

## **ATTACHMENT 13. COMPENSATION PLAN**

### **13.1 AVOIDANCE AND MINIMIZATION**

Through the evaluation of Project area and layout alternatives, avoidance and minimization measures, and consultations with various state and federal agencies, the Applicant has avoided and minimized impacts to natural resources to the extent practicable. Project needs relating to generating capacity and technical feasibility were evaluated in conjunction with natural resource impacts to produce the Project layout. The layout presented in this application is the culmination of a comprehensive investigation intended to accommodate the Project purpose while incorporating avoidance and minimization measures. Specific avoidance and minimization measures that were incorporated into the proposed Project design are described in the Alternatives Analysis (see Attachment 2).

### **13.2 PROTECTED NATURAL RESOURCE IMPACTS**

The Project is proposing MDEP jurisdictional impacts to 31 identified wetlands resulting in 23,066 sf (0.53 acres) of direct wetland impacts and 811,242 sf (18.63 acres) of indirect wetland impacts. Eleven of the wetlands proposed to be impacted are WOSS that contain more than 20,000 sf of emergent marsh or open water or SWH. Impacts to WOSS are associated with Project access roads or overhead Collector and Genlead ROWs. Indirect wetland impacts consist of vegetative clearing of forested and scrub-shrub wetlands and these wetlands are anticipated to revert to scrub-shrub wetland communities following initial clearing. Although no wetland community conversion is anticipated in scrub-shrub wetlands, the Applicant is conservatively proposing compensation for these indirect impacts. Please see Attachment 2, Section 2.5 for further details of proposed natural resource impacts.

### **13.3 PROPOSED MITIGATION**

The Applicant proposes to mitigate for the wetland alterations associated with the Project through the MDEP in-lieu fee (ILF) compensation program. ILF mitigation was calculated using the current compensation rates for Kennebec County:

- Natural Resource Enhancement & Restoration Cost/sf = \$5.05
- Average Assessed Land Value/sf = \$0.18

Per MDEP's Guidance for Evaluating Wetland Conversion Impacts (dated September 1, 2021), the Applicant proposes ILF mitigation for all direct and indirect wetland impacts. Based on the wetland functions and values assessment (see Attachments 12-1 and 12-2), the Applicant is proposing compensation for indirect impacts associated with conversion at a rate of 15%. This rate is consistent with the established U.S. Army Corps of Engineers rate of compensation for conversion from forested wetlands to scrub-shrub wetlands. Per the MDEP's ILF Fact Sheet, effective January 1, 2022, through December 31, 2023, a resource multiplier of two has been incorporated into the Project's ILF mitigation for impacts to wetlands that contain more than 20,000 sf of aquatic vegetation, emergent marsh vegetation, or open water; IWWH; or an SVP. No additional compensation is proposed for upland SVP/PSVP impacts as more than 75% of undeveloped CTH for these pools will be maintained in its current state following Project construction. No

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additional compensation is proposed for IWWH impacts as the Applicant will use utilize constructions BMPs, restrictive clearing practices, construction timing restrictions, and the establishment of buffers to minimize impacts to IWWH. Mitigation for impacts to field determined moderate-quality DWA will be determined through consultation with MDIFW. The proposed ILF mitigation table for wetland impacts is included as Table 13-1 below. Payment of the wetland compensation fee will be provided prior to starting Project construction.

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**Table 13-1. In Lieu Fee Mitigation for the Three Corners Solar Project**

Project Area	Wetland ID	Wetland Type <sup>1</sup>	Impact Type	Impact (sf)	Resource Multiplier <sup>3</sup>	Compensation Percentage <sup>4</sup>	In-Lieu Fee Payment
<b>SOLAR ARRAY</b>	W-CF-11	PFO	Vegetation Clearing	24,006	1	15%	\$18,833
	W-CF-14	PFO	Vegetation Clearing	890	1	15%	\$698
	W-NS-10	PFO	Vegetation Clearing	37,911	1	15%	\$29,741
	W-NS-11	PFO	Vegetation Clearing	31,593	1	15%	\$24,785
	W-NS-16	PFO	Vegetation Clearing	31,462	1	15%	\$24,682
	W-CF-07	PFO	Fill/Grading	4,189	1	100%	\$21,908
	W-MR-27	PFO	Fill/Grading	1,911	1	100%	\$9,995
	W-MR-01	PFO	Fill/Grading	16,917	2	100%	\$176,952
			Vegetation Clearing	32,352	2	15%	\$50,760
	W-SK-05	PFO	Fill	7	2	100%	\$73
Vegetation Clearing			31,437	2	15%	\$49,325	
W-NS-01	PFO	Vegetation Clearing	1,458	1	15%	\$1,144	
<b>GENLEAD</b>	W07	PFO	Vegetation Clearing	2,941	1	15%	\$2,307
	W09	PFO/PSS/PEM	Vegetation Clearing	215,001	1	15%	\$168,668
			Fill	35	1	100%	\$183
	W14	PSS	Vegetation Clearing	6,159	1	15%	\$4,832
	W15	PFO	Vegetation Clearing	7,754	1	15%	\$6,083
	W16	PFO	Vegetation Clearing	6,794	1	15%	\$5,330
	W22	PFO	Vegetation Clearing	25,759	1	15%	\$20,208
	W27	PSS/PFO	Vegetation Clearing	17,119	1	15%	\$13,430
W28	PFO	Vegetation Clearing	56,846	1	15%	\$44,596	
		Fill	7	1	100%	\$37	

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Project Area	Wetland ID	Wetland Type <sup>1</sup>	Impact Type	Impact (sf)	Resource Multiplier <sup>3</sup>	Compensation Percentage <sup>4</sup>	In-Lieu Fee Payment
<b>GENLEAD</b>	W32	PFO	Vegetation Clearing	45,851	2	15%	\$71,940
	W35	PFO	Vegetation Clearing	13,669	1	15%	\$10,723
	W36	PFO	Vegetation Clearing	32,921	1	15%	\$25,827
	W42	PFO	Vegetation Clearing	13,246	1	15%	\$10,391
	W43	PFO	Vegetation Clearing	40,405	1	15%	\$31,698
	W50	PFO	Vegetation Clearing	3,314	2	15%	\$5,200
	W51	PFO	Vegetation Clearing	65,283	2	15%	\$102,429
	W52	PFO	Vegetation Clearing	7,591	2	15%	\$11,910
	W56	PFO	Vegetation Clearing	15,086	2	15%	\$23,670
	W57	PFO	Vegetation Clearing	115	2	15%	\$180
	W58	PFO	Vegetation Clearing	14,200	2	15%	\$22,280
	W59	PFO	Vegetation Clearing	30,079	2	15%	\$47,194
<b>Total Impacts</b>				<b>834,308</b>			<b>\$1,038,011</b>

<sup>1</sup> Wetland type is based on the existing conditions within the proposed impact area.

<sup>2</sup> The Wetland Compensation Formula is based off the values for Kennebec County in the MDEP Fact Sheet In Lieu Fee Compensation Program, effective January 1, 2022 through December 31, 2023.

<sup>3</sup> Includes wetlands containing 20,000 square feet of aquatic vegetation, emergent marsh vegetation, or open water; IWWH; and/or SVP habitat.

<sup>4</sup> Reductions are based on the U.S. Army Corps of Engineers New England District's 2020 Recommended Compensatory Mitigation for Temporary and/or Secondary Impacts and the Project's wetland functions and values assessments.