



STATE OF MARYLAND

December 13, 2018

Jason M. Stanek, Chairman  
Public Service Commission  
6 St. Paul Center  
Baltimore, Maryland 21202

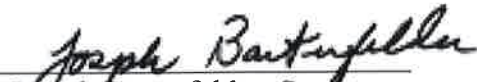
Re: Case No. 9477, In the Matter of the Application of Cherrywood Solar I, LLC for a Certificate of Public Convenience and Necessity to Construct a 202.0 MW Solar Photovoltaic Generating Facility in Caroline County, Maryland

Dear Chairman Stanek:

In accordance with Section 3-306(b) of the Natural Resources Article and the process described in Section 7-207 and 7-208 of the Public Utility Companies Article, we are enclosing our preliminary recommendation in Case Number 9477 on behalf of the Departments of Natural Resources, Environment, Agriculture, Transportation, Commerce, and Planning and the Maryland Energy Administration. Our recommendation and proposed conditions relate to the application for a Certificate of Public Convenience and Necessity (CPCN) by Cherrywood Solar I, LLC to construct a nominally rated 202.0-megawatt (MW) solar photovoltaic (PV) facility in Caroline County, Maryland. Caroline County supports this project.


Based on our review of the application and associated environmental information available to date, we have concluded that the site is suitable and that the plant can be constructed and operated in accordance with all applicable environmental regulations provided that the attached recommendations are incorporated as conditions to the CPCN. PPRP summarized our preliminary evaluation of the environmental impacts associated with the proposed facility in the document titled "Project Assessment Report for Cherrywood Solar I," which has been supplied as an exhibit in this proceeding. At the conclusion of the hearing process and close of the record, these conditions will be final. Should these recommendations need to be modified, we will provide our final recommendation and conditions for the project.

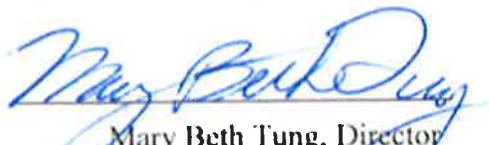
Sincerely,


  
Joseph Bartenfelder, Secretary  
Department of Agriculture

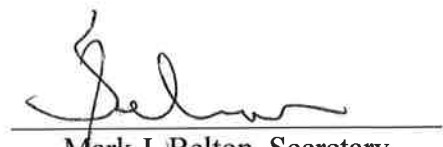
  
R. Michael Gill, Secretary  
Department of Commerce

  
Rob McCord, Acting Secretary  
Department of Planning

  
Pete K. Rahn, Secretary  
Department of Transportation

  
Mary Beth Tung, Director  
Maryland Energy Administration

  
Ben Grumbles, Secretary  
Department of the Environment

  
Mark J. Belton, Secretary  
Department of Natural Resources

**Initial Recommended License Conditions****PSC Case No. 9477****Cherrywood Solar I, LLC**

1. Applicability of Conditions - Except as otherwise provided for in the following provisions, the application ("Application") for the Certificate of Public Convenience and Necessity ("CPCN") is considered to be part of this CPCN for the Cherrywood Solar I, LLC, Project ("Project"). The Application consists of the original application filed with the Maryland Public Service Commission ("PSC" or "Commission") on January 23, 2018 and direct testimony filed on June 1, 2018. Construction and operation of the Project shall be undertaken in accordance with these conditions. If there are any inconsistencies between the conditions specified below and the Application, the conditions in this CPCN shall take precedence. If CPCN conditions incorporate federal or State laws through paraphrased language, where there is any inconsistency between the paraphrased language and the actual State or federal laws being paraphrased, the applicable federal or State laws shall take precedence.
2. Project Scope - The Project shall be constructed as a single-axis tracking photovoltaic (PV) system and within the limit of disturbance and approximate dimensions (surface, in total acreage, and height) as described in the Application or, if applicable, otherwise incorporated in the CPCN. Modifications to the Project's specifications may not be covered by this CPCN and must be reviewed and approved by Caroline County, the PSC, and the Power Plant Research Program ("PPRP").
3. CPCN Expiration - Construction of the Project must commence within three (3) years of receiving the CPCN and the Project must be in operation no later than four (4) years after receipt of the CPCN. If the Project is not completed and operational within four years of issuance of the final order by the PSC granting a CPCN, unless further extended by the PSC, the CPCN shall expire and no longer constitute authorization to construct and operate the Project.
4. Applicable Laws and Regulations - Construction and operation of the solar facility shall be undertaken in accordance with this CPCN and shall comply with all applicable local, State, and federal laws and regulations, including but not limited to the following:
  - a. Nontidal Wetlands - COMAR 26.23.01 applies to activities conducted in nontidal wetlands and wetland buffer.
  - b. Waterway Construction - COMAR 26.17.04 applies to regulations governing construction activities in nontidal waters and floodplains.

- c. Water Quality and Water Pollution Control – COMAR 26.08.01 through COMAR 26.08.04 apply to discharges to waters of the State and maintenance of surface water quality.
  - d. Erosion, Sediment and Storm Water Control – COMAR 26.17.01 applies to the preparation, submittal, review, approval, and enforcement of erosion, sediment and storm water control plans, including any dewatering plans and associated water recycling plans.
  - e. Oil Pollution Control – EPA 40 CFR 112 and COMAR 26.10.01.12 apply to the procedures for oil spill control.
  - f. Forest Conservation – Maryland's Forest Conservation Act (FCA), Md. Code, Sections 5-1601 through 5-1613 of the Natural Resources Article.
  - g. Particulate Matter from Materials Handling and Construction - COMAR 26.11.06.03D, applies to airborne particulate matter such that a person may not cause or permit any material to be handled, transported, or stored, or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.
  - h. Nuisance - COMAR 26.11.06.08, applies to the creation of nuisance or air pollution such that an installation or premises may not be operated or maintained in such a manner that a nuisance or air pollution is created. Nothing in this regulation relating to the control of emissions may in any manner be construed as authorizing or permitting the creation of, or maintenance of, a nuisance or air pollution.
  - i. Odors - COMAR 26.11.06.09, applies to the discharge of air pollution such that a person may not cause or permit the discharge into the atmosphere of gases, vapors, or odors beyond the property line in such a manner that a nuisance or air pollution is created.
  - j. Noise - COMAR 26.02.03 applies to noise regulations whereby Cherrywood Solar shall construct the proposed Project in such a way that it complies with the Maryland noise regulations and with relevant Caroline County noise ordinances.
  - k. Land Use Ordinance for Caroline County, Maryland – Relevant portions of the ordinance that address site planning, forest conservation, floodplain management, sediment and erosion control, and stormwater management.
5. Site Control - In accordance with COMAR 20.79.03.01, prior to construction, Cherrywood Solar shall provide PPRP and the PSC with a copy of the purchase agreement, land lease, or similar agreement with the owners of the properties on which the Project site is located. Cherrywood Solar shall also identify any applicable term of the purchase agreement, land lease, or similar agreement and

provide assurances to PPRP and the PSC that such term of the purchase agreement, land lease, or similar agreement meets or exceeds any applicable Power Purchase Agreement ("PPA") term and includes any time necessary for complete closure and removal of the Project facilities.

6. Interconnection Studies - Prior to the commencement of construction, Cherrywood Solar shall provide PPRP and the PSC with the final studies, approvals, and permits associated with the interconnection request with PJM and Delmarva Power and Light.
7. Access - Representatives of the PSC, DNR, MDE and Caroline County shall be afforded access to the Cherrywood Solar sites at any reasonable time, with appropriate notification, to conduct inspections and evaluations necessary to assure compliance with the CPCN requirements. Cherrywood Solar shall provide assistance as reasonably may be necessary to conduct inspections and evaluations effectively and safely, which may include, but need not be limited to, the following:
  - a. Inspecting construction authorized under this CPCN;
  - b. Accessing or copying any records that Cherrywood Solar is required to keep pursuant to this CPCN or applicable regulations;
  - c. Obtaining any photographic documentation and evidence; and
  - d. Determining compliance with the conditions and regulations specified in the CPCN.
8. Project As-Built Details - Within 60 days after commencement of operation, Cherrywood Solar shall provide to the PPRP, the PSC, and Caroline County, the following as-built details: engineering and construction plans for the Project, including the total acreage of the Project site; the PV panel and module type, dimensions, and locations; and a consistent count of the number of PV modules, a consistent count of the number of support posts for the PV modules, as well as a consistent depth of post/pile burial and height of the PV panels above grade. Where the as-built details are identical to those submitted with the CPCN application, Cherrywood Solar shall provide a statement to this effect and not resubmit the information.
9. Grading and Stormwater Management- Cherrywood Solar shall provide PPRP and the PSC Engineering Staff with copies of all plans that Cherrywood Solar submits to Caroline County in connection with the Project for grading the site, and all permits received for such grading, within fifteen (15) calendar days of submitting such plans or receiving such permits. Grading and associated stormwater controls shall be designed to minimize hydrological changes to off-site streams and wetlands and to maintain the existing flow regime to these

streams and wetlands. In no case shall such plans include removal of topsoil from the site.

10. Sediment Control – Cherrywood Solar shall implement erosion and sediment control best management practices (BMPs) presented in the Maryland Department of the Environment (MDE) document titled, *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control*, and as otherwise may be approved or required by Caroline County. All portions of the Project site disturbed during construction shall be stabilized as soon as practicable after the cessation of construction activities within that portion of the site, followed by seed application, in accordance with the above-cited document. In no instance shall non-native species be seeded or otherwise planted.
11. Solar Decommissioning
  - a. At least 30 days prior to the start of construction, Cherrywood Solar shall submit a decommissioning plan to the PSC and PPRP for review. The decommissioning plan shall describe the responsible party(ies), timeframes, and estimated costs for decommissioning, dismantling, and legal disposal of all components, including cables, wiring, and foundations below and above ground. The plan shall address site conditions after decommissioning, including stabilization, grading and seeding all disturbed areas and evenly distributing topsoil if stockpiled onsite. The plan shall maximize the extent of component recycling and reuse, where practicable, and ensure all materials are handled in accordance with applicable federal, State, county, and local requirements. Cherrywood Solar shall not begin construction until Cherrywood Solar has addressed all written comments from the PSC, PPRP, and Caroline County; the PSC has approved the plan; and all specified financial guaranties are in place. The approved plan, and any updated plans, shall be filed in the PSC docket for Case No. 9477.
  - b. Cherrywood Solar shall implement a financial mechanism to ensure that decommissioning costs are not borne by the State and/or the County at the end of the useful life of the Project or in the event of abandonment of the Project. The Project will be considered to be abandoned if there is no output from the project to the grid for a period of twelve (12) consecutive months or if the County deems it no longer viable. The financial instrument may be in the form of a surety bond, a letter of credit issued by a financial institution, or other alternative arrangement and must be in place prior to the commencement of construction of the Project. The financial mechanism is subject to the evaluation and approval of the PSC as to the credit-worthiness and financial capabilities of the counter-party(ies).
  - c. Cherrywood Solar shall develop an estimate of decommissioning costs by a third-party consultant to determine the amount of the decommissioning

surety bond, letter of credit, or other alternative arrangement. The cost estimate shall address provisions for the safe removal and proper disposal of all components of the Project, including any components containing hazardous or toxic materials.

- d. Over the life of the Project, Cherrywood Solar shall update the decommissioning cost estimate and corresponding bond every five (5) years after the issuance of the CPCN to adjust for inflation and any other necessary changes. The salvage value of the panels may only be included in a five (5) year update as an offset to decommissioning costs if Cherrywood Solar can provide evidence that a recycling market exists for such panels and the value is commercially supported. Cherrywood Solar shall provide the revised cost estimate to the PSC for approval, file the revised cost estimate in the PSC docket for Case No. 9477, and execute an adjustment to the financial guarantee mechanism.
  - e. Cherrywood Solar shall begin implementation of the approved decommissioning plan within 12 months after the Project ceases to generate electricity for sale. Prior to starting implementation, Cherrywood Solar shall notify the PSC and PPRP of its intent to decommission.
12. Forest Conservation – To satisfy Forest Conservation Act requirements for development, Cherrywood Solar shall develop and implement a forest planting plan that includes not less than 29.92 acres of forest planting and landscape buffers.
- a. Prior to the start of construction, Cherrywood Solar shall prepare and submit to Maryland DNR for review and approval a Forest Stand Delineation as described by NRA 5-1604 and a Forest Conservation Plan as described by NRA 5-1605, notwithstanding Caroline County's position that no afforestation mitigation is required to meet County requirements.
  - b. Within 5 years of planting, all areas to be counted toward the 29.92 acres shall meet the statutory definition of forest in NRA 5-1601.k.
  - c. To the maximum extent practicable, the planted areas shall connect with existing forests, provide corridors between existing forest patches, and provide buffers between developed areas of the project parcels and streams, ditches, and wetlands.
  - d. For a period of 5 years subsequent to the planting of the forest areas, Cherrywood Solar shall maintain these areas free of invasive species and shall monitor them to ensure survival of the plantings. During this period, the areas shall be restocked annually to the planned stem density to compensate for seedling mortality.

- e. During the 5-year monitoring period, annual monitoring reports - including the number of dead trees replaced with new plantings; statistical estimates of live stem density, average stem diameter, average height, and biomass; and a professional assessment of the general condition of the trees - shall be provided to the DNR Forest Service and PPRP.
  - f. The existing forest areas on parcels that are purchased and owned by Cherrywood Solar or its successors, specifically including approximately 20.21 acres of forest located on parcels that are adjacent to the Choptank River (Map 15 Parcel 66 and Map 11 Parcel 51), shall be placed in permanent Forest Conservation easements approved by DNR..
13. Vegetation Management – The area of the Project site beneath and between the solar panels shall be planted and established with native, warm season grasses and low-growing pollinator-friendly plant species. Further, Cherrywood Solar shall, prior to commencement of Project construction, develop and submit to PPRP for review a grounds management plan that includes the following:
- a. Description of grasses and plant species to be maintained at the site;
  - b. Schedule for mowing that avoids or minimizes mowing activities during the nesting season of most ground-nesting birds (i.e., May through August);
  - c. Restriction of grass mowing height at all times to not less than 10 inches except in areas where this would present a fire hazard or impede required access to equipment;
  - d. Protocol for managing invasive plant species, consistent with Caroline County regulations;
  - e. Plan for avoiding or minimizing the use of herbicides or pesticides at the Project site, including specific conditions under which such substances will be used. Herbicides or pesticides shall be EPA-registered at the time of application and shall only be applied in accordance with label recommendations, applicable law, and landowner requirements;
  - f. An Integrated Vegetation Management (IVM) approach for creating and maintaining 35-foot-wide buffer areas on either side of the streams and drainage ditches that run through the properties as self-sustaining, low-growing vegetation communities that require little if any mowing and provide wildlife and pollinator habitat; and
  - g. Promotion of natural revegetation of the areas to the east of the Delmarva Power transmission line ROW on Map 15 Parcel 66 and Map 11 Parcel 51, which will not be used for solar panels, by eliminating all mowing and other vegetation management activities.



14. Rare, Threatened, or Endangered Species - Cherrywood Solar shall minimize construction disturbance to all rare, threatened, endangered (RTE), or disturbance-sensitive species that may be present in or adjacent to the Project area, including the use of fencing around known habitat areas, restricting construction during breeding or growing seasons, and implementing a third-party environmental monitoring program during construction activities, reporting to DNR Wildlife and Heritage Service (WHS).
  - a. All direct disturbance to or indirect effects on the streams and wetlands of the Upper Choptank River system and the Crescent macrosite, which have been identified by DNR WHS as being known habitat for Federally-listed RTE species (*Alasmidonta heterodon*) and State-listed RTE species (*Alasmidonta undulata*, *Echinodorus cordifolius*, and several others), shall be avoided or minimized to the maximum extent practicable.
  - b. Prior to construction, Cherrywood Solar shall conduct a raptor nest survey and notify and consult with the US Fish and Wildlife Service to determine appropriate mitigation if any raptor nests are found. Construction activities that would cause disturbance or disruption to DNR-designated Forest Interior Dwelling Species (FIDS) areas adjacent to the Project site or interconnection routes, raptor nests, or ground-dwelling birds within the Project site shall be avoided to the maximum extent practicable during the breeding seasons for these species.
  - c. Cherrywood Solar shall notify and consult with the Maryland Department of Natural Resources, Wildlife and Heritage Service to determine appropriate actions if any additional rare, threatened, or endangered species are encountered during planning, construction, operation, or maintenance of this facility.
15. Stream/Wetland Impacts - All direct or indirect impacts (temporary or permanent) to wetlands and to streams and their 100-year floodplains shall be assessed by Cherrywood Solar prior to the start of any construction activities.
  - a. Cherrywood Solar shall apply for and obtain permits from MDE for all construction in or disturbance to permanent and intermittent streams ditches, floodplains, and nontidal wetlands or their regulatory buffers, including but not limited to culverts to be installed in streams or ditches for access roads or other purposes.
  - b. All culverts in ditches or streams shall be inspected annually for structural damage and erosion at the outfall point. Structural damage or erosion below the outfall invert shall be corrected as soon as practicable.
16. Tier II Stream Protection - The southwestern portion of the Project site (Parcels 8 and 38 of Tax Map 14 and Parcel 67 of Tax Map 15) is located within the watershed of the designated high quality Tier II stream segment of Forge Branch 1. All reports, documentation or notifications required under this condition shall

be sent to PPRP and to MDE's Environmental Assessment and Standards Program at: Maryland Department of the Environment, Environmental Assessment and Standards Program, c/o Angel Valdez, 1800 Washington Boulevard, Suite 420, Baltimore, Maryland, 21230.

- a. Cherrywood Solar shall implement applicable practices identified in the MDE document, *Enhanced Best Management Practices for Tier II Waters*.
- b. Cherrywood Solar shall have certified persons conduct Maryland Biological Stream Survey (MBSS) benthic macroinvertebrate and fish monitoring at one location, prior to construction, 1 year, 3 year, and 5 year post-construction, at the Forge Branch 1 Tier II baseline station UPCR-311-R-2000 located at Latitude 38.980081, Longitude -75.817775. If this is not possible, Cherrywood Solar shall select another location on the designated Tier II stream segment of Forge Branch 1, downstream of the baseline station. The new location must be approved by MDE prior to monitoring.
  - i. All monitoring protocols and analysis methods shall follow the Maryland Biological Stream Survey (MBSS) Round Four Sampling Manual (<https://dnr.maryland.gov/streams/Publications/R4Manual.pdf>) using individuals certified in MBSS benthic and fish sampling protocols. Fish and benthic macroinvertebrate IBIs should be calculated as described in the DNR document *New Biological Indicators to Better Assess the Conditions of Maryland Streams* ([https://dnr.maryland.gov/streams/Publications/ea-05-13\\_new\\_ibi.pdf](https://dnr.maryland.gov/streams/Publications/ea-05-13_new_ibi.pdf)). Analyses of data should meet guidelines provided in the MDE document, *MDE Requirements for Use of In-Situ Biological Stream Data*.
  - ii. Cherrywood Solar shall obtain a Scientific Collections Permit/License from the DNR Wildlife and Heritage Division a minimum of 30 days prior to conducting MBSS sampling.
  - iii. Cherrywood Solar shall provide notice and satisfactory justification if the construction schedule does not allow for baseline MBSS monitoring during approved sample periods.
  - iv. Cherrywood Solar shall provide for review to MDE a biological monitoring plan, no later than 60 days prior to monitoring. If directed by MDE, Cherrywood Solar shall update the monitoring plan to meet all data quality guidelines.
  - v. Cherrywood Solar shall prepare a report that provides monitoring results, including raw data and field sheet copies, and shall submit the reporting in electronic and hardcopy formats to PPRP and to MDE by January 30, following each monitoring event.

- c. If any evidence of likely deterioration of IBI scores is found, MDE's Environmental Assessment and Standards Program shall be consulted as to what additional stormwater controls, buffers, or mitigation shall be applied.
- 17. Upper Choptank Stronghold Watershed – To preserve water quality in the Choptank River, to which Parcels 66 of Tax Map 15 and Parcels 7 and 51 of Tax Map 11 drain, Cherrywood Solar shall implement all applicable practices identified in the MDE document "Enhanced Best Management Practices for Tier II Waters." During construction, flagging, fencing, access barriers, and any other necessary measures shall be used to ensure that onsite drainages to the Choptank River system are not disturbed by construction personnel, equipment, or activities. Special effort shall be made to retain fine particle silt, sand, and clay sediments, including the incorporation of redundant/additional control measures in the [erosion and sediment](#) control plan to ensure maximum filtration of any sediment-laden runoff (e.g., accelerated stabilization, super silt fence instead of silt fence, etc.).
- 18. Spill Control – The streams, ditches, and wetlands on the project parcels, the offsite streams and wetlands to which these flow, and all adjacent properties shall be protected from spills or leaks of transformer fluids or other biologically detrimental substances by appropriate containment structures. Redundant containment structures shall be used around the Project substation to protect the Choptank River.
- 19. Soil Compaction Management – Soil inside the Project Limits of Construction should be effectively managed for compaction according to the guidance provided in the NRCS Soil Quality – Agronomy Technical Note No. 17 "Soil Compaction: Detection, Prevention and Alleviation". Ripping (to a minimum depth of 12") and compost amendment shall be performed in compacted areas (e.g. graded areas, staging areas, or heavily trafficked areas) to ensure planting success and the proper post-construction runoff characteristics.
- 20. Underground Transmission Cables – While conducting directional drill operations required for the underground transmission cables that connect Project subareas, and the Project interconnection, Cherrywood Solar shall protect surface waters above the drill path and adjacent lakes, streams, and wetlands from all construction and operations impacts.
  - a. Cherrywood Solar shall meet the standards for construction, maintenance, or repair of underground utility lines in stream or wetland areas that are enumerated in Section IV.B.1.c.(1) of the Maryland State Programmatic General Permit-5 (MDSPGP-5) issued by the U. S. Army Corps of Engineers. These requirements include, but are not limited to, developing

- a remediation plan for inadvertent returns of drilling fluid (IV.B.1.c.(1)(c)(xiv)).
- b. Cherrywood Solar shall not begin construction of the underground transmission cable until it has formulated contingency plans to immediately address and contain inadvertent releases of drilling fluid or other materials that occur while constructing the boreholes for the underground transmission lines, and has provided these plans for review to PPRP and any other cognizant agencies.
  - c. Cherrywood Solar shall ensure that its contingency plans are ready to be implemented before starting drilling operations, including the presence of monitoring and response equipment onsite. During any drilling or boring operations work authorized by this CPCN, Cherrywood Solar shall provide an onsite Independent Environmental Monitor (IEM) to ensure compliance with this Condition. The IEM shall report directly to the MDE's Compliance Program and notify the Program of any reported, or observed, violations or noncompliance with the conditions and requirements of this CPCN.
  - d. During construction, Cherrywood Solar shall record all release events and report them within 24 hours of occurrence to PPRP, the PSC, and all agencies that have issued permits for the construction. Reports shall include the location, volume, and duration of the release, the action(s) taken to stop the release, the containment procedures used to minimize the effects of the release, and the initial assessment of the clean-up or restoration actions that will be required to repair any natural resources damages resulting from the release.
  - e. The material removed from the borehole during the directional drilling below the railroad track crossing on Bridgetown Road shall be tested for contaminants, and if found to be contaminated, disposed of in an approved facility.
21. Land Use - Cherrywood Solar shall certify to the PSC and to PPRP that it has designed the facility in substantial conformity to Caroline County's design standards as codified in §175-85 of Caroline County's Zoning Regulations, and has received site plan approval and all required local permits prior to the commencement of construction.
  22. Road Permits - Cherrywood Solar shall comply with all permit requirements and restrictions for use, crossing and occupancy of State and Caroline County roads and obtain appropriate approvals, as necessary.
  23. SHA Consultation - Cherrywood Solar shall certify to the PSC and PPRP that it has consulted with both the Office of Highway Development and District 2 Utilities of the Maryland Department of Transportation State Highway Administration regarding potential conflicts between culvert replacement at the

MD 313/Bridgetown Road intersection and proposed utilities for the solar project.

24. Visual Impacts – Cherrywood Solar shall develop a process to document and address complaints related to visual impacts associated with structures within the project’s perimeter fence. An admissible complaint shall be one formally submitted in writing to Cherrywood Solar within two (2) years of the Project’s commencement of operation. Cherrywood Solar shall provide to the PSC and PPRP both a copy of the complaint and its response to the complaint. Cherrywood Solar’s response to any written complaint shall clearly inform the aggrieved party that if not satisfied with Cherrywood Solar’s response, the aggrieved party may seek relief by filing a complaint with the PSC. If the PSC determines after notice and an opportunity to be heard that the complaint is justified, it may direct Cherrywood Solar to prepare and implement a screening plan to mitigate impacts from reflective glare upon the affected property. The screening plan shall be in conformance with all applicable State and local laws and regulations.
25. Landscaping Agreement – Cherrywood Solar shall submit to the PSC and to PPRP a copy of an executed landscaping maintenance agreement that is in conformance with §175-85 of the Code of Public Local Laws of Caroline County.
26. Reflective Glare - Cherrywood Solar shall develop a process to document and address admissible complaints related to potential solar reflections. An admissible complaint shall be one formally submitted in writing to Cherrywood Solar within two (2) years of the Project’s commencement of operation. Cherrywood Solar shall provide to the PSC and PPRP both a copy of the complaint and its response to the complaint. Cherrywood Solar’s response to any written complaint shall clearly inform the aggrieved party that if not satisfied with Cherrywood Solar’s response, the aggrieved party may seek relief by filing a complaint with the PSC. If the PSC determines after notice and an opportunity to be heard that the complaint is justified, it may direct Cherrywood Solar to prepare and implement a screening plan to mitigate impacts from reflective glare upon the affected property. The screening plan shall be in conformance with all applicable State and local laws and regulations.
27. Cultural Resources Mitigation - In the event the NR-eligible Sherman Councill House will be demolished, Cherrywood Solar shall undertake the mitigation measures described in paragraphs (a) through (c):
  - a. Documentation
    - i. Cherrywood Solar shall provide an updated Maryland Inventory of Historic Properties (MIHP) form for the Sherman Councill House (CAR-167). The form shall be completed by a qualified architectural historian, preservationist, or historian and accompanied by supporting materials as described in *General Guidelines for*

*Compliance-Generated Determinations of Eligibility and Standards and Guidelines for Architectural and Historical Investigations in Maryland.*

- ii. The photographs shall conform to the standards described on pages 36-7 of the *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (Standards and Guidelines) and the standards described in the Maryland Historical Trust's "Guidelines for Digital Images."
- iii. Photographs shall be taken after adjacent trees have been removed from the property.
- iv. The MIHP form shall include a complete set of floor plans.
- v. Cherrywood Solar shall ensure the completed MIHP forms are submitted to the MHT for review and comment. If the MHT does not respond within a 30-day review period, Cherrywood Solar may assume that the documentation package has been accepted by the MHT.
- vi. Cherrywood Solar or its qualified consultant shall submit the completed documentation package within six (6) months of exercising the land option(s) to lease the property from the landowner.

b. Salvage

- i. Prior to initiating demolition of the Sherman Councill House, Cherrywood Solar shall notify the Caroline County Historical Society and at least one other salvage organization of the planned demolition regarding the planned demolition of historic resources, and offer the opportunity to salvage architectural elements from the interior and exterior of the buildings slated for demolition with coordination and approval by the landowner, as feasible. Cherrywood Solar shall provide priority to the Caroline County Historical Society when selecting a salvage organization.
- ii. If any such organization shows an interest in the architectural salvage, Cherrywood Solar shall coordinate with the landowner to provide reasonable access to the site to recover building components as approved by the landowner.
- iii. If no organization expresses an interest in salvaging within 10 days, any materials from the buildings slated for demolition, Cherrywood Solar may proceed with the demolition.
- iv. Cherrywood Solar shall provide the MHT, PPRP and the PSC with a written explanation of its efforts for providing opportunities for salvage, and the results of those efforts, with the submission of the documentation package.

c. Signage

- i. Cherrywood Solar shall fund the development, fabrication and installation of a permanent sign (1) reasonably close to the Sherman Councill House in a publically-accessible location, taking into account visual access, site safety and security, and (2) at the Caroline County Historical Society Visitor Center dedicated to the history of the site.
  - ii. Cherrywood Solar shall ensure the illustrations of the planned display, including proposed text, images, materials and placement, will be submitted to the MHT for review and comment. If the MHT does not respond with a 30-day review period, then it can be assumed that the package has been accepted by the MHT.
  - iii. Cherrywood Solar shall install the final exhibit or wayside display within one (1) year of demolition.
  - iv. Cherrywood Solar shall provide the MHT with photographs (non-archival digital images) of the completed exhibit within sixty (60) days of completion.
- d. In the event the NR-eligible Sherman Councill House will not be demolished, Cherrywood Solar shall (1) implement a ¼ acre buffer around the Sherman Councill House and (2) provide access from the buffer area to a roadway to allow the landowner to access the house for maintenance purposes conducted at the discretion of the landowner.
28. Archeological Discoveries - In the event that relics from unforeseen archeological sites are revealed and identified during construction, Cherrywood Solar, in consultation with and as approved by the MHT, shall develop and implement a plan for avoidance and protection, data recovery, or destruction without recovery of such relics or sites.
29. HTUR Viewshed Protection - Should it modify its landscaping plan for the project that, in any way, changes the type or composition of landscape buffers along the Harriet Tubman Underground Railroad National Scenic Byway, Cherrywood Solar shall submit the plan to the PSC and PPRP for review and approval by the Regional and Intermodal Planning Division, Maryland Department of Transportation State Highway Administration.
30. Cycling Safety - Cherrywood Solar shall instruct its suppliers and contractors to be aware of on-road bicycle route designations near the Project and Maryland traffic laws regarding bicycles on the road, and include the condition in all contracts with suppliers or contractors.
31. Fire Safety - Cherrywood Solar shall design, install and maintain the Project to meet all applicable minimum standards set forth in the National Fire Protection Association (NFPA) 70: National Electrical Code and all applicable minimum standards appropriate for ground-mounted solar facilities set forth in NFPA 1: Fire Code. Prior to commencement of construction, Cherrywood Solar shall

contact the Goldsboro Volunteer Fire Company (VFC), the Greensboro VFC, and the Caroline County Department of Emergency Services to develop appropriate protocols for addressing on-site emergencies.

32. Project Transfer - All provisions and requirements of this CPCN shall apply to any and all subsequent owners and/or operators of the Project. In the event of any pending change in control or ownership, the current owner/operator shall notify the succeeding owner/operator of the existence of the requirements of this CPCN by letter and shall send a copy of this letter to the PSC and PPRP. Information provided to the PSC and PPRP shall also be filed in the PSC docket for Case No. 9477.
33. Current Point of Contact - Cherrywood Solar or its legal successor shall specify a representative for Project matters, including compliance with the CPCN conditions ("Representative"). Cherrywood Solar or its legal successor shall file in the PSC docket for Case No. 9477 the representative's contact information, including the representative's name, title, email address and physical address. Any change in the representative or to the representative's contact information shall be filed in the PSC docket within 30 days.
34. Compliance - Upon the Representative's receipt of a written communication concerning noncompliance with the CPCN conditions, Cherrywood Solar or its legal successors shall address the matter and, within 45 days, shall file in the PSC docket for Case No. 9477 both the correspondence and a summary of how Cherrywood Solar or its legal successor has addressed, or is addressing, the matter.
35. Submissions to PPRP - Informational copies of the required communications, reports or studies referenced in the preceding recommended license conditions shall be sent to PPRP by e-mail (and by mail if requested) at:

Director  
 Power Plant Assessment Program  
 Department of Natural Resources  
 Tawes State Office Bldg., B-3  
 580 Taylor Avenue  
 Annapolis, Maryland 21401  
 e-mail: [pprp.dnr@maryland.gov](mailto:pprp.dnr@maryland.gov)