches of cover will be required for all buried electric cables. In unimproved grazing areas and land permanently devoted to pasture, a minimum depth of thirty-six inches of cover will be required. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables shall be buried entirely below the top of the bedrock or at the depth specified for the particular land use whichever is less. At no time will the depth of cover be less than twenty-four inches below the soil surface.
- For lands disturbed within or adjoined to agricultural areas where the installation of the buried electric cables alters the natural stratification of soil horizons and natural soil drainage patterns, the Project Sponsor shall rectify the effects with measures such as subsurface intercept drain lines. The Environmental Monitor, in consultation with Ag. and Markets staff, shall select the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. Drawings of such drain locations shall be provided by the Project Sponsor during monitoring and follow-up remediation. All drain lines shall be installed according to Natural Resource Conservation Service standards and specifications and shall meet or exceed the AASHTO M252 specifications.
- All excess subsoil and rock shall be removed from the site. On site disposal of such material may be allowed if approved by the landowner and the Environmental Monitor, with appropriate consideration given to any possible agricultural or environmental impacts.*
- In pasture areas, work areas will be fenced to prevent livestock access, consistent with landowner agreements.
- All pieces of wire, bolts, and other unused metal objects will be picked up and properly disposed of as soon as practical after the unloading and packing of turbine components so that these objects will not be mixed with any topsoil.*
- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.*

(*Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the contractor, with the cooperation of the landowner when required.)

Restoration Requirements

Following construction, all disturbed agricultural areas will be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction shall be conducted prior to topsoil replacement. Following decompaction, all rocks 4 inches and larger in size will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with Ag. and Markets. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provision must be made to restore any eroded areas in the springtime, to establish proper growth.

All access roads will be regraded to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the design.

All restored agricultural areas shall be seeded with the seed mix specified by the landowner, in order to maintain consistency with the surrounding areas.

All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Any surface or subsurface drainage problems resulting from construction of the wind energy project will be corrected with the appropriate mitigation as determined by the Environmental Monitor, the Department and the Landowner.

On affected farmland, any restoration practices shall be postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration shall not be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded and subsoil shall not be decompacted until plasticity, as determined by the Atterberg field test is significantly reduced. No Project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Environmental Monitor shall advise Ag & Markets regarding tentative restoration planning. Potential schedules will be determined by conducting the Atterberg field test at appropriate depths into topsoil stockpiles, and below the subsoil surface for a mutual determination of adequate field conditions for the restoration phase of the Project.

Following restoration, all construction debris will be removed from the site.

Two Year Monitoring and Remediation

The Project Sponsor will provide a monitoring and remediation period of no less than two years immediately following the completion of initial restoration. The two year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase will be used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.

General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed fences, etc. Impacts will be identified by the Environmental Monitor through on site monitoring of all agricultural areas impacted by construction and through contact with respective farmland operators and the Department of Agriculture and Markets.

Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. Excessive amounts of rock and oversized stone material will be determined by a visual inspection of disturbed areas as compared to portions of the same field located outside the construction area. All excess rocks and large stones will be removed and disposed of by the Project Sponsor.

When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the Project Sponsor as well as other appropriate parties, will help to determine the appropriate rehabilitation measures to be implemented. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the remediation period will not obviate the Project Sponsor's responsibility to fully redress all project impacts.

Subsoil compaction shall be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The subsoil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative subsoil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional subsoil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.